

No. 4138

**ARGENTINA, BRAZIL, COSTA RICA, CUBA,
DOMINICAN REPUBLIC, etc.**

**Protocol to the Convention on Duties and Rights of States
in the Event of Civil Strife. Opened for signature at
the Pan American Union on 1 May 1957**

Official texts: English, French, Portuguese and Spanish.

*Registered on 30 December 1957 by the Pan American Union acting on behalf of
the Contracting Parties, in accordance with article 9 of the Protocol.*

**ARGENTINA, BRÉSIL, COSTA-RICA, CUBA,
RÉPUBLIQUE DOMINICAINE, etc.**

**Protocole à la Convention sur les devoirs et les droits des
États en cas de luttes civiles. Ouvert à la signature à
l'Union panaméricaine le 1^{er} mai 1957**

Textes officiels anglais, français, portugais et espagnol.

*Enregistré le 30 décembre 1957 par l'Union panaméricaine agissant au nom des
Parties contractantes, conformément à l'article 9 du Protocole.*

No. 4138. PROTOCOL¹ TO THE CONVENTION ON DUTIES AND RIGHTS OF STATES IN THE EVENT OF CIVIL STRIFE.² OPENED FOR SIGNATURE AT THE PAN AMERICAN UNION ON 1 MAY 1957

The High Contracting Parties, desirous of clarifying, supplementing, and strengthening the principles and rules stipulated in the Convention on Duties and Rights of States in the Event of Civil Strife, signed at Havana on February 20, 1928,³

Have resolved, in order to carry out those purposes, to conclude the following Protocol :

Article 1

Each Contracting State shall, in areas subject to its jurisdiction :

- a) Keep under surveillance the traffic in arms and war material that it has reason to believe is intended for starting, promoting, or supporting civil strife in another American State;
- b) Suspend the exportation or importation of any shipment of arms and war material during the period of its investigation of the circumstances relating to the shipment, when it has reason to believe that such arms and war material may be intended for starting, promoting, or supporting civil strife in another American State; and
- c) Prohibit the exportation or importation of any shipment of arms and war material intended for starting, promoting, or supporting civil strife in another American State.

Article 2

The provisions of Article 1 shall cease to be applicable for a Contracting State only when it has recognized the belligerency of the rebels, in which event the rules of neutrality shall be applied.

Article 3

The terms " traffic in arms and war material ", which appears in the third paragraph of Article 1 of the Convention on Duties and Rights of States in

¹ In accordance with article 8, the Protocol came into force on 9 December 1957 between Argentina and Cuba on behalf of which the instruments of ratification were deposited with the Pan American Union on 24 October 1957 and 9 December 1957, respectively.

² League of Nations, *Treaty Series*, Vol. CXXXIV, p. 45.

the Event of Civil Strife as well as in this Protocol, includes land vehicles, vessels, and aircraft of all types, whether civil or military.

Article 4

The provisions of the Convention on Duties and Rights of States in the Event of Civil Strife with respect to "vessels" are equally applicable to aircraft of all types, whether civil or military.

Article 5

Each Contracting State shall, in areas subject to its jurisdiction and within the powers granted by its Constitution, use all appropriate means to prevent any person, national or alien, from deliberately participating in the preparation, organization, or carrying out of a military enterprise that has as its purpose the starting, promoting or supporting of civil strife in another Contracting State, whether or not the government of the latter has been recognized.

For the purposes of this article, participation in the preparation, organization, or carrying out of a military enterprise includes, among other acts :

- a) The contribution, supply or provision of arms and war material;
- b) The equipment, training, collection, or transportation of members of a military expedition; or
- c) The provision or receipt of money, by any method, intended for the military enterprise.

Article 6

The present Protocol does not affect obligations previously undertaken by the Contracting States through international agreements.

Article 7

This Protocol shall remain open in the Pan American Union for signature by the American States, and shall be ratified in conformity with their respective constitutional procedures.

Article 8

This Protocol may be ratified only by the States that have ratified or ratify the Convention on the Duties and Rights of States in the Event of Civil Strife. This Protocol shall enter into force between the States that ratify it, in the order in which they deposit their respective instruments of ratification.

Article 9

The original instrument of this Protocol, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the Pan American Union, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the Pan American Union, which shall notify the signatory States of such deposit. A certified copy of this Protocol shall be transmitted by the Pan American Union to the General Secretariat of the United Nations for registration.

Article 10

This Protocol shall remain in force indefinitely between the Contracting States. It may be denounced by any of them upon one year's notice. Such denunciation shall be addressed to the Pan American Union, which shall notify the other signatory States thereof.

Article 11

Each Contracting State shall refrain from denouncing the Convention on Duties and Rights of States in the Event of Civil Strife while this Protocol remains in force for that State.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, whose full powers have been presented and found to be in good and due form, sign this Protocol on the dates that appear opposite their respective signatures.

Costa Rica :	Costa-Rica :
Gonzalo J. FACIO May 1, 1957	
Brazil :	Brésil :
Fernando LOBO May 1, 1957	
Peru :	Pérou :
Juan B. DE LAVALLE June 18, 1957	
United States :	États-Unis d'Amérique :
John C. DREIER July 15, 1957	
Cuba :	Cuba :
José T. BARÓN July 19, 1957	
Argentina :	Argentine :
Eduardo Augusto GARCÍA August 8, 1957	
Haiti :	Haïti :
Gustave BORNO August 9, 1957	
Dominican Republic :	République Dominicaine :
José Ramón RODRÍGUEZ September 17, 1957	
Honduras :	Honduras :
Tiburcio CARIAS December 18, 1957	
