

Chapter XII

CONSIDERATION OF THE PROVISIONS OF OTHER ARTICLES OF THE CHARTER

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INTRODUCTORY NOTE

Chapter XII covers the consideration by the Security Council of Articles of the Charter not dealt with in the preceding chapters.¹

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLE 1, PARAGRAPH 2, OF THE CHARTER

Article 1

"1. . . .

"2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

NOTE

In the proceedings of the Security Council during the period under review, there was only one instance of constitutional discussion bearing on Article 1, paragraph 2, of the Charter.

CASE 1.² SITUATION IN TERRITORIES IN AFRICA UNDER PORTUGUESE ADMINISTRATION: In connexion with the joint draft resolution sponsored by Ivory Coast, Jordan, Liberia, Malaysia, Madagascar, Sierra Leone and Tunisia: voted upon and adopted on 23 November 1965

[*Note:* During the discussion, the principle of self-determination embodied in Article 1, paragraph 2, of the Charter was the subject of several references, although no explicit mention of that Article was made. On the one hand, it was contended that self-determination implied the consent of the people to the form of Government and their agreement to the structure of the State and system of administration. On the other hand, it was maintained that the very basis of self-determination was the free choice for a population from various alternatives concerning its political future, without any predetermination.]

At the 1250th meeting on 4 November 1965, the representative of Tunisia* recalled that the Council in resolution 183 (1963) had confirmed the provisions of resolution 180 (1963) which had defined the interpretation of the concept of self-determination in accordance with the Charter and numerous resolutions of the General Assembly. However, Portugal had not complied with the resolutions of the Security Council. Consequently, the right to self-determination of the peoples of Angola, Mozambique and so-called Portuguese Guinea had not been recognized by Portugal.

¹ For observations on the methods adopted in compilation of this chapter, see: *Repertoire of the Practice of the Security Council, 1946-1951*, introductory note to chapter VIII, part II; arrangement of chapters X-XII, p. 296.

² For texts of relevant statements, see:

1250th meeting: Tunisia,* paras. 56, 60-69, 100-101.

1253rd meeting: Ivory Coast, paras. 88, 94; Portugal,* para. 23.

1254th meeting: Jordan, paras. 65-66; Malaysia, paras. 29-30; Tunisia,* paras. 17-18, 22.

1255th meeting: USSR, paras. 95-97.

1256th meeting: Tunisia,* paras. 41-43; United States, paras. 12-14, 18-20; Uruguay, para. 31.

1266th meeting: Ivory Coast, paras. 38-40; Portugal*, paras. 30-31; Tunisia*, paras. 17-19.

At the 1253rd meeting on 8 November 1965, the representative of Portugal* remarked that in the conversations held in October 1963 between representatives of African States and of Portugal, the latter had maintained that self-determination implied the consent of the people to the form of Government and their agreement to the structure of the State and system of administration. This concept was perfectly in harmony with the United Nations Charter, although it might not be in keeping with some resolutions adopted by the General Assembly in violation of the Charter.

The representative of Ivory Coast observed that the Security Council in its concern to preserve the peace should instruct Portugal to comply strictly with previous Council resolutions, and should demand that Portugal recognize the right to self-determination of the peoples under its administration, in accordance with the provisions of the Charter.

At the 1254th meeting on 9 November 1965, the representative of Tunisia* stated that the Portuguese interpretation of the concept of self-determination limited the free choice of populations under its administration to an agreement or consent or to a certain adherence. However, as had been recognized by the General Assembly and the Security Council, the foundation for self-determination was the free choice of a population in the face of various possibilities of choice concerning its future. Once the Portuguese Government had accepted the authentic interpretation of self-determination, as spelled out in resolution 183 (1963), and recognized for the peoples under its administration the free exercise of such a right, no one would refuse any contacts or conversations that might take place for the purpose of discussing, if necessary, the actual modalities of the application of the principles of self-determination.

The representative of Jordan held that self-determination was a right that had been defined by the General Assembly in its resolution 1514 (XV).³ This definition had been confirmed by the Security Council in its resolution 183 (1963). It was therefore not open to the representative of Portugal to introduce a new criterion to fit its colonial policy.

At the 1266th meeting on 22 November 1965, the representative of Tunisia* contended that there were three alternatives open to those peoples who were

³ The resolution was entitled: "Declaration on the Granting of Independence to Colonial Countries and Peoples".

allowed to exercise their right to self-determination, viz. pure and simple integration with the Administering Authority, association within a framework of domestic autonomy with the Administering Authority, and complete independence. What was requested of Portugal was not the recognition to the populations under its administration of a predetermined choice, but the straightforward recognition of their right to self-determination, i.e., to decide freely upon their own political future without any constraint.

At the same meeting, the Council had before it a joint draft resolution⁴ sponsored by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone and Tunisia, and later Madagascar, which included the following paragraphs:

"The Security Council,

" ...

"Considering that in spite of the measures laid down by the Security Council in paragraph 5 of resolution S/5380 of 31 July 1963, the Government of Portugal is intensifying its measures of repression and military operations against the African population with a view to defeating their legitimate hopes of achieving self-determination and independence,

" ...

"2. Deplores the failure of the Government of Portugal to comply with previous resolutions of the Security Council and General Assembly and to recognize the right of the peoples under its administration to self-determination and independence;

"3. Reaffirms the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV) and in Security Council resolution S/5481 dated 11 December 1964;

"4. Calls upon Portugal to give immediate effect to the principle of self-determination as referred to in paragraph 3 in the Territories under its administration;

"5. Reaffirms its urgent demand to Portugal for:

⁴ S/6953 and S/6953/Rev.1, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 382-384.

"(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence;

" ...

"(d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with resolution 1514 (XV)".

The representative of Portugal* in commenting on paragraphs 2, 3 and 4 of the joint draft resolution recalled that the Secretary-General had stated in his report⁵ concerning the conversations between Portugal and African States, in 1963, that from the explanation by Portugal of its position, it might be inferred that the Portuguese Government had not denied the principle of self-determination for the peoples of its overseas territories. The joint draft resolution, however, went further and had confused the principle of self-determination with the modalities of its implementation by seeking to prescribe a series of steps of which Portugal ought to be the sole judge. Moreover, to claim that self-determination was a free choice and, at the same time, to prescribe its goal in advance would not be logical. Yet this predetermination was exactly what was found in the series of demands contained in operative paragraph 5 of the joint draft resolution.

At the 1268th meeting on 23 November 1965, the representative of Uruguay submitted amendments⁶ to paragraphs 1, 6 and 7 of the joint draft resolution.

At the same meeting, the Uruguyan amendments were voted upon and adopted.⁷ Paragraph 8 of the draft resolution was then voted upon separately, and was rejected. The joint draft resolution, as amended, was adopted thereafter by 7 votes in favour, none against, and 4 abstentions.⁸

⁵ S/5448, O.R., 18th yr., Suppl. for Oct.-Dec. 1963, pp. 60-61.

⁶ S/6965, 1268th meeting, paras. 3-4.

⁷ 1268th meeting, paras. 15-16.

⁸ 1268th meeting, paras. 19-20, 30; S/RES/218 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 18-19.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 OF THE CHARTER

A. Article 2, paragraph 4, of the Charter

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

NOTE

During the period under review, the provisions of Article 2, paragraph 4, were quoted in one resolution⁹ adopted by the Security Council. This resolution was later reaffirmed in several other resolutions¹⁰ of

⁹ S/RES/186 (1964).

¹⁰ S/RES/187 (1964), S/RES/192 (1964), S/RES/193 (1964), S/RES/194 (1964), and S/RES/198 (1964); S/RES/201 (1965), S/RES/206 (1965), S/RES/207 (1965), and S/RES/219 (1965).

the Council. In another instance, Article 2, paragraph 4, was explicitly referred to in a resolution¹¹ although no constitutional issue was raised in the relevant debate. In three other resolutions¹² adopted by the Council, implicit references were made to the provisions of Article 2, paragraph 4.

Three case histories bearing on the provisions of

¹¹ S/RES/188 (1964).

¹² S/RES/189 (1964), S/RES/199 (1964) and S/RES/204 (1965).

Article 2, paragraph 4, are dealt with in this section. In the first instance,¹³ the constitutional discussion led to the adoption of the above-mentioned resolution in which the Article was quoted. In the second instance,¹⁴ language derived from Article 2, paragraph 4, was employed in a draft resolution which was not adopted by the Council. In the third instance,¹⁵ an implicit reference to that Article was also made in a draft resolution which was not adopted either.

CASE 2.¹⁶ COMPLAINT BY THE GOVERNMENT OF CYPRUS: In connexion with the draft resolution jointly submitted by Bolivia, Brazil, Ivory Coast, Morocco and Norway, voted upon and adopted on 4 March 1964; and with the draft resolution jointly submitted by Bolivia, Brazil, Ivory Coast, Morocco and Norway, voted upon and adopted on 13 March 1964

[*Note:* During the discussion it was maintained that there existed a threat of aggression against the Republic of Cyprus in violation of the provisions of Article 2, paragraph 4, of the Charter, and the Council was requested to take measures to protect the independence and territorial integrity of that Member State. It was alleged, on the other hand, that under the Treaty of Guarantee concerning Cyprus, the guarantor Powers had a right to take unilateral action in the event of a breach of the provisions of the Treaty, and in order to re-establish constitutional rule. In such limited circumstances, the use of force was deemed to be permissible under those Treaty obligations.

This allegation was, however, considered to be a direct contravention of the basic provisions of the Charter, and particularly those of Article 2, paragraph 4, under which the prohibition of the use of force in international relations was absolute, with the only possible exceptions under Articles 42 and 51 of the Charter. The obligations of Member States under Article 2, paragraph 4, were held to be paramount and could not be neutralized by the clauses of any treaty.

The above mentioned resolutions¹⁷ adopted by the Council made explicit and implicit references to Article 2, paragraph 4, of the Charter.]

At the 1095th meeting on 18 February 1964, the representative of Cyprus * stated that a new political settlement had been sought at a conference in London in which Cyprus participated. However, while the conference was in progress the threat of aggression against Cyprus continued. Moreover, the preparations for an invasion of Cyprus were stepped up after the failure of that conference. In the light of these renewed threats of aggression, Cyprus had decided to request the Council to take the necessary measures

to protect without delay the independence and the territorial integrity of Cyprus.

At the 1096th meeting on 19 February 1964, the representative of the USSR stated that the Security Council, as the principal United Nations organ responsible for the maintenance of international peace and security, must in the dangerous situation prevailing in Cyprus call upon all States to refrain from taking any steps which might further aggravate the tense situation. The threats directed at Cyprus must cease, for the United Nations could not permit a small country to be subjected to a threat of force. Under Article 2, paragraph 4, of the Charter, Cyprus had every right to request the Security Council's protection from the threats against its independence and territorial integrity.

At the 1098th meeting on 27 February 1964, the representative of the United Kingdom emphasized that the question whether or not the use of force was permissible under the existing rules of international law and, in particular, under the United Nations Charter, must always depend on the circumstances in which and the purposes for which it was used. It was undeniable that the Charter itself contemplated the lawful use of force in certain circumstances, such as, for instance, under Article 51. In the case of the Treaty of Guarantee concerning Cyprus, its purposes were entirely in accordance with the obligation contained in Article 2, paragraph 4, of the Charter. The right to take action reserved to the guaranteeing Powers as provided for in Article IV (2) of the Treaty could only be resorted to in the event of a breach of the provisions of the Treaty, i.e., in circumstances in which there was a threat to the independence, territorial integrity or security of the Republic of Cyprus as established by the Basic Articles of its Constitution. The intervention, however, must be limited to such action as would be necessary for re-establishing the state of affairs created by the Treaty.

At the same meeting, the representative of Cyprus * stated that under Article 2, paragraph 4, the prohibition of the use of force in international relations was absolute. The only possible exceptions were provided by the Charter in Article 42, under which the Security Council decided an enforcement action, and in Article 51 regarding self-defence. Under the current rules of international law, both of these exceptions should be interpreted *stricto sensu*, and neither of such exceptions had any relevance to the issue before the Council. Therefore, the obligations of Member States under Article 2, paragraph 4, of the Charter were paramount and could not be neutralized by any provision in any treaty under which a breach would permit the use of force. In other words, an act which was prohibited under the Charter could not be legalized by agreement between the parties thereof.

At the 1100th meeting on 2 March 1964, the representative of Brazil introduced a draft resolution¹⁸ jointly sponsored with Bolivia, Ivory Coast, Morocco and Norway, which provided:

"The Security Council,

" . . .

"Having in mind the relevant provisions of the Charter of the United Nations and its Article 2, paragraph 4, which reads:

¹⁸ S/5571 same text as S/5575, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, p. 102; 1100th meeting, paras. 7-18.

¹³ Case 2.

¹⁴ Case 3.

¹⁵ Case 4.

¹⁶ For texts of relevant statements, see:

1095th meeting: Cyprus,* paras. 111-114, 127, 144-145; Greece,* para. 255; Turkey, paras. 191-194.

1096th meeting: USSR, paras. 54-56.

1097th meeting: Cyprus,* para. 137; Czechoslovakia, paras. 47, 50; Ivory Coast, para. 82; Greece,* para. 169.

