



Department of International Law  
Organization of American States, Washington D.C.

## Multilateral Treaties

[\[Signatories and Ratifications\]](#) [\[text in Spanish\]](#)

### PROTOCOL OF AMENDMENT TO THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (RIO TREATY)

#### PREAMBLE

The High Contracting Parties represented at the Conference of Plenipotentiaries, meeting in the city of San Jose, Costa Rica, upon convocation by the Fifth Regular Session of the General Assembly of the Organization of American States, for the purpose of taking decisions on the amendments to the Inter-American Treaty of Reciprocal Assistance presented by the Special Committee to Study the Inter -American System and to Propose Measures for Restructuring It; of revising and coordinating the texts; and of preparing a Protocol of Amendment to that Treaty and signing it;

#### CONSIDERING:

That the High Contracting Parties are motivated by the desire to consolidate and strengthen their friendly relations, to ensure peace among the American States and to defend their sovereignty, their territorial integrity and their political independence;

That it is essential that peace and security among the American nations be guaranteed by an instrument that is in accordance with the history and principles of the Inter-American System;

That the High Contracting Parties wish to reiterate their will to remain united in an inter-American System consistent with the purposes and principles of the United Nations, and their steadfast decision to maintain regional peace and security through the prevention and settlement of conflicts and disputes that could endanger them; to reaffirm and strengthen the principle of nonintervention as well as the right of all states to choose freely their political, economic and social organization; and to recognize that, for the maintenance of peace and security in the Hemisphere, it is also necessary to guarantee collective economic security for the development of the American States; and

That the Preamble of the Inter-American Treaty of Reciprocal Assistance, signed in Rio de Janeiro on September 2, 1947, insofar as it is compatible with this Protocol, shall be maintained because of its intrinsic value and is therefore reproduced below:

In the name of their Peoples the Governments represented at the Inter-American Conference for the Maintenance of Continental Peace and Security, desirous of consolidating and strengthening their relations of friendship and neighborliness, and

#### CONSIDERING:

That Resolution VIII of the Inter-American Conference on Problems of War and Peace, which met in

Mexico City, recommended the conclusion of a treaty to prevent and repel threats and acts of aggression against any of the countries of America;

That the High Contracting Parties reiterate their will to remain united in an inter-American system consistent with the purposes and principles of the United Nations, and reaffirm the existence of the agreement which they have concluded concerning those matters relating to the maintenance of international peace and security which are appropriate for regional action;

That the High Contracting Parties reaffirm their adherence to the principles of Inter-American solidarity and cooperation, and especially to those set forth in the preamble and declarations of the Act of Chapultepec, all of which should be understood to be accepted as standards of their mutual relations and as the juridical basis of the Inter-American System;

That the American States propose, in order to improve the procedures for the pacific settlement of their controversies, to conclude the treaty concerning the "Inter-American Peace System" envisaged in Resolution IX and XXXIX of the Inter-American Conference on Problems of War and Peace;

That the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals and to their will to cooperate permanently in the fulfillment of the principles and purposes of a policy of peace;

That the American regional community affirms as a manifest truth that juridical organization is a necessary prerequisite of security and peace, and that peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security,

HAVE AGREED UPON THE FOLLOWING:

#### ARTICLE I

Articles 1, 2, 3, 4, 5 (present 6), 8, 9, 10 (present 5), 20 (present 17) and 23 (present 20) of the Inter-American Treaty of Reciprocal Assistance shall read as follows:

##### Article 1

The High Contracting Parties formally condemn war and undertake, in their international relations, not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the Organization of American States, the Charter of the United Nations or this Treaty.

##### Article 2

As a consequence of the principle set forth in the preceding article, the High Contracting Parties undertake to settle their disputes with one another by peaceful means.

The High Contracting Parties shall make every effort to achieve the peaceful settlement of disputes through the procedures and mechanisms provided for in the Inter-American System before submitting them to the Security Council of the United Nations.

This provision shall not be interpreted as an impairment of the rights and obligations of the States Parties under Articles 34 and 35 of the Charter of the United Nations.

### Article 3

1. The High Contracting Parties agree that an armed attack by any State against a State Party shall be considered an attack against all the States Parties and, consequently, each of them undertakes to assist in meeting any such attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

2. At the request of the State Party or States Parties directly attacked by one or more American States and until the Organ of Consultation provided for in this Treaty takes a decision, each of the States Parties may determine, according to the circumstances, the immediate measures it may take individually in fulfillment of the obligation set forth in the preceding paragraph.

3. In the event of armed attack of extra-hemispheric origin against one or more States Parties and until the Organ of Consultation takes a decision, each State Party may determine, according to the circumstances and at the request of the State Party or States Parties attacked, the immediate measures it may take in the exercise of its right of individual or collective self-defense in accordance with Article 51 of the Charter of the United Nations and with the obligation set forth in paragraph 1 of this article.

