

those who, contrary to international agreements and the Charters of the Organization of American States and the United Nations, used the territories of certain countries, principally the United States and some islands of the Caribbean, for their criminal actions; the necessary measures by the Council to prevent repetition of acts infringing upon the fundamental rights of the Republic of Haiti, its Government and its people, and impeding the development and progress of Haiti in the community of nations; and that the guilty parties be compelled to pay the Government of Haiti and its people equitable reparations for the loss of life and destruction of property.<sup>627</sup>

The representative of the United States stated that his Government was always ready to investigate all information indicating activities on its soil allegedly directed against the Government of Haiti and which might involve a violation of United States law. It had taken action in every case to punish any violation found. However, his Government could only proceed on the basis of established facts. Haiti's Government had been immediately requested to supply the maximum information available concerning the events of 20 May, but that request had remained unanswered. From information received and from statements made by the Government of Haiti, it was the United States Government's understanding that the situation was fully under control. In the circumstances, the most appropriate course would be for Haiti to pursue the matter with any Government it deemed necessary. The United States remained prepared to co-operate, as in the past, with the Government of Haiti in such an effort, and to take whatever action may be appropriate in the light of the facts that might be ascertained.<sup>628</sup>

The President (United Kingdom) drew the Council's attention to two communications received through the Secretary-General from the permanent representatives of Jamaica<sup>629</sup> and the Dominican Republic,<sup>630</sup> respectively. The letter of the representative of Jamaica stated that his country was not associated in any respect with aircraft that attacked the Republic of Haiti, while the letter from the representative of the Dominican Republic stated that his Government maintained a position of complete neutrality and non-intervention in the matter. The President, in his capacity as representative of the United Kingdom, also made a statement to the effect that after careful investigations, the Governor of the Bahamas had reported that there was no positive evidence of any flights to Haiti from the islands' territories such as had been alleged.<sup>631</sup>

At the end of the 1427th meeting, the President (United Kingdom) adjourned the meeting after stating that he would, after consultation with members of the Council, announce the time of the next meeting on the question in due course.<sup>632</sup>

The question remained on the list of matters of which the Security Council is seized.<sup>633</sup>

#### QUESTION OF SAFEGUARDS TO NON-NUCLEAR-WEAPON STATES PARTIES TO THE NON-PROLIFERATION TREATY

##### INITIAL PROCEEDINGS

By letter<sup>634</sup> dated 12 June 1968 addressed to the President of the Security Council, the representatives of the USSR, the United Kingdom and the United States requested an early meeting of the Council to consider a draft resolution jointly submitted by them in response "to the desire of many Members that appropriate measures be taken to safeguard their security in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons". In the letter, reference was also made to General Assembly resolution 2373 (XXII), adopted on the same date, commending the Treaty on the Non-Proliferation of Nuclear Weapons and expressing the hope for the widest possible adherence to the Treaty by both nuclear-weapon and non-nuclear-weapon States.

At the 1430th meeting on 17 June 1968, the Council included the item in its agenda,<sup>635</sup> and considered it at the 1430th, 1431st and 1433rd meetings, held between 17 and 19 June 1968.

**Decision of 19 June 1968 (1433rd meeting):**

- (i) Recognizing *that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon States permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;*
- (ii) Welcoming *the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;*
- (iii) Reaffirming *in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.*

At the 1430th meeting on 17 June 1968, the representatives of the USSR,<sup>636</sup> the United Kingdom,<sup>637</sup> and the United States<sup>638</sup> made statements in the course of which they referred to a draft resolution<sup>639</sup> jointly submitted on the question, and made identical declarations to the

<sup>627</sup> 1427th meeting (PV), pp. 2-31.

<sup>628</sup> 1427th meeting (PV), p. 32.

<sup>629</sup> 1427th meeting (PV), p. 36.

<sup>630</sup> 1427th meeting (PV), pp. 36-37.

<sup>631</sup> 1427th meeting (PV), pp. 37-38.

<sup>632</sup> 1427th meeting (PV), p. 38.

<sup>633</sup> For retention of the item on the Secretary-General's summary statement on matters of which the Security Council is seized, see chapter II, p. 53, No. 155.

<sup>634</sup> S/8630, *O.R.*, 23rd yr., *Suppl. for April-June 1968*, pp. 216-218.

<sup>635</sup> 1430th meeting (PV), p. 6.

<sup>636</sup> 1430th meeting (PV), pp. 11-15.