1098th meeting: Bolivia, paras. 161-162; Cyprus,* paras. 95-98, 105; United Kingdom, paras. 65-67.

1100th meeting: Brazil, paras. 10-11.

1102nd meeting: USSR, paras. 2-3, 13.

1103rd meeting: Brazil, para. 95; Czechoslovakia, para. 140; Cyprus,* paras. 33-34, 38, 51; USSR, paras. 83-84.

¹⁷ S/RES/186 (1964) and S/RES/187 (1964).

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations",

"1. Calls upon all Member States, in conformity with their obligations under the Charter of the United Nations, to refrain from any action or threat of action likely to worsen the situation in the sovereign Republic of Cyprus, or to endanger international peace;

" . . . "

At the 1102nd meeting on 4 March 1964, the joint draft resolution was unanimously adopted.¹⁹

At the 1103rd meeting on 13 March 1964, which was convened in response to an urgent request by letter²⁰ of the same date from Cyprus which invoked, among other Articles, Article 2, paragraph 4, of the Charter, the representative of Cyprus* stated that there was no legality in Turkey's claim to intervene in Cyprus. Under the Treaty of Guarantee any right of intervention would be to make representations or to take measures and those could not be but by peaceful means since the Charter made it clear that the obligation of Member States was to respect the territorial integrity and independence of other States under Article 2, paragraph 4. According to international law, the threat of force, even in words as was the case with the letter²¹ of Turkey addressed to the Secretary-General, was in itself a violation of the provisions of Article 2, paragraph 4, of the Charter. Furthermore, together with what had been said by the Prime Minister of Turkey and the reported movements of troopships accompanied by destroyers and submarines in the vicinity of Cyprus, it constituted a violation of the Charter.

The representative of the USSR, after recalling that in its resolution 186 (1964) of 4 March 1964, the Council had called upon all Member States to refrain from any action or threat of action which might worsen the situation in Cyprus, said that in refusing to observe this provision, Turkey was not only challenging the Security Council, but was also disregarding the principles of the United Nations Charter.

The representative of Brazil introduced a draft resolution²² jointly sponsored with Bolivia, Ivory Coast, Morocco and Norway, under which the Council, *inter alia*, reaffirming its resolution of 4 March 1964, would reaffirm also its call upon all Member States, in conformity with their obligations under the Charter, to refrain from any action or threat of action likely to worsen the situation in the sovereign Republic of Cyprus, or to endanger international peace.

The representative of Czechoslovakia observed that in voting in favour of the Council resolution of 4 March 1964, he had voted particularly for that part of the resolution which reaffirmed the obligations of Member States under Article 2, paragraph 4, of the Charter. The application of those principles assumed that all Members should adopt an attitude based on

respect for the sovereignty, independence and territorial integrity of Cyprus.

At the same meeting, the joint draft resolution was adopted unanimously.²³

CASE 3.²⁴ COMPLAINT BY MALAYSIA: In connexion with the Norwegian draft resolution: voted upon and rejected on 17 September 1964

[Note: Charges were made in the course of the debate that acts of aggression had been committed in violation of the territorial integrity and sovereignty of a Member State. Such use of force as well as a policy directed towards the destruction of another Member State, it was contended, was contrary to the Charter, particularly to the provisions of Article 2, paragraph 4. It was argued in reply that the alleged acts of aggression and the policy in question were measures of defence and that the invocation of Article 2, paragraph 4, was inappropriate in the circumstances of the case.]

At the 1144th meeting on 9 September 1964, the representative of Malaysia* complained that certain armed operations of Indonesia in a remote area of Southern Malaya constituted acts of aggression against Malaysia, and requested the Council to condemn the violation of its territorial integrity and sovereignty and to remind Indonesia of the moral and legal obligations it had undertaken as a signatory of the United Nations Charter.

At the same meeting, the representative of Indonesia* observed that his Government did not recognize Malaysia as a sovereign and independent country, and that the complaint before the Council should be considered in the broader context of the conflict between Indonesia and Malaysia resulting from the condition of the latter country as an expression of "neocolonialism". Indonesia was engaged in a struggle against British colonialism, and there were numerous instances of subversive incursions against Indonesian territory which called for Indonesian defence activities.

At the 1145th meeting on 10 September 1964, the representative of the United States called attention to the fact that Indonesia, a Member of the United Nations, had sanctioned the use of force in the pursuit of its quarrel with the sovereign State of Malaysia, another Member of the United Nations. The Security Council could not condone the use of force in international relations outside the framework of the Charter. The Council, entrusted by the Charter with the maintenance of international peace and security, should clearly identify as inadmissible the armed action of Indonesia against Malaysia.

At the 1148th meeting on 14 September 1964, the representative of Malaysia* stated that the Indonesian policy of destroying Malaysia had prompted his Government to resort to the Security Council not only for

¹⁹ 1102nd meeting, para. 28; S/RES/186 (1964). *O.R.*, 19th yr., *Resolutions and Decisions of the Security Council*, 1964, pp. 2-4.

²⁰ S/5598, *O.R.*, 19th yr., *Suppl. for Jan.-March 1964*, p. 140.

²¹ S/5596, *ibid.*, p. 135.

²² S/5603, 1103rd meeting, para. 95.

²³ 1103rd meeting, para. 156; S/RES/187 (1964), *O.R.*, 19th yr., *Resolutions and Decisions of the Security Council*, 1964, p. 4.

²⁴ For texts of relevant statements, see: 1144th meeting: Indonesia,* paras. 65, 68, 78, 89-90, 104; Malaysia,* paras. 31-33, 36, 60-62.

1145th meeting: Indonesia,* paras. 37-38, 54; United States, paras. 15, 22-25.

1148th meeting: Brazil, paras. 32-33; Malaysia,* paras. 9, 30; United Kingdom, paras. 58-59, 75.

1149th meeting: Indonesia,* paras. 33-36; Ivory Coast, para. 89.

1150th meeting: Norway, paras. 72, 74.

1152nd meeting: France, para. 6; Indonesia,* paras. 15-19.

the protection of its territorial integrity and security, but also to prevent such aggressive acts from escalating into a war in the South-East Asia region. Indonesia's declared aim of destroying Malaysia was contrary to the letter and the spirit of the Charter itself, and specifically to Article 2, paragraph 4.

At the same meeting, the representative of the United Kingdom maintained that the Council should make it clear that in the future it would expect Indonesia scrupulously to respect the sovereignty and territorial integrity of Malaysia, a Member State which had the right to expect the protection of the Council in accordance with Article 2, paragraph 4, of the Charter. The Council should not hesitate to extend that protection against future attack to Malaysia.

At the 1150th meeting on 15 September 1964, the representative of Norway introduced a draft resolution²⁵ which included the following operative paragraph:

"The Security Council,

" . . .

"4. Calls upon the parties to refrain from all threat or use of force and to respect the territorial integrity and political independence of each other, and thus to create a conducive atmosphere for the continuation of their talks".

In the view of the representative of Norway, the Council in dealing with the complaint by Malaysia should be guided by the relevant provisions of the Charter, one such provision being that of Article 2, paragraph 4, which inspired operative paragraph 4 of the draft resolution.

At the 1152nd meeting on 17 September 1964, the representative of Indonesia * objected to that operative paragraph on the grounds that "the territorial integrity and political independence" of Malaysia did not exist as far as his Government was concerned. What existed was rather a "British Malaysia" which Indonesia had not and could not recognize. Therefore, the operative paragraph did not fit the actual situation and would not in reality be conducive to the continuation of talks it intended to promote. If Indonesia could not accept such operative paragraph, it was not because of opposition to the essential United Nations principle on relations among States which it contained, but because it did not fit the situation at issue. Besides, the principle embodied in Article 2, paragraph 4, was taken rather out of context or was, at least, incomplete.

At the same meeting, the Norwegian draft resolution was voted upon and failed of adoption.²⁶ The vote was 9 in favour and 2 against (one of the negative votes being that of a permanent member of the Council).

CASE 4.²⁷ SITUATION IN THE DOMINICAN REPUBLIC:
In connexion with the USSR draft resolution: voted upon and rejected on 21 May 1965

[Note: In its letter²⁸ of submission, the permanent representative of the USSR requested an urgent

²⁵ S/5973, 1150th meeting, para. 72.

²⁶ 1152nd meeting, para. 64.

²⁷ For texts of relevant statements, see:

1196th meeting: Cuba,* paras. 121, 125, 158, 161, 165, 171; USSR, paras. 11-13, 27-28, 51-52.

1198th meeting: USSR, para. 3; United States, paras. 155-158.

1200th meeting: Cuba,* paras. 76-84.

1208th meeting: Jordan, paras. 6-7.

²⁸ S/6316, O.R., 20th yr., Suppl. for April-June 1965, p. 70.

meeting of the Security Council in order "to consider the question of the armed interference by the United States in the internal affairs of the Dominican Republic". During the debate it was contended that the United States action in Dominican territory constituted military aggression, and a violation of the provisions of Article 2, paragraph 4.

On the other hand, it was held that the United States had not committed aggression against the Dominican Republic, nor violated Article 2, paragraph 4, of the Charter, since no force was being employed against the territorial integrity or political independence of the Dominican Republic. The measures taken were, moreover, designed to protect lives, to preserve the political independence of the Dominican people, and their right freely to choose their own form of government.]

At the 1196th meeting on 3 May 1965, the representative of the USSR stated that the question before the Council was that of open armed intervention by the United States in the Dominican Republic. A considerable number of United States troops had been put ashore on Dominican territory and the city of Santo Domingo had been practically taken over by United States occupation troops. The United States was thus flagrantly violating the United Nations Charter, and in particular the provisions of Article 2, paragraph 4. Furthermore, it had also violated article 17 of the charter of the OAS under which the territory of a State was inviolable and might not be the object, even temporarily, of military occupation or other measures of force taken by another State. That armed interference in the domestic affairs of the Dominican Republic which constituted an act of military aggression must therefore be condemned by the Security Council. Also the United States must be called upon to withdraw its forces from the territory of the Dominican Republic immediately.

The representative of Cuba * stated that the armed invasion of an independent and sovereign State such as the Dominican Republic by the United States constituted a violation of the Preamble and the provisions of Chapter I of the United Nations Charter, and particularly that provision of the Charter which obliged Member States to refrain from the use of force against the territorial integrity or political independence of any State. The Security Council was therefore duty bound to condemn most severely the acts of aggression by the United States military forces, and to demand their immediate withdrawal, adopting the necessary measures to that end.

At the 1198th meeting on 4 May 1965, the representative of the USSR introduced a draft resolution²⁹ under which:

"The Security Council,

"Having examined the question of armed intervention by the United States of America in the domestic affairs of the Dominican Republic,

"1. Condemns the armed intervention by the United States of America in the domestic affairs of the Dominican Republic as a gross violation of the Charter of the United Nations;

"2. Demands the immediate withdrawal of the armed forces of the United States of America from the territory of the Dominican Republic."

The representative of the United States maintained

²⁹ S/6328, 1198th meeting, para. 3.

that the United States had committed no aggression against the Dominican Republic, nor did it intend to commit any aggression. The United States had not violated Article 2, paragraph 4, of the Charter, and was not employing force against the territorial integrity of the Dominican Republic, or against its political independence. The United States did not assert any authority as an occupying Power in the Dominican Republic, nor was it seeking any territorial acquisition. On the contrary, the measures being taken by the United States Government were designed to protect lives, to preserve the political independence of the Dominican people, and to preserve their right freely to choose their own form of government. Moreover, the United States action in dispatching its security forces to the Dominican territory had been taken not against the will of the Dominican authorities, but only when law enforcement and military officials in circumstances where there was no government authority, had informed the United States Government that the situation was completely out of control.

At the 1200th meeting on 5 May 1965, the representative of Cuba * maintained that any use of force which was incompatible with the aims of the United Nations was prohibited, and that the use of force was

permissible only in the case of "enforcement action" employed collectively as a political sanction and on the basis of a decision by the United Nations, except when it was used in self-defence against an armed attack.

At the 1208th meeting on 14 May 1965, the Council unanimously adopted a draft resolution³⁰ jointly sponsored by the representatives of Ivory Coast, Jordan and Malaysia, under which the Council called for a strict cease-fire and invited the Secretary-General to send, as an urgent measure, a representative to the Dominican Republic to report to the Council on the situation.

At the 1214th meeting on 21 May 1965, the USSR draft resolution was put to the vote and rejected.³¹ The preambular paragraph was rejected by 5 votes to 2, with 4 abstentions; operative paragraph 1 was rejected by 6 votes to 1, with 4 abstentions; and operative paragraph 2 was rejected by 6 votes to 2, with 3 abstentions.

³⁰ 1208th meeting, paras 6-8. S/6355; S/RES/203 (1965), *O.R. 20th yr., Resolutions and Decisions of the Security Council, 1965*, p. 10.

³¹ S/6328, 1214th meeting, paras. 123-125.

B. Article 2, paragraph 7, of the Charter

"7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

NOTE

The two case histories included in this section deal with the consideration in the Security Council of the subject of domestic jurisdiction. In one instance,³² statements were made in favour of and against the applicability of Article 2, paragraph 7, to the case before the Council. In another instance,³³ the provisions of Article 2, paragraph 7, were interpreted as to include not only the United Nations but also Member States individually, in its prohibition to intervene in the domestic affairs of any other Member States.