4. For the purposes of paragraphs 2 and 3 of this article, on convocation by the Chairman of the Permanent Council the Organ of Consultation shall meet without delay to examine such immediate measures as the States Parties may have taken in accordance with paragraph 1 of this article and to agree on the collective measures that may be necessary, including any joint action the States Parties may take before the United Nations, to give effect to the pertinent provision's of the Charter of the Organization.

5. The provisions of this article shall be applied in any case of armed attack against a State Party that takes place within the region described in Article 4 or within the territory under the full sovereignty of a State Party.

6. Measures of self-defense provided for in this article may be applied until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security.

### Article 4

The region to which this Treaty refers is bounded as follows:

Beginning at the South Pole, thence due north to a point 7 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 118 degrees west longitude; thence by a rhumb line to a point 56 degrees north latitude, 144 degrees west longitude; thence by a rhumb line to a point 52 degrees north latitude, 150 degrees west longitude; thence by a rhumb line to a point 46 degrees north latitude, 180 degrees longitude; thence by a rhumb line to a point 50 degrees 36. 4 minutes north latitude, 167 degrees east longitude, thereby coinciding with the End Point of the United States-Russia Convention Line of 1867; thence along this Convention Line to its Initial Turning Point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 22. 587 seconds west longitude; thence due north along the Convention Line to its Starting Point at 72 degrees north latitude; thence by a rhumb line to a point 75 degrees north latitude; 165 degrees west longitude; thence due east to a point 75 degrees north latitude, 140 degrees west longitude; thence by a great circle to a point 86 degrees 30 minutes north latitude, 60 degrees west longitude; thence due south along the 60 degrees west meridian to a point 82 degrees 13 minutes north latitude, which coincides with Point No. 127 of the Line of the Agreement between the Government of Canada

and the Government of the Kingdom of Denmark, which entered into force March 13, 1974; thence along this Line of Agreement to Point No. 1 at 61 degrees north latitude, 57 degrees 13. 1 minutes west longitude; thence by a rhumb line to a point 47 degrees north latitude, 43 degrees west longitude; thence by a rhumb line to a point 36 degrees north latitude 65 degrees west longitude; thence by a rhumb line to a point at the Equator and 20 degrees west longitude; thence due south to the South Pole.

#### Article 5

If the inviolability or the integrity of the territory or the sovereignty or political independence of any State Party should be affected by an act of aggression as determined in accordance with Article 9 of this Treaty that does not fall within the scope of Article 3 or by a conflict or serious event that might endanger the peace of America, the Organ of Consultation shall meet immediately to agree on the measures that must be taken to assist the affected State Party and the measures and steps that should be taken for the common defense and for the maintenance of the peace and security of the Hemisphere.

If the inviolability or the integrity of the territory or the sovereignty or political independence of any other American State should be affected by an act of aggression as determined in accordance with Article 9 of this Treaty or by a conflict or serious event that might endanger the peace of America, the Organ of Consultation shall meet immediately to agree on the measures and steps that should be taken for the common defense and for the maintenance of the peace and security of the Hemisphere.

#### Article 8

Without prejudice to such conciliatory or peace-making steps as it may take, the Organ of Consultation may, in the cases provided for in Articles 3, 5 and 7, adopt one or more of the following measures; recall of chiefs of missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, radio-telephonic or radio-telegraphic, or other means of communication; and use of armed force.

#### Article 9

1. Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, the Charter of the Organization of American States or this Treaty.

The first use of armed force by a State in contravention of the aforementioned instruments shall constitute prima facie evidence of an act of aggression, although the Organ of Consultation may, in conformity with these instruments, conclude that the determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity.

No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.

2. Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with the provisions of paragraph 1 of this article, qualify as an act of aggression:

Invasion by the armed forces of a State of the Territory of another State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision or arbitral award or, in the absence of

frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State, or armed attack by a State against the territory or people of another State, or any military occupation, however temporary, resulting from such invasion or attack or any annexation by the use of force of the territory of another State or part thereof;

Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

c. The blockade of the ports or coasts of a State by the armed forces of another State;

d. An attack by the armed forces of a State on the land, sea or air forces of another State;

The use of the armed forces of one State which are located within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;

The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

3. The Organ of Consultation may determine that other specific cases submitted to it for consideration, equivalent in nature and seriousness to those contemplated in this article, constitute aggression under the provisions of the Charter of the United Nations, the Charter of the Organization of American States or this Treaty.