<sup>637</sup> 1430th meeting (PV), pp. 17-20.

<sup>638</sup> 1430th meeting (PV), pp. 22-25.

<sup>639</sup> S/8631, same text as resolution 255 (1968).

effect that they, as permanent members of the Security Council, affirm their intention that in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear weapon State, party to the Non-Proliferation Treaty, they would seek immediate action through the Council to provide assistance, in accordance with the United Nations Charter, to such a State. The declarations also included a reaffirmation of the inherent right, recognized in Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurred against a Member of the United Nations, until the Security Council had taken measures necessary to maintain international peace and security.

At the end of the discussion,<sup>640</sup> at the 1433rd meeting, the three-Power draft resolution was adopted by 10 votes to none with 5 abstentions.<sup>641</sup>

The resolution<sup>642</sup> read as follows:

*"The Security Council,*

*"Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,*

*"Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,*

*"Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,*

*"1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;*

*"2. Welcomes the intention expressed by certain States that they will provide or support immediate assistance in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;*

*"3. Reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council, has taken measures necessary to maintain international peace and security."*

<sup>640</sup> For the consideration of the provisions of Chapter VII in general, see chapter XI, Case 12; for the discussion of the provisions of Article 51, see *ibid.*, Case 11.

<sup>641</sup> 1433rd meeting (PV), p. 46.

<sup>642</sup> Resolution 255 (1968).

The question remained on the list of matters of which the Security Council is seized.<sup>643</sup>

## SITUATION IN CZECHOSLOVAKIA

### INITIAL PROCEEDINGS

By letter<sup>644</sup> dated 21 August 1968, the permanent representatives of Canada, Denmark, France, Paraguay, the United Kingdom and the United States requested the President of the Security Council to convene an urgent meeting of the Council to consider "the present serious situation in the Czechoslovak Socialist Republic".

At the 1441st meeting on 21 August 1968, before the adoption of the agenda, the representative of the USSR, speaking on a point of order, read the text of a letter<sup>645</sup> which he had addressed to the President of the Security Council opposing the consideration of the question by the Security Council.<sup>646</sup>

At the same meeting, the Council decided by 13 votes in favour and 2 against to include the question in its agenda.<sup>647</sup>

At the same meeting, the representative of Czechoslovakia was invited to take part in the discussion.<sup>648</sup> At subsequent meetings, the Council also invited the representatives of Bulgaria,<sup>649</sup> Poland<sup>650</sup> and Yugoslavia<sup>651</sup> to participate in the debate. At the 1445th meeting, a proposal by the representative of the USSR that the representative of the German Democratic Republic be invited to participate in the debate was put to the vote and rejected.<sup>652</sup>

**Decision of 22 August 1968 (1443rd meeting):**

*Rejection of the draft resolution submitted by Brazil, Canada, Denmark, France, Paraguay, Senegal, the United Kingdom and the United States*

At the 1441st meeting, the representative of Czechoslovakia\* quoted several messages from the Minister of Foreign Affairs of Czechoslovakia containing statements by various Czechoslovak Government and Communist Party organs, to the effect that on 20 August, troops of the USSR, Poland, Hungary, Bulgaria and the German Democratic Republic had crossed the borders of Czechoslovakia in contravention not only of principles of relations among socialist States and the Warsaw Treaty but also of the fundamental norms of international law. Accordingly, his Government had protested to the five aforementioned Governments and requested, among other things, that the armies of those Warsaw Treaty

<sup>643</sup> For retention of the item on the Secretary-General's summary statement on matters of which the Security Council is seized, see chapter II, p. 54, No. 156.

<sup>644</sup> S/8758, OR, 23rd yr., Suppl. for July-Sept. 1968, p. 136.

<sup>645</sup> S/8759, OR, 23rd yr., Suppl. for July-Sept. 1968, p. 136.

<sup>646</sup> For the discussion on the inclusion of the item on the agenda, see chapter II, Cases 2a, 3.

<sup>647</sup> 1441st meeting (PV), pp. 58-60. For the question of circulation of communication in connexion with this question, see chapter II, Case 2.

<sup>648</sup> 1441st meeting (PV), p. 66.

<sup>649</sup> 1442nd meeting (PV), pp. 48-50.

<sup>650</sup> 1443rd meeting (PV), pp. 2-5.

<sup>651</sup> 1444th meeting (PV), pp. 18-20.

<sup>652</sup> 1445th meeting (PV), p. 92. For discussion of the question of invitation, see chapter III, Case 5.