CASE 5.³⁴ THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA: In connexion with the draft resolution submitted by Ivory Coast and Morocco, adopted on 9 June 1964; and with the draft resolution submitted by Bolivia and Norway, adopted on 18 June 1964

[Note: In a communication³⁵ addressed to the President of the Security Council objections were raised

³² Case 5.

³³ Case 6.

³⁴ For texts of relevant statements, see:

1127th meeting: India,* para. 178; Morocco, paras. 116, 135-136, 159.

1128th meeting: Brazil, para. 52; Ivory Coast, paras. 11-15; Morocco, para. 62; United Kingdom, para. 46; United States, para. 38.

1129th meeting: Indonesia,* para. 12; Tunisia,* para. 89.

1130th meeting: India,* para. 50.

1131st meeting: Indonesia,* paras. 7-8; Norway, para. 61.

1133rd meeting: United States, para. 20.

1134th meeting: Brazil, paras. 10-12.

³⁵ S/5723, *O.R., 19th yr., Suppl. Apr.-June 1964*, pp. 161-172.

by the Government of South Africa to the competence of the Council on the grounds that the subject-matter of the Report of the Group of Experts covered matters falling essentially within the domestic jurisdiction of the Republic of South Africa.

On the other hand it was maintained that Article 2, paragraph 7, was inapplicable to the case before the Council since the policy of apartheid of the Government of South Africa affected the implementation of fundamental principles embodied in the United Nations Charter and in the Universal Declaration of Human Rights. It was further maintained that the South African Government in subscribing to the United Nations Charter had accepted the obligation to have its racial policies accord with the standards set by the World Organization.]

At the 1127th meeting on 8 June 1964, the representative of Morocco stated that the practice of the policy of apartheid by the Government of South Africa was a matter which affected international peace and security, as well as the future of the United Nations Charter and the implementation of the principles embodied in that Charter and in the Universal Declaration of Human Rights. He expressed the hope that confronted with the racial conflict in South Africa, the Security Council would not hesitate to assist the oppressed people of South Africa even if certain aspects of such assistance might imply interference in the so-called domestic affairs of the South African Republic. However, since that was a tragedy of human, moral and political dimensions setting the entire African continent against a minority of three million Whites who wished to keep in slavery and exploit a non-white

population several times more numerous than themselves, the overwhelming majority of Member States maintained that the problem could quite clearly not be considered as falling within the exclusive jurisdiction of an independent and sovereign State. Therefore, the principle of non-interference did not apply in the case of South Africa, given the universal character of the values which had been disregarded and the rights which had been violated.

At the same meeting, a draft resolution³⁶ jointly sponsored by Ivory Coast and Morocco was submitted to the Council. Under the draft resolution the Council would urge the Government of South Africa to renounce the execution of the persons sentenced to death for their opposition to the policies of apartheid, to end the trial in progress, and to grant a general amnesty.

At the 1128th meeting on 9 June 1964, the representative of Ivory Coast remarked that apartheid had been more than once condemned by the Council. The legislation passed under that system on the basis of which death sentences were carried out did not have the true nature of law since they were contrary to reason. Morally and legally, no one could be justified in tolerating, on the pretext that the affair was a domestic one, the taking of the life of a human being, whatever his colour or race.

At the same meeting, the joint draft resolution was adopted³⁷ by 7 votes to none, with 4 abstentions.

At the same meeting, the representatives of the United States, the United Kingdom and Brazil, in explaining their abstention in the vote on the joint draft resolution, stated their belief that since the trial of several South African political leaders and other opponents of apartheid was still *sub judice*, the Security Council should not take action which could be construed as interference in the judicial processes of a Member State.

At the 1130th meeting on 12 June 1964, the representative of India* in commenting on the position taken by some Council members that interference in the domestic affairs of South Africa should be avoided, indicated that membership in the United Nations did impose a certain responsibility on South Africa to abide by its pledge, and that a Member State could not invoke Article 2, paragraph 7, to justify its illegal actions and its suppression of fundamental rights.

At the 1131st meeting on 15 June 1964, the representative of Indonesia* recalling that the apartheid legislation of South Africa had been unanimously condemned as unjust and as seriously disturbing international peace and security, observed that under the provisions of Article 2, paragraph 7, the principle of non-intervention in a country's domestic affairs could not prejudice the application of enforcement measures under Chapter VII of the Charter.

At the 1133rd meeting on 16 June 1964, the representative of Norway introduced a draft resolution,³⁸ jointly sponsored with Bolivia, which included the following preambular paragraphs:

"The Security Council,

³⁶ S/5752, same text as S/5761, O.R., 19th yr., Suppl. Apr.-June 1964, pp. 208-209.

³⁷ 1128th meeting, para. 34, S/RES/190 (1964). O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 12-13.

³⁸ S/5769, same as S/5773, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 249-251.

"...

"Being gravely concerned with the situation in South Africa arising out of the policies of apartheid, which are contrary to the Principles and Purposes of the Charter of the United Nations and inconsistent with the provisions of the Universal Declaration of Human Rights as well as South Africa's obligations under the Charter,

"...

"Recalling the resolutions of the Security Council of 7 August 1963 (S/5386), 4 December 1963 (S/5471) and 9 June 1964 (S/5761),

"Convinced that the situation in South Africa is continuing seriously to disturb international peace and security."

At the 1134th meeting on 17 June 1964, the representative of Brazil pointed out that the racial policies of a Member State could be considered a matter of its own concern and competence only when they did not violate the international commitments freely entered upon by that State, and when their consequences did not affect international peace and security. The South African Government, however, by pursuing its apartheid policy violated the United Nations Charter and created in the African continent a situation leading to a breach of international peace and security. In subscribing to the Charter, the South African Government had automatically accepted the obligation to have its racial policies accord with the standards set by the United Nations, among which was the commitment to respect the dignity of the human person. Thus the South African Government could not invoke the Charter in order to be allowed to disregard the very purposes of the Charter.

At the 1135th meeting on 18 June 1964, the joint draft resolution was adopted by 8 votes to none, with 3 abstentions.³⁹

CASE 6.⁴⁰ SITUATION IN THE DOMINICAN REPUBLIC: In connexion with the USSR draft resolution: voted upon and rejected on 21 May 1965; and with the revised Uruguayan draft resolution: voted upon and rejected on 22 May 1965

[Note: During the discussion it was contended that in committing armed intervention in the domestic affairs of the Dominican Republic, the United States had violated the provisions of Article 2, paragraph 7, of the Charter. It was further argued that if the Charter barred the Organization responsible for maintaining

³⁹ 1135th meeting, para. 43, S/RES/191 (1964). O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 13-15. In a reply (S/6053, O.R., 19th year, Suppl. for Oct.-Dec. 1964, pp. 62-63) dated 19 November 1964, to the Secretary-General's letter of 19 June 1964 transmitting the text of the Security Council resolution of 18 June 1964, the Government of South Africa referring to the basic elements contained in the resolution, stated the following: "It is difficult for the South African Government to conceive of a more far-reaching example of attempted intervention in matters falling within the domestic jurisdiction of a sovereign Member of the United Nations than is represented in the terms of the resolution in question. What is in effect sought is that a Member State should abdicate its sovereignty in favour of the United Nations."

⁴⁰ For texts of relevant statements, see: 1196th meeting: Cuba,* para. 166; USSR, paras. 11, 27, 52. 1198th meeting: USSR, para. 3; United States, para. 154; Uruguay, para. 23.

1200th meeting: Cuba,* paras. 74-75.

1203rd meeting: Cuba,* para. 48.

1204th meeting: Uruguay, paras. 4, 22-23.

1221st meeting: France, para. 6.

international peace and security from intervening in matters essentially within the domestic jurisdiction of any State, it obviously also prohibited intervention on the part of one of its Members in the internal affairs of another.

It was maintained, on the other hand, that Article 2, paragraph 7, had been invoked without justification since its provisions dealt only with limitations on the authority of the United Nations itself, and were therefore not relevant to the situation before the Council.]

At the 1196th meeting on 3 May 1965, the representative of the USSR, after charging the United States with armed intervention in the domestic affairs of the Dominican Republic, held that the United States thus had violated not only Article 2, paragraph 4, but also, Article 2, paragraph 7, under which the Charter categorically prohibited intervention in the domestic affairs of States. The Council should therefore condemn the armed intervention of the United States in the domestic affairs of the Dominican Republic as an action incompatible with its obligations assumed under the Charter.

The representative of Cuba * maintained that since the United Nations Charter in Article 2, paragraph 7, prohibited the United Nations, which was responsible for maintaining international peace and security, from intervening in the domestic affairs of Member States, the illegality of the intervention of one of its Members in the domestic affairs of another was obvious.

At the 1198th meeting on 4 May 1965, the representative of the USSR introduced a draft resolution⁴¹ under which the Council, having examined the question of armed intervention by the United States in the domestic affairs of the Dominican Republic, would condemn such an intervention as a gross violation of the Charter, and demanded the immediate withdrawal of United States armed forces from Dominican territory.

The representative of Uruguay held that the Security Council's authority to enquire into the Dominican situation—which was clearly conferred upon the Council by the provisions of Articles 34, 35 and 52, paragraph 4, of the Charter—was even more appropriate when the situation involved appeared *prima facie* to contravene, in particular, Article 2, paragraphs 4 and 7, of the United Nations Charter.

⁴¹ S/6328, 1198th meeting, para. 3.

The representative of the United States maintained that Article 2, paragraph 7, had been invoked without any justification since its provisions dealt only with limitations on the authority of the United Nations itself, and was in no way relevant to the situation before the Council.

At the 1204th meeting on 11 May 1965, the representative of Uruguay introduced a draft resolution⁴² which included as one of the preambular paragraphs, the following:

"The Security Council,

" . . .

"Reaffirming the principles set forth in Chapter I of the Charter of the United Nations and, in particular, in Article 2, paragraphs 4 and 7,

" . . ."

In commenting upon this preambular paragraph, the representative of Uruguay contended that it was clear from the preamble of Article 2, which expressly stated that "the Organization and its Members" should act in accordance with the principles enumerated in that Article, that the prohibition embodied in Article 2, paragraph 7, of the Charter—namely the principle of non-intervention—applied both to the Organization and to every one of its Members individually, and with the same force.

At the 1214th meeting on 21 May 1965, the USSR draft resolution was voted upon and was rejected.⁴³

At the 1216th meeting on 22 May 1965, the Council, after voting upon and rejecting the USSR amendments to the revised Uruguayan draft resolution,⁴⁴ voted upon and rejected the revised Uruguayan draft resolution.⁴⁵

At the 1221st meeting on 7 June 1965, the representative of France expressed disapproval of the action of the United States troops in Santo Domingo considering it as constituting military intervention. In the absence of the consent of the local Government, interference in the internal affairs of any nation was objectionable, whether undertaken by one or by several countries, even if under cover of a multilateral organization as in the Dominican Republic.

⁴² S/6346 and S/6346/Rev.1, 1204th meeting, para. 4.

⁴³ S/6328, 1214th meeting, paras. 123-125.

⁴⁴ 1216th meeting, paras. 43-50.

⁴⁵ 1216th meeting, para. 69.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLE 24 OF THE CHARTER

Article 24

"1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

"2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.

"3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration."

NOTE

In the proceedings of the Security Council during the period under review, Article 24 has been the subject of frequent incidental reference.⁴⁶ However, there was no instance in which Article 24 has been the subject of a constitutional discussion. Article 24 has not been invoked in the submission of any of the questions affecting international peace and security which the Security Council considered, nor in the text of any of the resolutions adopted by the Council during that period.

⁴⁶ See, in connexion with the complaint by Panama, statement by the representative of the USSR, 1086th meeting, para. 65. In connexion with the complaint by the Government of Cyprus, statements by the representatives of Cyprus,* 1095th meeting, paras. 124, 126, 1136th meeting, para. 136; United Kingdom, 1095th meeting, para. 88; United States, 1096th meeting para. 81; USSR, 1096th meeting, paras. 54 and 56, 1138th meeting, paras. 38, 45-48, 51; China, 1099th meeting, para. 103; Turkey,* 1136th meeting, para. 77; Czechoslovakia, 1139th meeting, paras. 12-13. In connexion with the complaint by Yemen, statement by the representative of Iraq,* 1107th meeting, para. 41. In connexion with the India-Pakistan question, statements by the representatives of India,* 1115th meeting, para. 35; Morocco, 1115th meeting, para. 61; Uruguay, 1242nd meeting, para. 37. In connexion with the complaint by Cambodia, statement by the representative of Brazil, 1124th meeting, para. 74. In connexion with the complaint by Malaysia, statement by the representative of the United States, 1145th meeting, paras. 24-25. In connexion with the situation in the Dominican Republic, statements by the representatives of Cuba,* 1198th meeting, para. 72; USSR, 1198th meeting, para. 146; Jordan, 1200th meeting, para. 11 and 1213th meeting, para. 77. In connexion with the situation in Territories in Africa under Portuguese administration, statements by the representatives of Liberia,* 1250th meeting, paras. 51-52; Tunisia,* 1250th meeting, paras. 97-101; and USSR, 1255th meeting, paras. 130-131.