#### Article 10

The High Contracting Parties shall immediately send to the Security Council, in conformity with Articles 51 and 54 of the Charter of that Organization, complete information concerning the activities undertaken or in contemplation in the exercise of the right of self-defense or for the purpose of maintaining inter-American peace and security.

#### Article 20

The Organ of Consultation shall adopt all its decisions or recommendations by a vote of two-thirds of the States Parties, except as provided for in the following paragraph.

To rescind the measures taken pursuant to Article 8, a vote of an absolute majority of the States Parties shall be required.

#### Article 23

The measures mentioned in Article 8 may be adopted by the Organ of Consultation in the form of:

- a. Decisions whose application is binding on the States Parties, or
- b. Recommendations to the States Parties.

If the Organ of Consultation takes measures to which this article refers against a State, any other State Party to this Treaty that finds itself confronted by special economic problems arising from the carrying out of

the measures in question shall have the right to consult the Organ of Consultation with regard to the solution of those problems.

No State shall be required to use armed force without its consent.

## ARTICLE II

The following new articles shall be incorporated into the Inter-American Treaty of Reciprocal Assistance and numbered as follows: 6, 11, 12 and 27.

### Article 6

Any assistance the Organ of Consultation may decide to furnish a State Party may not be provided without the consent of that State.

### Article 11

The High Contracting Parties recognize that, for the maintenance of peace and security in the Hemisphere, collective economic security for the development of the Member States of the Organization of American States must also be guaranteed through suitable mechanisms to be established in a special treaty.

### Article 12

Nothing stipulated in this Treaty shall be interpreted as limiting or impairing in any way the principle of non-intervention and the right of all States to choose freely their political, economic and social organization.

### Article 27

This Treaty may only be amended at a special conference convoked for that purpose by a majority of the States Parties. Amendments shall enter into force as soon as the instruments of ratification of two thirds of the States Parties have been deposited.

## ARTICLE III

The following articles of the Inter-American Treaty of Reciprocal Assistance shall be renumbered as follows;

Article 10 shall become Article 13; 11, 14; 12, 15; 13, 16; 14, 17; 15, 18; 16, 19; 18, 21; 19, 22; 21, 24; 22, 25; 23, 26; 24, 28; 25, 29; and 26, 30.

Consequently the words "Articles 13 and 15" in the present Article 16 of the Treaty shall be replaced, in Article 19, by the words "Articles 16 and 18".

## ARTICLE IV

The text and number of Article 7 of the Inter-American Treaty of Reciprocal Assistance remains unchanged.

## ARTICLE V

The terms "Permanent Council of the Organization of American States" and "General Secretariat of the Organization of American States" shall replace the terms "Governing Board of the Pan American Union" and "Pan American Union" respectively, wherever these terms appear in the articles of the Treaty that have not been specifically amended by this Protocol.

## ARTICLE VI

This Protocol shall remain open for signature by the States Parties to the Inter-American Treaty of Reciprocal

Assistance and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the English, French, Portuguese and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall transmit certified copies thereof to the Governments of the Signatory States for the purpose of ratification. The instruments of ratification shall be deposited with the General Secretariat, which shall notify the States Parties to the Inter-American Treaty of Reciprocal Assistance of each deposit.

#### ARTICLE VII

The Inter-American Treaty of Reciprocal Assistance, together with this Protocol of Amendment, shall remain open for signature by the Member States of the Organization of American States that are not Parties to the Inter-American Treaty of Reciprocal Assistance and shall be ratified in accordance with their respective constitutional procedures. The instruments of ratification shall be deposited with the General Secretariat, which shall notify the States Parties to the Inter-American Treaty of Reciprocal Assistance of each deposit.

#### ARTICLE VIII

This Protocol shall enter into force among the ratifying States when two thirds of the Signatory States thereof have deposited their instruments of ratification. It shall enter into force with respect to the remaining States when they deposit their instruments of ratification.

#### ARTICLE IX

When this Protocol enters into force, it shall be understood that Member States of the Organization of American States that are not Parties to the Inter-American Treaty of Reciprocal Assistance and that sign and ratify this Protocol are also signing and ratifying the parts of the Inter-American Treaty of Reciprocal Assistance that have not been amended.

#### ARTICLE X

This Protocol shall be registered with the Secretariat of the United Nations through the General Secretariat of the Organization of American States.

#### ARTICLE XI

When this Protocol of Amendment enters into force, the General Secretariat of the Organization of American States shall prepare a consolidated text of the Inter-American Treaty of Reciprocal Assistance that shall include the parts of that Treaty that have not been amended and the amendments introduced by this Protocol. This text shall be published upon approval by the Permanent Council of the Organization of American States.

#### ARTICLE XII

The Inter-American Treaty of Reciprocal Assistance shall continue in force between the States Parties to the Treaty. Once this Protocol of Amendment enters into force, the Treaty as amended shall apply among the States that have ratified this Protocol.