Part IV

CONSIDERATION OF THE PROVISIONS OF ARTICLE 25 OF THE CHARTER

Article 25

"The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

NOTE

On six occasions,⁴⁷ references have been made in the Council debates to the obligation of Member States to accept and carry out the decisions of the Security Council, although no constitutional or substantive discussion on Article 25 has ensued.

On several other occasions,⁴⁸ decisions of the Security Council have included paragraphs calling upon Member States to comply with the resolutions of the Council, and on one occasion⁴⁹ the Council demanded that the parties to a cease-fire agreement should urgently comply with their commitments. On another occasion⁵⁰ the Council deplored the refusal of a Member State to comply with its previous resolutions. However, Article 25 was not explicitly mentioned in any of these Council decisions.

⁴⁷ See statements by the representatives of the USSR at the 1103rd meeting (paras. 86-87) and of Ivory Coast at the 1143rd meeting (para. 267) in connexion with the Complaint by the Government of Cyprus; statement by the representative of Ivory Coast at the 1132nd meeting (para. 17) in connexion with the question of race conflict in South Africa; statements by the representatives of Tunisia* and Sierra Leone* at the 1250th meeting (paras. 100 and 117, respectively) and by the representative of Uruguay at the 1256th meeting (paras. 33-34) in connexion with the situation in Territories in Africa under Portuguese administration.

⁴⁸ See, in connexion with the complaint of the Government of Cyprus, resolution 192 (1964), of 20 June 1964, para. 2; decision (President's statement) of 11 August 1964; resolution 194 (1964) of 25 September 1964, para. 2; resolution 198 (1964), of 18 December 1964, para. 2; resolution 201 (1965), of 19 March 1965, para. 2; resolution 206 (1965) of 15 June 1965, para. 2; and in connexion with the India-Pakistan question, see resolution 215 (1965), of 5 November 1965, para. 2 (first part).

⁴⁹ See, in connexion with the India-Pakistan question, resolution 214 (1965), of 27 September 1965, operative paragraph.

⁵⁰ See, in connexion with the question of race conflict in South Africa, resolution 191 (1964), of 18 June 1964, sixth preambular paragraph.

Part V

CONSIDERATION OF THE PROVISIONS OF CHAPTER VIII OF THE CHARTER

Article 52

"1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

"2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

"3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

"4. This Article in no way impairs the application of Articles 34 and 35."

Article 53

"1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

"2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter."

Article 54

"The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security."

NOTE

In consequence of the obligations placed by the Charter upon Members of the United Nations and upon regional arrangements or agencies, the attention of the Security Council has been drawn during the period from 1964 to 1965 to the following communications, which have been circulated by the Secretary-General to the representatives of the Council, but have not been included in the provisional agenda:

A. *Communications from the Secretary-General of the Organization of African Unity*

- (i) Dated 17 March 1965: transmitting information concerning proceedings of the *Ad Hoc* Commission on the Congo.⁵¹

B. *Communications from the Secretary-General of the Organization of American States*

- (i) Dated 10 January 1964: transmitting communiqué issued by the Inter-American Peace Committee in connexion with the situation between Panama and the United States.⁵²

- (ii) Dated 16 January 1964: transmitting press releases issued by the Inter-American Peace Committee in connexion with the situation between Panama and the United States.⁵³
- (iii) Dated 4 February 1964: transmitting resolution of the Council of the Organization of American States in connexion with the situation between Panama and the United States.⁵⁴
- (iv) Dated 7 February 1964: transmitting resolution of the Council of the Organization of American States, acting provisionally as Organ of Consultation, in connexion with the situation between Panama and the United States.⁵⁵
- (v) Dated 4 March 1964: transmitting report of the Investigating Committee appointed by the Council of the Organization of American States, acting provisionally as Organ of Consultation, in connexion with the Venezuelan complaint against Cuba.⁵⁶

⁵¹ S/6257, O.R., 20th yr., Suppl. for Jan.-Mar. 1965, pp. 255-258.

⁵² S/5511, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, p. 20.

⁵³ S/5520, *ibid.*, pp. 36-37.

⁵⁴ S/5531, *ibid.*, p. 52.

⁵⁵ S/5541, *ibid.*, pp. 64-65.

⁵⁶ S/5586.

- (vi) Dated 27 July 1964: transmitting resolution of the Ninth Meeting of Consultation of Foreign Ministers of the American States concerning "Application of measures to the present Government of Cuba."⁵⁷
- (vii) Dated 30 April 1965: transmitting resolutions of the Council of the Organization of American States in connexion with the situation in the Dominican Republic.⁵⁸
- (viii) Dated 12 May 1965: transmitting first report of the Special Committee of the Tenth Meeting of Consultation of Foreign Ministers concerning the situation in the Dominican Republic.⁵⁹
- (ix) Dated 19 May 1965: transmitting second report of the Special Committee of the Tenth Meeting of Consultation of Foreign Ministers.⁶⁰
- (x) Dated 22 May 1965: transmitting resolution of the Tenth Meeting of Consultation of Foreign Ministers.⁶¹
- (xi) Dated 24 May 1965: transmitting text of the Act establishing the Inter-American Armed Force.⁶²
- (xii) Dated 28 May 1965: transmitting copy of the report of 26 May by the Secretary-General of the Organization of American States.⁶³
- (xiii) Dated 2 June 1965: transmitting resolution of the Tenth Meeting of Consultation of Foreign Ministers.⁶⁴
- (xiv) Dated 2 June 1965: transmitting resolution of the Tenth Meeting of Consultation of Foreign Ministers.⁶⁵
- (xv) Dated 2 June 1965: transmitting information concerning visit of the Inter-American Commission on Human Rights to the Dominican Republic.⁶⁶
- (xvi) Dated 3 June 1965: transmitting further information concerning the same matter.⁶⁷
- (xvii) Dated 6 June 1965: transmitting telegram of the Secretary-General of the Organization of American States.⁶⁸
- (xviii) Dated 6 June 1965: transmitting telegram of the Secretary-General of the Organization of American States.⁶⁹
- (xix) Dated 6 June 1965: transmitting telegram of the Secretary-General of the Organization of American States.⁷⁰
- (xx) Dated 7 June 1965: transmitting telegrams of the Secretary-General of the Organization of American States.⁷¹
- (xxi) Dated 9 June 1965: transmitting telegram of the Secretary-General of the Organization of American States.⁷²
- (xxii) Dated 11 June 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁷³
- (xxiii) Dated 15 June 1965: transmitting information concerning the OAS mission of criminologists.⁷⁴
- (xxiv) Dated 15 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁷⁵
- (xxv) Dated 16 June 1965: transmitting message from the Inter-American Commission on Human Rights.⁷⁶
- (xxvi) Dated 16 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁷⁷
- (xxvii) Dated 16 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁷⁸
- (xxviii) Dated 16 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁷⁹
- (xxix) Dated 17 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸⁰
- (xxx) Dated 18 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸¹
- (xxxi) Dated 18 June 1965: transmitting messages from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸²
- (xxxii) Dated 21 June 1965: transmitting messages from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸³
- (xxxiii) Dated 22 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁸⁴
- (xxxiv) Dated 22 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁸⁵

⁵⁷ S/5845, *O.R.*, 19th yr., *Suppl. for July-Sept., 1964*, pp. 132-133.

⁵⁸ S/6315, *O.R.*, 20th yr., *Suppl. for April-June, 1965*, pp. 68-70.

⁵⁹ S/6364, *ibid.*, pp. 130-144.

⁶⁰ S/6370 and Add.1 and 2, *ibid.*, pp. 153-169.

⁶¹ S/6377/Rev.1, *ibid.*, pp. 174-175.

⁶² S/6381, *ibid.*, pp. 177-180.

⁶³ S/6396, *ibid.*, pp. 208-211.

⁶⁴ S/6400, *ibid.*, pp. 215-216.

⁶⁵ S/6401, *ibid.*, pp. 216-217.

⁶⁶ S/6404, *ibid.*, pp. 220-221.

⁶⁷ S/6404/Add.1, *ibid.*, p. 221.

⁶⁸ S/6417, *ibid.*, p. 233.

⁶⁹ S/6418, *ibid.*, pp. 234-236.

⁷⁰ S/6419, *ibid.*, pp. 236-237.

⁷¹ S/6424, *ibid.*, pp. 244-246.

⁷² S/6427/Rev.1, *ibid.*, p. 290.

⁷³ S/6433, *ibid.*, pp. 296-299.

⁷⁴ S/6443, *ibid.*, pp. 302-303.

⁷⁵ S/6445, *ibid.*, pp. 303-304.

⁷⁶ S/6448, *ibid.*, pp. 309-311.

⁷⁷ S/6450, *ibid.*, pp. 313-315.

⁷⁸ S/6451, *ibid.*, pp. 315-316.

⁷⁹ S/6452, *ibid.*, pp. 316-318.

⁸⁰ S/6455, *ibid.*, p. 319.

⁸¹ S/6456, *ibid.*, pp. 320-321.

⁸² S/6457, *ibid.*, pp. 321-326.

⁸³ S/6462, *ibid.*, pp. 331-333.

⁸⁴ S/6467, *ibid.*, pp. 336-337.

⁸⁵ S/6468, *ibid.*, pp. 337-338.

- (xxxv) Dated 17 June 1965: transmitting text of statement made at Tenth Meeting of Consultation of Foreign Ministers.⁸⁶
- (xxxvi) Dated 23 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸⁷
- (xxxvii) Dated 23 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸⁸
- (xxxviii) Dated 24 June 1965: transmitting messages from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸⁹
- (xxxix) Dated 24 June 1965: transmitting text of a statement by the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁹⁰
- (xl) Dated 25 June 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹¹
- (xli) Dated 25 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹²
- (xlii) Dated 26 June 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹³
- (xliii) Dated 27 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹⁴
- (xliv) Dated 28 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹⁵
- (xlv) Dated 28 June 1965: transmitting texts of correspondence exchanged between *Ad Hoc* Committee and Major-General Rikhye, United Nations Military Adviser.⁹⁶
- (xlvi) Dated 29 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹⁷
- (xlvii) Dated 30 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹⁸
- (xlviii) Dated 1 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.⁹⁹
- (xlix) Dated 2 July 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁰⁰
- (l) Dated 29 June 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁰¹
- (li) Dated 3 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁰²
- (lii) Dated 4 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰³
- (liii) Dated 4 July 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰⁴
- (liv) Dated 4 July 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰⁵
- (lv) Dated 5 July 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰⁶
- (lvi) Dated 7 July 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰⁷
- (lvii) Dated 5 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁰⁸
- (lviii) Dated 6 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰⁹
- (lix) Dated 6 July 1965: transmitting copies of notes dated 28 and 30 June concerning the situation in the Dominican Republic.¹¹⁰
- (lx) Dated 7 July 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹¹¹
- (lxi) Dated 7 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹¹²
- (lxii) Dated 8 July 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹¹³
- (lxiii) Dated 9 July 1965: transmitting message

⁸⁶ S/6469, *ibid.*, pp. 338-342.

⁸⁷ S/6471, *ibid.*, pp. 342-347.

⁸⁸ S/6472, *ibid.*, pp. 348-350.

⁸⁹ S/6475, *ibid.*, pp. 354-356.

⁹⁰ S/6476, *ibid.*, p. 357.

⁹¹ S/6477, *ibid.*, pp. 357-359.

⁹² S/6478, *ibid.*, pp. 359-360.

⁹³ S/6479, *ibid.*, pp. 360-363.

⁹⁴ S/6480, *ibid.*, p. 363.

⁹⁵ S/6483, *ibid.*, pp. 364-365.

⁹⁶ S/6484, *ibid.*, pp. 365-367.

⁹⁷ S/6487, *ibid.*, pp. 369-371.

⁹⁸ S/6488, *ibid.*, pp. 371-372.

⁹⁹ S/6491, *O.R.*, 20th yr., *Suppl. for July-Sept. 1965*, pp. 1-2.

¹⁰⁰ S/6494, *ibid.*, p. 7.

¹⁰¹ S/6495, *ibid.*, pp. 8-17.

¹⁰² S/6496, *ibid.*, pp. 17-18.

¹⁰³ S/6497, *ibid.*, pp. 18-19.

¹⁰⁴ S/6498, *ibid.*, pp. 19-20.

¹⁰⁵ S/6499, *ibid.*, pp. 20-21.

¹⁰⁶ S/6500, *ibid.*, pp. 21-22.

¹⁰⁷ S/6501, *ibid.*, pp. 23-24.

¹⁰⁸ S/6502, *ibid.*, p. 24.

¹⁰⁹ S/6504, *ibid.*, p. 25.

¹¹⁰ S/6505, *ibid.*, pp. 25-28.

¹¹¹ S/6509, *ibid.*, pp. 32-33.

¹¹² S/6510, *ibid.*, pp. 33-34.

¹¹³ S/6511, *ibid.*, pp. 34-35.

- concerning the situation in the Dominican Republic.¹¹⁴
- (lxiv) Dated 8 July 1965: transmitting copies of agreement entered into between the OAS and the Government of the United States of America.¹¹⁵
- (lxv) Dated 10 July 1965: transmitting message concerning the situation in the Dominican Republic.¹¹⁶
- (lxvi) Dated 11 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹¹⁷
- (lxvii) Dated 11 July 1965: transmitting telegram from the Government of National Reconstruction of the Dominican Republic.¹¹⁸
- (lxviii) Dated 11 July 1965: transmitting press releases issued by the Constitutional Government of the Dominican Republic.¹¹⁹
- (lxix) Dated 11 July 1965: transmitting message concerning the Inter-American Committee on Human Rights.¹²⁰
- (lxx) Dated 12 July 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹²¹
- (lxxi) Dated 11 July 1965: transmitting messages concerning the situation in the Dominican Republic.¹²²
- (lxxii) Dated 13 July 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹²³
- (lxxiii) Dated 13 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹²⁴
- (lxxiv) Dated 14 July 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹²⁵
- (lxxv) Dated 14 July 1965: transmitting message concerning the situation in the Dominican Republic.¹²⁶
- (lxxvi) Dated 14 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹²⁷
- (lxxvii) Dated 15 July 1965: transmitting messages concerning the situation in the Dominican Republic.¹²⁸
- (lxxviii) Dated 16 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹²⁹
- (lxxix) Dated 17 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹³⁰
- (lxxx) Dated 17 July 1965: transmitting message concerning the situation in the Dominican Republic.¹³¹
- (lxxxii) Dated 19 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹³²
- (lxxxiii) Dated 20 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹³³
- (lxxxiv) Dated 21 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹³⁴
- (lxxxv) Dated 21 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹³⁵
- (lxxxvi) Dated 21 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹³⁶
- (lxxxvii) Dated 22 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹³⁷
- (lxxxviii) Dated 23 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹³⁸
- (lxxxviiii) Dated 23 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹³⁹
- (lxxxix) Dated 24 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁴⁰
- (xc) Dated 25 July 1965: transmitting message concerning the situation in the Dominican Republic.¹⁴¹
- (xci) Dated 25 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁴²
- (xcii) Dated 25 July 1965: transmitting message concerning the situation in the Dominican Republic.¹⁴³
- (xciii) Dated 27 July 1965: transmitting message concerning the situation in the Dominican Republic.¹⁴⁴
- (xciv) Dated 28 July 1965: transmitting message

¹¹⁴ S/6514 and Corr.1, *ibid.*, pp. 37-38.

¹¹⁵ S/6515 and Corr.1, *ibid.*, pp. 38-42.

¹¹⁶ S/6516, *ibid.*, p. 42.

¹¹⁷ S/6517, *ibid.*, pp. 42-43.

¹¹⁸ S/6518, *ibid.*, pp. 43-44.

¹¹⁹ S/6519, *ibid.*, p. 44.

¹²⁰ S/6520, *ibid.*, pp. 44-45.

¹²¹ S/6521, *ibid.*, pp. 45-50.

¹²² S/6522, *ibid.*, pp. 50-78.

¹²³ S/6523, *ibid.*, pp. 78-79.

¹²⁴ S/6524, *ibid.*, pp. 79-80.

¹²⁵ S/6525, *ibid.*, pp. 80-81.

¹²⁶ S/6528, *ibid.*, pp. 82-85.

¹²⁷ S/6529, *ibid.*, pp. 85-86.

¹²⁸ S/6531, *ibid.*, p. 95.

¹²⁹ S/6532, *ibid.*, pp. 95-96.

¹³⁰ S/6535, *ibid.*, pp. 99-100.

¹³¹ S/6536 and Corr.1, *ibid.*, pp. 100-101.

¹³² S/6540, *ibid.*, p. 102.

¹³³ S/6541, *ibid.*, p. 103.

¹³⁴ S/6543, *ibid.*, p. 105.

¹³⁵ S/6544, *ibid.*, p. 106.

¹³⁶ S/6546, *ibid.*, pp. 107-109.

¹³⁷ S/6547, *ibid.*, pp. 109-110.

¹³⁸ S/6555, *ibid.*, p. 115.

¹³⁹ S/6556, *ibid.*, pp. 115-116.

¹⁴⁰ S/6557, *ibid.*, pp. 116-117.

¹⁴¹ S/6558, *ibid.*, pp. 117-118.

¹⁴² S/6559, *ibid.*, pp. 118-119.

¹⁴³ S/6560, *ibid.*, p. 119.

¹⁴⁴ S/6563, *ibid.*, pp. 120-121.

- concerning the Inter-American Commission on Human Rights.¹⁴⁵
- (xcv) Dated 29 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁴⁶
- (xcvi) Dated 30 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁴⁷
- (xcvii) Dated 31 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁴⁸
- (xcviii) Dated 2 August 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁴⁹
- (xcix) Dated 2 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁰
- (c) Dated 3 August 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁵¹
- (ci) Dated 5 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵²
- (cii) Dated 6 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵³
- (ciii) Dated 7 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁴
- (civ) Dated 10 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁵
- (cv) Dated 11 August 1965: transmitting message addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁵⁶
- (cvi) Dated 9 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁷
- (cvii) Dated 13 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁸
- (cviii) Dated 13 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁹
- (cix) Dated 13 August 1965: transmitting message addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁶⁰
- (cx) Dated 16 August 1965: transmitting message addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁶¹
- (cxi) Dated 17 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶²
- (cxii) Dated 17 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶³
- (cxiii) Dated 18 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶⁴
- (cxiv) Dated 18 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶⁵
- (cxv) Dated 20 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶⁶
- (cxvi) Dated 19 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶⁷
- (cxvii) Dated 20 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁶⁸
- (cxviii) Dated 17 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁶⁹
- (cxix) Dated 19 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷⁰
- (cxx) Dated 25 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷¹
- (cxxi) Dated 25 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷²
- (cxxii) Dated 27 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁷³
- (cxxiii) Dated 27 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷⁴
- (cxxiv) Dated 31 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷⁵
- (cxxv) Dated 31 August 1965: transmitting message from the *Ad Hoc* Committee of the

¹⁴⁵ S/6568, *ibid.*, p. 124.

¹⁴⁶ S/6570, *ibid.*, p. 135.

¹⁴⁷ S/6574, *ibid.*, p. 139.

¹⁴⁸ S/6577, *ibid.*, p. 143.

¹⁴⁹ S/6587, *ibid.*, p. 150.

¹⁵⁰ S/6588, *ibid.*, p. 151.

¹⁵¹ S/6590, *ibid.*, p. 153.

¹⁵² S/6595, *ibid.*, pp. 155-156.

¹⁵³ S/6598, *ibid.*, pp. 159-160.

¹⁵⁴ S/6600, *ibid.*, p. 161.

¹⁵⁵ S/6604, *ibid.*, pp. 163-164.

¹⁵⁶ S/6607, *ibid.*, pp. 165-166.

¹⁵⁷ S/6608 and Corr.1 and 2, *ibid.*, pp. 166-176.

¹⁵⁸ S/6610, *ibid.*, p. 177.

¹⁵⁹ S/6611, *ibid.*, p. 177.

¹⁶⁰ S/6612, *ibid.*, pp. 178-179.

¹⁶¹ S/6614, *ibid.*, pp. 179-180.

¹⁶² S/6616, *ibid.*, pp. 181-182.

¹⁶³ S/6620, *ibid.*, pp. 183-184.

¹⁶⁴ S/6621, *ibid.*, p. 184.

¹⁶⁵ S/6622, *ibid.*, pp. 184-185.

¹⁶⁶ S/6624, *ibid.*, p. 186.

¹⁶⁷ S/6625, *ibid.*, pp. 186-188.

¹⁶⁸ S/6627, *ibid.*, pp. 188-189.

¹⁶⁹ S/6628, *ibid.*, pp. 189-201.

¹⁷⁰ S/6629, *ibid.*, pp. 202-203.

¹⁷¹ S/6633, *ibid.*, pp. 208-211.

¹⁷² S/6634, *ibid.*, pp. 211-213.

¹⁷³ S/6642, *ibid.*, pp. 223-225.

¹⁷⁴ S/6643, *ibid.*, pp. 225-226.

¹⁷⁵ S/6644, *ibid.*, pp. 226-227.

Organization of American States in the Dominican Republic.¹⁷⁶

- (cxxvi) Dated 2 September 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁷⁷
- (cxxvii) Dated 1 September 1965: transmitting messages from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷⁸
- (cxxviii) Dated 3 September 1965: transmitting message concerning the situation in the Dominican Republic.¹⁷⁹
- (cxxxix) Dated 6 September 1965: transmitting message concerning the situation in the Dominican Republic.¹⁸⁰
- (cxxx) Dated 8 September 1965: transmitting message concerning the situation in the Dominican Republic.¹⁸¹
- (cxxxii) Dated 7 September 1965: transmitting messages from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁸²
- (cxxxiii) Dated 9 September 1965: transmitting messages concerning the situation in the Dominican Republic.¹⁸³
- (cxxxiiii) Dated 9 September 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁸⁴
- (cxxxv) Dated 14 September 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁸⁵
- (cxxxvi) Dated 22 September 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁸⁶
- (cxxxvii) Dated 1 October 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁸⁷
- (cxxxviii) Dated 20 October 1965: transmitting reports of the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁸⁸
- (cxxxix) Dated 21 October 1965: transmitting resolution of the Tenth Meeting of Consultation of Foreign Ministers.¹⁸⁹
- (cxxxix) Dated 29 October 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹⁰

(cxli) Dated 1 November 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹¹

(cxlii) Dated 20 October 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹²

(cxliii) Dated 13 November 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹³

(cxliiii) Dated 23 November 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹⁴

(cxliv) Dated 4 December 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹⁵

(cxlv) Dated 21 December 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹⁶

C. Communications from States parties to disputes or situations

(i) Dated 3 February 1964: Cuba, transmitting charges that United States naval force had seized Cuban fishing vessels and their crews.¹⁹⁷

(ii) Dated 7 February 1964: United States, charging that Cuban vessels had violated the territorial waters of the United States.¹⁹⁸

(iii) Dated 25 February 1964: Bolivia, concerning alleged boundary dispute with Chile.¹⁹⁹

(iv) Dated 26 February 1964: Chile, rejecting Bolivia's note as an interference in Chile's domestic affairs.²⁰⁰

(v) Dated 28 February 1964: Bolivia, concerning Chile's note of 26 February.²⁰¹

(vi) Dated 4 March 1964: Chile, charging falsity of statements made in Bolivia's notes.²⁰²

(vii) Dated 5 March 1964: Bolivia, charging Chile with usurpation of Bolivian territory.²⁰³

(viii) Dated 14 May 1964: Cuba, concerning alleged attacks against Cuba by the United States.²⁰⁴

(ix) Dated 7 June 1964: Haiti, concerning allegations of the Dominican Government against Haiti.²⁰⁵

¹⁹¹ S/6856, *ibid.*, pp. 292-293.

¹⁹² S/6873, *ibid.*, pp. 318-320.

¹⁹³ S/6931, *ibid.*, pp. 363-364.

¹⁹⁴ S/6970, *ibid.*, pp. 404-406.

¹⁹⁵ S/6994, *ibid.*, pp. 425-426.

¹⁹⁶ S/7034, *ibid.*, pp. 528-531.

¹⁹⁷ S/5530, *O.R.*, 19th yr., *Suppl. for Jan.-Mar. 1964*, pp. 49-51.

¹⁹⁸ S/5532, *ibid.*, pp. 52-54.

¹⁹⁹ S/5562, *ibid.*, pp. 85-86.

²⁰⁰ S/5564, *ibid.*, pp. 87-89.

²⁰¹ S/5567, *ibid.*, pp. 92-93.

²⁰² S/5577, *ibid.*, pp. 104-105.

²⁰³ S/5581, *ibid.*, p. 112.

²⁰⁴ S/5701, *O.R.*, 19th yr., *Suppl. for April-June 1964*, pp. 138-140.

²⁰⁵ S/5750, *ibid.*, pp. 200-201.

¹⁷⁶ S/6646, *ibid.*, pp. 228-233.

¹⁷⁷ S/6652, *ibid.*, p. 253.

¹⁷⁸ S/6655, *ibid.*, pp. 258-267.

¹⁷⁹ S/6660, *ibid.*, pp. 268-269.

¹⁸⁰ S/6663, *ibid.*, p. 271.

¹⁸¹ S/6674, *ibid.*, p. 287.

¹⁸² S/6676, *ibid.*, pp. 288-291.

¹⁸³ S/6677, *ibid.*, pp. 291-292.

¹⁸⁴ S/6680, *ibid.*, pp. 292-293.

¹⁸⁵ S/6681, *ibid.*, pp. 293-294.

¹⁸⁶ S/6717, *ibid.*, pp. 357-358.

¹⁸⁷ S/6741, *O.R.*, 20th yr., *Suppl. for Oct.-Dec. 1965*, pp. 148-150.

¹⁸⁸ S/6843 and Corr.1, *ibid.*, pp. 259-281.

¹⁸⁹ S/6844, *ibid.*, pp. 281-282.

¹⁹⁰ S/6847, *ibid.*, pp. 286-287.