#### ARTICLE XIII

The States Parties to the Inter-American Treaty of Reciprocal Assistance that have not ratified the Protocol of Amendment on the date on which this Protocol enters into force may request a meeting of the Organ of

Consultation and participate fully in all the meetings this Organ may hold provided that they formally undertake, in each case, to accept the decisions of the Organ of Consultation adopted in accordance with the Inter-American Treaty of Reciprocal Assistance a\* amended by this Protocol of Amendment.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, whose powers have been found to be in due and proper form, sign this Protocol, which shall be called "PROTOCOL OF AMENDMENT TO THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (RIO TREATY)", in the city of San Jose, Costa Rica, on the twenty-sixth day of July of the year one thousand nine hundred seventy-five.

## **DECLARATIONS AND RESERVATIONS**

### **DECLARATION OF BOLIVIA**

Bolivia signs this Protocol of Amendment to the Inter-American Treaty of Reciprocal Assistance without reservation in the conviction that this Protocol updates and improves the stipulations of the original instrument in the light of the changed circumstances.

### **RESERVATION OF PERU**

In signing the Protocol of Amendment to the Inter-American Treaty of Reciprocal Assistance, Peru makes an express reservation with regard to Article 3, paragraph 3.

### **RESERVATION OF PARAGUAY**

In signing the Protocol of Amendment ad referendum, the Delegation of Paraguay makes an express reservation concerning Article 20, on the grounds that it is inappropriate to use different criteria for applying measures and for removing them; this is tantamount to requiring different majorities for the two cases. The Delegation of Paraguay therefore considers that since the decisions or recommendations of the Organ of Consultation must be adopted by a two-thirds vote of the States Parties, a two-thirds vote of those States must also be required to rescind them.

### **RESERVATION OF GUATEMALA**

On signing this Protocol, Guatemala reiterates the reservation it made on ratifying the Inter-American Treaty of Reciprocal Assistance, which reads: "The present Treaty poses no impediment whatever to Guatemala's assertion of its rights over the Guatemalan Territory of Belize by whatever means it considers most appropriate; a Treaty that may at any time be invoked by the Republic with respect to the aforesaid territory."

### **STATEMENT BY PANAMA**

Panama signs this Protocol of Amendment to the Inter-American Treaty of Reciprocal Assistance with the reservation that the new text can only be accepted in accordance with the provisions of the Constitution of Panama with respect to the ratification of treaties; in the meantime, Panama will not accept any new clause that might be in contravention of the mandates of the Political Constitution of the Republic of Panama or the national interest.

### **STATEMENT BY MEXICO**

1. The Delegation of Mexico reiterates its conviction that, in establishing the boundaries of the security zone



as indicated in Article 4, regions protected by other international instruments that have been expressly or tacitly approved by the United Nations should, as far as possible, not have been included.

2. The Delegation of Mexico continues to consider that, except in case of self-defense, the collective measures to which Article 8 refers cannot be applied in mandatory form, given their coercive nature, without authorization by the Security Council of the United Nations.

#### RESERVATION OF THE UNITED STATES

The United States, in signing this Protocol of Amendment to the Inter-American Treaty of Reciprocal Assistance, accepts no obligation or commitment to negotiate, sign or ratify a treaty or convention on the subject of collective economic security.

#### STATEMENT AND RESERVATION OF EL SALVADOR

The Delegation of El Salvador states its firm conviction that no provision of this Protocol impairs the principle of hemispheric solidarity in the face of aggression, whatever its origin may be. Without prejudice to any other reservations the Government of the Republic may make in due course, it signs this Protocol with the reservation that its articles contain no commitment by the Parties to use compulsory methods or procedures for the settlement of disputes, which El Salvador cannot accept.

#### DECLARATION AND RESERVATIONS MADE AT THE TIME OF RATIFYING THE PROTOCOL

##### DECLARATION OF MEXICO

The Government of Mexico continues to consider that, except in case of self-defense, the collective measures to which Article 8 refers cannot be applied in mandatory form, given their coercive nature, without authorization by the Security Council of the United Nations.

##### RESERVATION OF GUATEMALA

The present Treaty poses no impediment whatever to Guatemala's assertion of its rights over the Guatemalan territory of Belize by whatever means it considers most appropriate; a Treaty that may at any time be invoked by the Republic with respect to the aforesaid territory.

The Government of Guatemala declares formally that this reservation does not imply any alteration in the Inter-American Treaty of Reciprocal Assistance, and that Guatemala is ready to act at all times within the bounds of international agreements to which it is a party.

#### RESERVATION OF THE UNITED STATES

With the reservation made at the time of signing.

[Signatories and Ratifications]