- (x) Dated 9 June 1964: Dominican Republic, concerning Haiti's note of 7 June.²⁰⁶
- (xi) Dated 10 June 1964: Haiti, concerning Dominican Republic's note of 9 June.²⁰⁷
- (xii) Dated 1 July 1964: Haiti, concerning an alleged invasion of Haitian territory by forces of the Dominican Republic.²⁰⁸
- (xiii) Dated 5 July 1964: Haiti, concerning an alleged violation of Haiti's territorial waters by Dominican warships.²⁰⁹
- (xiv) Dated 8 July 1964: Dominican Republic, transmitting official statement denying charges in Haiti's communication of 1 July.²¹⁰
- (xv) Dated 28 July 1964: Haiti, concerning alleged acts of aggression by the Dominican Republic.²¹¹
- (xvi) Dated 1 September 1964: Haiti, concerning alleged act of provocation by the Dominican Republic.²¹²
- (xvii) Dated 15 October 1964: Nicaragua, replying to allegations made by the USSR concerning Cuba.²¹³
- (xviii) Dated 27 January 1965: Cuba, transmitting note concerning alleged incidents directed against the independence and security of Cuba.²¹⁴
- (xix) Dated 30 January 1965: Dominican Republic, rejecting charges made in Cuba's note of 27 January.²¹⁵
- (xx) Dated 29 April 1965: United States, transmitting official statement concerning events in the Dominican Republic.²¹⁶
- (xxi) Dated 30 April 1965: Cuba, transmitting note concerning events in the Dominican Republic.²¹⁷
- (xxii) Dated 5 May 1965: United States concerning the USSR communication of 3 May.²¹⁸
- (xxiii) Dated 10 July 1965: Haiti, concerning alleged threat from Dominican territory against Haiti's national sovereignty and independence.²¹⁹

D. Communications from other States concerning matters before regional organizations

- (i) Dated 9 August 1964: USSR, transmitting an official statement regarding the resolution adopted on 26 July 1964 by the Ninth Meeting of Consultation of the Ministers of

Foreign Affairs of the Organization of American States concerning Cuba.²²⁰

- (ii) Dated 17 August 1964: Czechoslovakia, transmitting an official statement regarding the resolution adopted on 26 July 1964 by the Ninth Meeting of Consultation of the Ministers of Foreign Affairs of the Organization of American States concerning Cuba.²²¹
- (iii) Dated 1 May 1965: USSR, concerning the situation in the Dominican Republic.²²²
- (iv) Dated 3 May 1965: USSR, concerning the situation in the Dominican Republic.²²³
- (v) Dated 4 May 1965: Yugoslavia, concerning the situation in the Dominican Republic.²²⁴
- (vi) Dated 7 May 1965: Poland, concerning the situation in the Dominican Republic.²²⁵
- (vii) Dated 5 May 1965: Mongolia, concerning the situation in the Dominican Republic.²²⁶
- (viii) Dated 7 May 1965: Brazil, concerning the USSR communication of 3 May.²²⁷
- (ix) Dated 13 May 1965: Albania, concerning the situation in the Dominican Republic.²²⁸
- (x) Dated 3 June 1965: USSR, concerning the situation in the Dominican Republic.²²⁹
- (xi) Dated 7 June 1965: USSR, concerning its communication of 3 June.²³⁰

In addition to circulating these communications to the representatives of the Council, it has been the practice to include summary accounts of some of them in the annual reports of the Security Council to the General Assembly.²³¹

During the period under review, the question of the respective responsibilities of the Security Council and the regional agencies concerning matters before the Council was the subject of constitutional discussion in two cases²³² dealing with the Organization of American States. In two instances relating to the Organization of African Unity, no constitutional discussion arose but in the resolutions which were adopted,²³³ the Council encouraged the assistance of the regional agency to find a peaceful solution. This part also includes two other case histories²³⁴ which deal with discussion in the Council on the question of the use of force under regional arrangements.

²²⁰ S/5867, *O.R.*, 19th yr., *Suppl. for July-Sept. 1964*, pp. 148-151.

²²¹ S/5901, *ibid.*, pp. 188-190.

²²² S/6317, *O.R.*, 20th yr., *Suppl. for April-June 1965*, pp. 70-72.

²²³ S/6325, *ibid.*, pp. 82-86.

²²⁴ S/6330, *ibid.*, pp. 88-89.

²²⁵ S/6339, *ibid.*, p. 106.

²²⁶ S/6341, *ibid.*, pp. 108-109.

²²⁷ S/6343, *ibid.*, p. 109.

²²⁸ S/6354, *ibid.*, pp. 122-124.

²²⁹ S/6411, *ibid.*, pp. 225-227.

²³⁰ S/6422, *ibid.*, pp. 238-239.

²³¹ See Report of the Security Council to the General Assembly, 1963-1964 (*GAOR, Nineteenth Session, Supplement No. 2*), pp. 123-124, 128-130; Report of the Security Council to the General Assembly, 1964-1965 (*GAOR, Twentieth Session, Supplement No. 2*), pp. 144-146, 150-151; Report of the Security Council to the General Assembly, 1965-1966 (*GAOR, Twenty-first Session, Supplement No. 2*), p. 91.

²³² Cases 7 and 9.

²³³ S/RES/199 (1964), operative paragraph 4, concerning the situation in the Democratic Republic of the Congo; and S/RES/217 (1965), operative paragraph 10, concerning the situation in Southern Rhodesia.

²³⁴ Cases 8 and 10.

²⁰⁶ S/5760, *ibid.*, pp. 207-208.

²⁰⁷ S/5763, *ibid.*, p. 210.

²⁰⁸ S/5793, *O.R.*, 19th yr., *Suppl. for July-Sept. 1964*, pp. 16-17.

²⁰⁹ S/5808, *ibid.*, pp. 36-37.

²¹⁰ S/5809, *ibid.*, pp. 38-39.

²¹¹ S/5841, *ibid.*, pp. 124-125.

²¹² S/5928, *ibid.*, pp. 260-262.

²¹³ S/6018, *O.R.*, 19th yr., *Suppl. for Oct.-Dec. 1964*, pp. 33-34.

²¹⁴ S/6164, *O.R.*, 20th yr., *Suppl. for Jan.-March 1965*, pp. 28-32.

²¹⁵ S/6169, *ibid.*, pp. 39-40.

²¹⁶ S/6310, *O.R.*, 20th yr., *Suppl. for April-June 1965*, pp. 65-66.

²¹⁷ S/6314, *ibid.*, pp. 67-68.

²¹⁸ S/6331, *ibid.*, pp. 89-102.

²¹⁹ S/6533, *O.R.*, 20th yr., *Suppl. for July-Sept. 1965*, pp. 96-98.

CASE 7.²⁸⁵ COMPLAINT BY PANAMA: In connexion with the decision of 10 January 1964 to authorize the President of the Council to make an appeal to the parties

[Note: During the discussion, it was contended that under Articles 33, paragraph 1, Article 36, paragraph 2, and Article 52, paragraph 2, of the Charter, without derogating from the responsibilities of the Council, a local dispute such as that before the Council could most effectively be dealt with through regional procedures. On the other hand, it was maintained that although the regional organization had already taken certain action in the dispute, this should not prevent the Council from becoming seized of the matter and from adopting certain emergency measures.]

At the 1086th meeting on 10 January 1964, the representative of the United States having observed that the Inter-American Peace Committee of the Organization of American States had unanimously agreed to go to Panama to ascertain the facts, stated that the United Nations Charter, both in Article 33 and in Article 52, provided for pacific settlement of local disputes through regional agencies, as did the Charter of the Organization of American States in article 20. Without derogating from the responsibilities of the Council, he believed that such local disputes could most effectively be dealt with through regional procedures.

The representative of Brazil expressed the view that notwithstanding the fact that a fact-finding mission under the auspices of the Inter-American Peace Committee had been or was about to be dispatched to the area, the Security Council should also become seized of the matter and adopt certain measures of an emergency character which might be applicable to the issue before it. In so doing, the Council would not impinge upon the provisions of the OAS charter but rather strengthen whatever decisions the regional organization might eventually take.

The representative of the United Kingdom, after viewing the Organization of American States as a body acting within the ambit of Article 36, paragraph 2, and Article 52, paragraph 2, of the United Nations Charter, stated that it was certainly in accordance with the provisions of these Articles that every effort should be made by the parties to reach a solution to their differences through the OAS.

The representative of Morocco stated that the proposal by the Brazilian representative constituted an initiative which registered the importance that the Security Council attached to a peaceful solution of the problem, while leaving the way open for the regional organization to take action which might provide the Security Council with the necessary assistance for its handling of the problem.

The proposal of the representative of Brazil to the effect that the President of the Council should be authorized to make an appeal to the parties to bring to an end the exchange of fire and the bloodshed occurring in the area, was approved by the Council without objection.²³⁰

CASE 8.²⁸⁷ COMPLAINT BY THE GOVERNMENT OF CYPRUS: In connexion with a joint draft resolution: voted upon and adopted on 13 March 1964

[Note: In contradicting the claim that under a regional arrangement in conformity with Article 52 of the Charter, the right to intervene in a Member State existed, it was noted that such a regional arrangement must be subject to the Purposes and Principles of the Charter. Moreover, under Article 53 no action could be taken and therefore no force could be used under a regional arrangement without the authorization of the Security Council.]

At the 1103rd meeting on 13 March 1964, the representative of Cyprus referred to a letter²⁸⁸ addressed to the Secretary-General by the representative of Turkey in which a claim was made of the right to intervene in Cyprus by virtue of regional arrangements concluded in conformity with Article 52 of the Charter. Such a claim, the representative of Cyprus maintained, disregarded the fact that regional arrangements must be subject to the Purposes and Principles of the Charter, and particularly to the provisions of Article 2, paragraph 4. Article 52 was invoked in the letter without taking account of the fact that the Article precluded Turkey from taking action contrary to the Charter. Turkey further informed the Security Council, in accordance with Article 54 of the Charter, that it was dispatching a force to Cyprus while at the same time calling for an urgent dispatch of the United Nations Peace-keeping Force. However, under Article 53 of the Charter "no enforcement action shall be taken under regional arrangements . . . without authorization of the Security Council". Thus, if the Turkish Government relied on Article 52 for intervention in Cyprus, it must also bear in mind Article 53 and had consequently to obtain the authorization of the Security Council before it could send forces to Cyprus.

At the same meeting, the Council adopted²³⁹ a joint draft resolution reaffirming its call upon all Member States "in conformity with their obligations under the Charter" to refrain from any action or threat of action likely to worsen the situation in Cyprus.

CASE 9.²⁴⁰ SITUATION IN THE DOMINICAN REPUBLIC: In connexion with the draft resolutions adopted on

²⁸⁷ For the text of relevant statement, see:

1103rd meeting: Cyprus,* paras. 76-79.

²⁸⁸ S/5596, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 135-139. In the letter it was stated:

"Even in the face of these . . . attacks against the Turkish Cypriot community, the Turkish Government . . . has not used its right of unilateral action even though this right is recognized by the Treaty of Guarantee and the Treaty of Alliance, both concluded in conformity with Article 52 of the Charter of the United Nations . . ."

"Our Government . . . has sent the annexed note to Archbishop Makarios as a last attempt to stop massacre and establish law and order in the island . . . If the requests contained in the note are not complied with, the Government of the Turkish Republic, in view of the urgency and gravity of the situation, and by virtue of the right conferred upon it by article IV of the Treaty of Guarantee, has decided to take appropriate action . . ."

²³⁹ 1103rd meeting, para. 156; S/RES/187 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, p. 4.

²⁴⁰ For texts of relevant statements, see:

1196th meeting: USSR, paras. 205-210; United States, paras. 87-88.

1198th meeting: Cuba,* paras. 65-68, 72; USSR, para. 146; United Kingdom, paras. 59-61; Uruguay, paras. 23-24.

1200th meeting: United States, paras. 15, 27.

1202nd meeting: Jordan, paras. 63-64.

1203rd meeting: Netherlands, paras. 9-10, 16-17.

²⁸⁵ For texts of relevant statements, see:

1086th meeting: Brazil, paras. 57-59; Morocco, para. 84; United Kingdom, paras. 74-76; United States, paras. 42, 50-51.

²⁸⁶ 1086th meeting, paras. 104-105.

14 May 1965, 22 May 1965 and the Statement by the President of 26 July 1965; and the revised draft resolution and amendments thereto rejected on 22 May 1965

[Note: In the course of the proceedings the discussion centred on the respective roles of the United Nations and the Organization of American States in bringing about a peaceful solution of the situation in the Dominican Republic. On the one hand, it was contended that without derogating from the authority of the Security Council, the OAS had engaged in a prior effort at peaceful settlement in accordance with the provisions of Articles 33 and 52 of the Charter. It should therefore be permitted to continue to deal with the Dominican situation. On the other hand, it was maintained that the Council had the primary responsibility for the maintenance of international peace and security, even if the matter was under consideration by a regional agency. Such a consideration did not, as provided in Article 52, impair the application of Articles 34 and 35. It was, therefore, for the Security Council to deal with the substance of the matter and to take appropriate measures.]

A revised draft resolution providing for co-ordination of the OAS with the United Nations was rejected, and a draft resolution to the same effect was withdrawn.]

At the 1196th meeting on 3 May 1965, the representative of the United States drew attention to the provision of Article 33 of the Charter under which prior efforts at peaceful settlement might include "recourse to regional agencies or arrangements", a provision which did not derogate from the authority of the Security Council. In the light of action already taken by the OAS it would be desirable, and in keeping with the precedents established by the Council, to permit the regional organization to continue to deal with the Dominican problem. Article 52 of the Charter specifically recognized the authority of regional organizations in dealing with regional problems.

The representative of the USSR stated that the landing of United States troops in Dominican territory was an act of direct aggression and flagrant intervention in the domestic affairs of the Dominican Republic. Article 52 of the Charter was governed by the condition that the activities of the regional organizations should be consistent with the Purposes and Principles of the United Nations. For the purpose of ensuring rapid and effective action, the Members of the United Nations had conferred on the Council, and not on any other organ, primary responsibility for the maintenance of international peace and security. The situation in the Dominican Republic was too serious for the Council to ignore. It was necessary for the Council to react effectively and to take decisive measures.

At the 1198th meeting on 4 May 1965, the representative of Uruguay asserted that he had no doubts as to the competence of the Security Council to examine any dispute or situation which may threaten the maintenance of international peace and security, even if the dispute was at the time under consideration by

a regional body. Such an authority was clearly conferred on the Council by the provisions of Article 52, paragraph 4, and Articles 34 and 35 of the Charter, and was even more appropriate when the situation involved appeared *prima facie* to contravene international law and, in particular, Article 2, paragraphs 4 and 7 of the United Nations Charter. He quoted further from the statement of the Head of the delegation of Uruguay in the General Assembly in September 1954 that Uruguay had combined membership in the United Nations with membership in the OAS in the belief that the principles of the regional system and its safeguards could not be invoked in order to prevent States from having direct and immediate access to the jurisdiction of the United Nations or to deprive them, even if temporarily, of the protection of its organs. The legal protection afforded by both systems should be combined, never substituted for one another.

The representative of the United Kingdom contended that in adopting the course they did with regard to the Dominican situation, the OAS members had acted precisely in accordance with the aims and the principles both of their own organization and of the United Nations Charter. After drawing attention to the provisions of Article 33, Article 36, paragraph 2 and Article 52, paragraph 2 of the Charter, he added that the OAS members had demonstrated their determination to follow the provisions of the United Nations Charter to the letter by requesting the Secretary-General of the OAS to report to the Security Council in accordance with their obligations under Article 54. The Council would therefore best serve the cause of peace in the Dominican Republic if its members would support the action then taken by the OAS.

The representative of Cuba * referring to Article 34 contended that attempts to deny the Security Council competence to investigate situations such as that in the Dominican Republic or to make its action contingent upon decisions of a regional agency would be without any legal basis. Although it was stated in Article 52 that none of the Charter's provisions precluded the existence of regional agencies, it did not acknowledge that they had primary or sole responsibility for dealing with threats to international peace and security which might arise in the area concerned. On the contrary, it was provided in paragraph 4 of Article 52 that the Article "in no way impairs the application of Articles 34 and 35". The fact that a regional agency had under consideration a situation or a dispute restricted in no way the powers of the Security Council under Article 24 defining the Council as the organ having primary responsibility for the maintenance of international peace and security, which acted on behalf of all—whether or not they were members of regional agencies or were directly involved in the situation in question—in carrying out its duties under that responsibility.

At the 1200th meeting on 5 May 1965, the representative of the United States noted that what was being done by the OAS was fully within the scope of the authority of regional organizations to deal with the maintenance of peace and security within their jurisdiction as provided for by Article 52 of the Charter.

At the 1202nd meeting on 6 May 1965, the representative of Jordan emphasized the fact that the authority and effectiveness of the Security Council action should be protected. Whatever measures were taken

1204th meeting: United States, paras. 91-93.

1214th meeting: Bolivia, para. 44; Netherlands, para. 141; United Kingdom, para. 84; United States, para. 24; Uruguay, paras. 59-61.

1215th meeting: Jordan, para. 10.

1216th meeting: United States, para. 99.

1221st meeting: Cuba,* paras. 94-95.

1222nd meeting: Malaysia, paras. 101-111; USSR, paras. 62-64, 66; United States, paras. 18-20.

by the regional organization was a question which belonged to the OAS separately and independently. It had nothing to do with the work of the Security Council and it could not affect the responsibilities of the members of the Council with which rested the task of maintaining international peace and security.

At the 1203rd meeting on 7 May 1965, the representative of the Netherlands contended that it seemed clear from Articles 33 and 52 of the Charter that the first and normal way to try to solve a dispute in the Western Hemisphere was through the OAS. However as evident from Article 52, paragraph 4, there was no denial of the competence of the Security Council to take cognizance of such a dispute and to make, if necessary, recommendations in regard thereof. On the other hand, the Council should bear in mind the self-limitation which followed from both the letter and the spirit of the Charter, i.e., the Council was fully competent to consider all disputes which might endanger international peace and security, but a solution of such a dispute should in the first place, as the Charter provided, be solved through resort to a regional organization whenever such organization existed. In accordance with Article 52, paragraph 3, the Council should encourage the settlement of local disputes through regional arrangements. Meanwhile, the matter should be kept on the Council's agenda, and if the efforts of the regional agency failed, the Council should discuss it again. Also, in conformity with Article 54, the Council should be kept informed of the progress in the consideration of the matter by the regional agency.

At the 1204th meeting on 11 May 1965, the representative of Uruguay introduced a draft resolution²⁴¹ in which *inter alia* the Council, taking note of the OAS communications reporting on the measures taken in connexion with the Dominican situation, would invite the OAS to keep the Council informed of the action taken with respect to that situation. In another operative paragraph the Council would invite the Secretary-General to follow closely the events in the Dominican Republic and to take such measures as he might deem appropriate for the purpose of reporting to the Council on all aspects of the situation.

The representative of the United States noting that the Uruguayan draft resolution sought "to interpose the Security Council into the situation" at a time "when the regional organization seems to be dealing with the situation effectively", stated that its adoption would tend to complicate the activities of the OAS by encouraging concurrent and independent considerations and activities by the Security Council. Thus, the Council would not be encouraging peaceful settlement by the regional organization as it should do under the provisions of the United Nations Charter, which provided that a regional solution was one of the methods to be sought first of all.

On 13 May 1965, the representative of the USSR submitted several amendments²⁴² to the draft resolution by Uruguay, one of which provided for the deletion of references to the reports of the OAS.

At the 1214th meeting on 21 May 1965, the representative of the United States introduced a draft resolution²⁴³ under which the Council, taking note of the

OAS reports, would urge the regional organization to intensify its efforts to assure observance of the cease-fire and to facilitate the establishment of democratic institutions in the Dominican Republic. The draft resolution would further request the representative appointed by the Secretary-General, in carrying out the responsibilities assigned to him by the Security Council, "to co-ordinate with the Secretary General of the Organization of American States in light of the resolution adopted by the Organization of American States on 20 May 1965".

At the 1216th meeting on 22 May 1965, after the representative of the USSR introduced revised draft amendments to the Uruguayan revised draft resolution, the Council rejected the revised draft amendments of the USSR and the revised draft resolution of Uruguay.²⁴⁴

The representative of the United States remarked that the constitutional issue before the Council centred on the recognition by the Council of its relationship with the OAS which was a regional organization specifically provided for in the Charter. The Council should not, by its action, fail to recognize or permit that this relationship be disturbed.

At the 1218th meeting on 24 May 1965, the representative of the United States withdrew his draft resolution.²⁴⁵

At the 1220th meeting on 3 June 1965, upon the proposal of the representative of Bolivia, the President (Netherlands) read out the text of the following letter addressed to him on 25 May 1965 by the representatives of Argentina, Bolivia, Brazil, Colombia, Costa Rica, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay and Peru:

"We the undersigned, as representatives of States Members of the United Nations which are members of the Organization of American States, acting on instructions of our respective Governments and concerned that our regional agency should fulfil the purposes assigned to it by its charter and by the Charter of the United Nations; and, at the same time, seeking to reaffirm the significance of the OAS as an instrument for the preservation of peace and security on the American continent, venture to place before the Security Council, with respect, the following considerations:

"*First:* The Organization of American States, in its capacity as a regional agency, should continue to exercise the responsibility for the maintenance of peace and security in the hemisphere which is conferred on it by the charter of the OAS and recognized by the Charter of the United Nations.

"*Second:* In accordance with Article 52, paragraph 3, of the Charter of the United Nations, which Member States are bound to uphold, every effort should be made to encourage action by regional agencies for the pacific settlement of local disputes.

"*Third:* The foregoing does not preclude co-ordination of the action of the United Nations and of the OAS for the maintenance of peace and security as an appropriate procedure for the fulfilment of the high purposes of the Charter of the United Nations and of the charter of the Organization of American States."²⁴⁶

²⁴¹ S/6346, 1204th meeting, para. 4.

²⁴² S/6352 and Rev.1 and 2 incorporated in the record of the 1216th meeting, para. 43.

²⁴³ S/6373, 1214th meeting, para. 24.

²⁴⁴ 1216th meeting, paras. 44-49, 69.

²⁴⁵ 1218th meeting, para. 21.

²⁴⁶ S/6409, 1220th meeting, para. 120.

At the 1221st meeting on 7 June 1965, the representative of Cuba * referred to the above letter and observed that what apparently was attempted was to imply that the intervention of the regional organization limited the powers of the Council in carrying out its duties and in taking such measures as it might consider appropriate. He indicated that Articles 34, 35, 36 and 53 of the Charter very clearly established the subordination of any regional organization to the Security Council in connexion with the responsibility for the maintenance of international peace and security, both in the Western hemisphere and anywhere else in the world. The letter also invoked Article 52, paragraph 3 of the United Nations Charter which stressed the recognition given in that Article to regional organizations. In this connexion he wondered why the letter had not mentioned also paragraph 4 of the same Article which affirmed the jurisdiction of the Security Council in such cases, and stressed the right of any Member of the United Nations to bring to the Security Council any situation such as the Dominican situation.

At the 1222nd meeting on 9 June 1965, the representative of the United States observed that while the Charter conferred on the Security Council "primary responsibility" for the maintenance of peace, there was no requirement that only the Security Council could act when threats to peace occurred. On the contrary, Article 33 prescribed that "regional agencies or arrangements" should be resorted to by parties to any dispute endangering peace. The OAS had essentially the same peaceful goals as the United Nations. Their roles were not mutually exclusive but mutually reinforcing. Such a relationship was explicitly foreseen in Article 52, paragraph 2, of the Charter.

At the 1233rd meeting on 26 July 1965, the President (USSR) stated that after consultations among the members of the Council, he had been authorized to present the summing up of the discussion held during the past few meetings of the Council on the Dominican situation.²⁴⁷

CASE 10.²⁴⁸ SITUATION IN THE DOMINICAN REPUBLIC: In connexion with the draft resolutions adopted on 14 May 1965 and 22 May 1965; and the revised draft resolution and amendments thereto rejected on 22 May 1965; and with the statement of the President of 26 July 1965

[*Note:* In the course of proceedings it was maintained that the action of the United States troops in the Dominican Republic and the dispatch there by the Organization of American States of an Inter-American force did not constitute an "enforcement action" within the meaning of Article 53 of the Charter. Articles 52 and 54 of the Charter were applicable rather than Article 53.

²⁴⁷ 1233rd meeting, para. 2. For the statement of the President, see chapter VIII, pp. 152-153.

²⁴⁸ For texts of relevant statements, see:

1196th meeting: USSR, paras. 207-209.

1200th meeting: USSR, paras. 153-154; United States, paras. 162-163.

1202nd meeting: USSR, paras. 46-50.

1204th meeting: USSR, paras. 42-43, 78.

1216th meeting: USSR, paras. 52, 81.

1220th meeting: USSR, para. 110; United States, paras. 79-80.

1221st meeting: Jordan, para. 22-23; Uruguay, paras. 42, 44.

1222nd meeting: Malaysia, paras. 101-111; USSR, paras. 62-64, 66; United States, para. 21.

On the other hand, it was held that Article 53 had been violated by the United States and the OAS which had undertaken an enforcement action in the Dominican Republic without the authorization of the Security Council. Furthermore, such a military action could not be considered a "peace-keeping operation" since the prerequisite of the consent of the party concerned was lacking.]

At the 1196th meeting on 3 May 1965, the representative of the USSR quoted Article 53, paragraph 1, and queried whether the United States had had the authorization of the Security Council and by what right, under which charter, and on which basis the invasion by the United States troops had taken place.

At the 1200th meeting on 5 May 1965, the representative of the United States noted that United States forces in the Dominican Republic were policing the city, guarding the neutral safety zone, evacuating asylees and refugees and were distributing food and medicine. He maintained further that the steps being taken by the OAS did not constitute enforcement action within the meaning of the Charter. No enforcement action was being taken against the Dominican Republic and no order was being enforced.

At the 1202nd meeting on 6 May 1965, the representative of the USSR, in reply to the statement of the United States representative, indicated that the United States action in the Dominican Republic was in fact an enforcement action taken in violation of Article 53, paragraph 1, which clearly provided that no enforcement action could be taken without the authorization of the Security Council.

At the 1204th meeting on 11 May 1965, the representative of the USSR contended that under the pressure of the United States, the OAS had set up a so-called Inter-American armed force. This action was a violation of the United Nations Charter, and in particular of Article 53.

At the 1216th meeting on 22 May 1965, after the representative of the USSR introduced revised draft amendments to the Uruguayan revised draft resolution, the Council rejected the revised draft amendments of the USSR and the revised draft resolution of Uruguay.²⁴⁹

The representative of the USSR stated that he could not support any provisions in the Council's resolutions which would contain either direct or indirect expressions of approval of actions of the OAS which were contrary to the United Nations Charter since the regional organization had received no mandate to undertake enforcement action as provided for in Article 53 of the Charter.

At the 1220th meeting on 3 June 1965, the representative of the United States, referring to the assertion that authorization from the Security Council for the Inter-American Force in the Dominican Republic was required, said that it was evidently based on the proposition that the establishment and the functioning of the Force somehow constituted enforcement action within the meaning of Article 53, paragraph 1, of the Charter. However, the Force had been set up solely for the purpose of assisting in the restoration of normal conditions in the Dominican Republic, to enable the Dominican people to determine their future Government, and was not being employed to force any concession from a Dominican Government. The collective efforts of the OAS could thus not properly be

²⁴⁹ 1216th meeting, paras. 44-49, 69.

termed enforcement action under Article 53. In such circumstances the requirements of the United Nations Charter were those set forth in Articles 52 and 54 rather than in Article 53.

At the 1221st meeting on 7 June 1965, the representative of Jordan maintained that the United Nations Charter did not permit a military action of the type which had taken place in the Dominican Republic, whether that action had been unilateral or had been made in a regional form. Collective measures in self-defence were permitted under the Charter, but no enforcement action could be taken under regional arrangements without the authorization of the Security Council. The question was whether the OAS had acted in conformity with the provisions of the United Nations Charter, which should prevail over all international agreements.

The representative of Uruguay stated that intervention and the use of force, whether unilateral or multilateral, carried out by a State or by a group of States were always illegal internationally, unless justified by such norms as those in Chapter VII of the Charter. Furthermore, the military intervention in the Dominican Republic could not be considered a "peace-keeping operation" since the indispensable prerequisite of the consent of the party concerned was lacking. Therefore, if the conclusion of that constitutional problem were to be that that action was of a coercive nature, the sole consequence that might result from its regionalization would be to make applicable in the Dominican case the provisions of Article 53 of the Charter.

At the 1222nd meeting on 9 June 1965, the representative of the United States contended that while enforcement action within the meaning of Chapter VII of the Charter remained the prerogative of the United Nations and of the Security Council, however, the action being taken in the Dominican Republic by the OAS was most certainly not enforcement action, any more than the action taken by the United Nations in Cyprus, the Congo or the Middle East. There was no question of the competence or the jurisdiction of the OAS to deal with the current crisis in the Dominican Republic, as long as its actions were consistent with the Charter.

The representative of the USSR referred to the letter²⁵⁰ of the thirteen Latin American States and observed that no mention in it was made of Article 53 which prohibited enforcement action without the authorization of the Security Council. It was, however, that Article that had been violated by the United States which had tried to represent the United States aggression against the Dominican Republic as an activity carried out by an inter-American organization.

²⁵⁰ S/6409, 1220th meeting, para. 120. See also in this chapter, Case 9.

The representative of Malaysia, after referring to the antecedents of Chapter VIII of the United Nations Charter, remarked that its text was agreed upon as a result of a compromise reached in order to preserve the over-all supremacy of the United Nations and the primacy of the Security Council. The OAS was very clearly subordinated in the sphere of enforcement action, involving the use of military power, to the superior authority of the Security Council. The use of force by the regional organization was only permissible in two situations, in the exercise of the right of collective self-defence, under Article 51, and where its services, where appropriate, were utilized by the Security Council under Article 53. In applying in practice that well-defined principle to the particular situation in Santo Domingo it was necessary, however, to determine whether the action which was being carried out by the OAS was an enforcement action. Should it be so, there was no doubt that Article 53 had been violated. However, the phrase "enforcement action" occurred in the Charter only in Article 53, and not in Chapter VII, and it presupposed the existence of something to be enforced. Under Article 39, the Security Council, having determined the existence of a threat to the peace or act of aggression, had either to make recommendations or decide on measures as provided for in Article 41 or Article 42. Since enforcement of a recommendation was a contradiction in terms, the sole alternative was that a decision under any of those Articles was the only one which could be enforced. If the provisions of Articles 41 and 42 were to be examined closely, it would be clear that the Security Council would not be called upon in the circumstances obtaining in the Dominican Republic to take any measures under Articles 41 or 42. The OAS was carrying out in Santo Domingo a conciliatory function, co-operating in the restoration of normal conditions in the Dominican Republic. The current activity of the OAS in Dominican territory could not therefore be considered as falling within the meaning of the expression "enforcement action". The fallacy of arguments to the contrary had resulted from misreading the phrase "enforcement action" as meaning "any action accompanied by force". That was, however, a meaning which that phrase could not bear in the context in which it occurred. Even an operation undertaken for the pacific settlement of a dispute might involve a certain amount of the use of force. But that would not make it necessarily an "enforcement action", within the meaning of Article 53.

At the 1233rd meeting on 26 July 1965, the President (USSR) stated that after consultations among the members of the Council, he had been authorized to present the summing up of the discussions held during the past few meetings of the Council on the Dominican situation.²⁵¹

²⁵¹ 1233rd meeting, para. 2. For the statement of the President, see chapter VIII, pp. 152-153.

Part VI

** CONSIDERATION OF THE PROVISIONS OF CHAPTER XII OF THE CHARTER

Part VII

CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER

Chapter XVI of the Charter: Miscellaneous provisions

" . . . "

Article 103

"In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

" . . . "

NOTE

Two case histories which appear below relate to the proceedings in the Council in which it was maintained that provisions of certain international treaties were in conflict with the provisions of the Charter and Article 103 was therefore applicable.

CASE 11.²⁵² COMPLAINT BY YEMEN: In connexion with the joint draft resolution submitted by the Ivory Coast and Morocco; voted upon and adopted on 9 April 1964

[*Note:* During the debate it was contended that the obligations assumed by the United Kingdom under its treaties with the Federation of South Arabia were not valid in the light of the provisions of Article 103 of the Charter.]

At the 1106th meeting on 2 April 1964, the representative of the United Kingdom, in asserting that it was the Federation of South Arabia that had been the victim of aggression on the part of the Yemeni authorities, stated that the British Government was by treaty responsible for the defence of the Federation and thus had an obligation to assist it in protecting its territory from external aggression and encroachment.

At the 1108th meeting on 6 April 1964, the representative of Syria * referred to protection treaties between the Federation of South Arabia and the United Kingdom and stated that any claim based on inequitable treaties was null and void by virtue of Article 103 of the Charter.

At the 1109th meeting on 7 April 1964, the representative of the United Kingdom stated that his Government had acted as it did because it had received an urgent request from the Ministers of the Federation to fulfil its treaty obligations.

The representative of Syria, * after quoting Article 103 of the Charter, observed that the obligations assumed by the United Kingdom under the United Nations Charter must prevail over the obligations assumed by it under those so-called protection treaties which were no longer valid either intrinsically or under the provisions of Article 103.

²⁵² For texts of relevant statements, see:

1106th meeting: United Kingdom, paras. 34, 57.

1107th meeting: Iraq, * pp. 18-20.

1108th meeting: Syria, * para. 22.

1109th meeting: Morocco, paras. 96, 99; Syria, * paras. 78-82; United Kingdom, para. 15.

CASE 12.²⁵³ COMPLAINT BY THE GOVERNMENT OF CYPRUS: In connexion with the joint draft resolutions adopted on 4 March 1964, 13 March 1964, 19 March 1965 and 10 August 1965

[*Note:* During the discussion it was maintained, on the one hand, that if in any of the treaties with regard to Cyprus, there was, in the view of any of its parties, a limitation to the independence and the sovereignty of the Republic of Cyprus, then such a treaty would not be valid. The claim that the Treaty of Guarantee had granted the guaranteeing Powers the right of military intervention in Cyprus was invalid under the provisions of Article 103 of the Charter. On the other hand, it was contended that under the Treaty of Guarantee, each of the guaranteeing Powers would in the event of impossibility of concerted action by them have the right to take individual action with the aim of re-establishing the state of affairs created by the Treaty. It was also contended that should there be a conflict between the treaties regarding Cyprus and Article 103 of the Charter, the proper resort for testing the validity of any treaty was not the Security Council but the many judicial organs and instances available to Member States of the United Nations. Moreover, the treaties with regard to Cyprus had been duly registered with the United Nations under Article 102 of the Charter, and the question of a conflict under Article 103 had not been raised at the time of such registration.]

At the 1095th meeting on 18 February 1964, the representative of the United Kingdom in describing the provisions of the Treaty of Guarantee with regard to Cyprus, signed in Nicosia on 16 August 1960, referred to article IV under which in the event of a breach of its clauses, Greece, Turkey and the United Kingdom undertook to consult together as regards the representations or measures considered necessary to ensure observance of those provisions. Furthermore,

²⁵³ For texts of relevant statements, see:

1095th meeting: Cyprus, * para. 99; Turkey, * para. 191; United Kingdom, paras. 36-40.

1096th meeting: USSR, paras. 41, 54-55; United States, para. 74.

1097th meeting: Cyprus, * paras. 137-139; Czechoslovakia, paras. 49-50.

1103rd meeting: Cyprus, * paras. 33-35.

1193rd meeting: Turkey, * para. 33.

1234th meeting: Cyprus, * paras. 65, 69; Turkey, * paras. 123-126.

1235th meeting: Cyprus, * paras. 132, 137.

article IV stipulated that in so far as common or concerted action may not prove possible, each of the three guaranteeing Powers reserved the right to take action with the sole aim of re-establishing the state of affairs created by that Treaty.

At the 1096th meeting on 19 February 1964, the representative of the USSR observed that every State Member of the United Nations had an obligation under Article 2, paragraph 4, of the Charter to respect the independence and territorial integrity of other Member States and to refrain from the threat or use of force against them. That obligation could not be revoked by any agreement or treaty. It continued to be absolutely binding on every Member State. That was clearly apparent from Article 103 of the Charter.

The representative of the United States remarked that the Treaty of Guarantee formed an integral part of the organic arrangements that created the Republic of Cyprus, and assured its independence, territorial integrity and security, as well as respect for its Constitution. The treaty could not be abrogated or modified by the Security Council but only by agreement of all of the signatories themselves or in accordance with its terms.

At the 1097th meeting, the representative of Czechoslovakia contended that on the basis of the Zurich and London Agreements, a pretext had been maintained for interference by a foreign Power and for restricting the sovereignty of the Republic of Cyprus. He further observed that Member States were subject to the obligations under the United Nations Charter of which the provisions of Article 103 and in particular Article 2, paragraphs 1, 3, 4 and 7, were relevant. The obligations to refrain in international relations from the threat or use of force and not to interfere in the internal affairs of other States actually nullified the obligations and rights emanating from other sources contrary to the Charter. Therefore no Member State could—even on the basis of agreements such as the Zürich and London Agreements—claim a right to intervene or interfere in the affairs of the Republic of Cyprus. No agreement could, in fact, legalize something which was illegal under the terms of the Charter. In that connexion he recalled the provisions of Article 103 of the Charter.

The representative of Cyprus, * after drawing the attention of the Council to Turkey's claims that the Treaty of Guarantee had given to Greece, Turkey and the United Kingdom the right of military intervention in Cyprus, asserted that the territorial integrity and independence of Cyprus were based on the United

Nations Charter, particularly on the provisions of Article 2, paragraphs 1 and 4. And should the Turkish Government persist in its interpretation, the provisions of Article 103 of the Charter should be borne in mind.

At the 1103rd meeting on 13 March 1964, the representative of Cyprus * maintained that if article IV of the Treaty of Guarantee was to be interpreted as giving the guarantors the right to intervene in Cyprus by force, then that article would itself become void under the Charter, by virtue of Article 103. Furthermore, the International Court of Justice could not be required to look into the interpretation of such clear provisions as those of Article 103 of the Charter.

At the 1193rd meeting on 19 March 1965, the representative of Turkey * stated that should there be a conflict between the Cyprus treaties and Article 103 of the Charter, as had been maintained by the representative of Cyprus, the proper resort for testing the validity of any treaty was not the Security Council but the many judicial organs and instances available to the Members of the United Nations.

At the 1234th meeting on 3 August 1965, the representative of Turkey * further observed that the treaties with regard to Cyprus had been registered with the United Nations under Article 102 of the Charter, and no one at the time of such registration, certainly not the Republic of Cyprus, had ever thought of raising the question of a conflict under Article 103 of the Charter.

At the 1235th meeting on 5 August 1965, the representative of Cyprus * maintained that since the United Nations had established that any use of armed force in international relations, otherwise than as provided for in the Charter, was illegal and that no departure from that principle would be permitted by treaty or otherwise, the use of armed force was not any less unjustifiable if it was allegedly for the purpose of maintaining any given constitutional system. Among other reasons, because of the fact that the prohibition of the use of force was absolute under the Charter, as far as Cyprus was concerned the Treaty of Guarantee did not exist.

At the 1236th meeting on 10 August 1965, the Council adopted²⁵⁴ a joint draft resolution submitted by the representatives of Bolivia, Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay under which *inter alia* the Council reaffirmed the resolution of 4 March 1964 (S/RES.186 (1964)).²⁵⁵

²⁵⁴ 1236th meeting, paras. 5-8.

²⁵⁵ See chapter VIII, p. 125.

Part VIII

** CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER