

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.

countries be withdrawn from the territory of Czechoslovakia, and that the members of the Government who were detained be set free.<sup>653</sup>

The representative of the United States noted that the statements of the representative of Czechoslovakia had demonstrated the need for the Security Council to take appropriate action to restore peace and to redress the violations of the United Nations Charter which had occurred. He also stated that the Council, which, under the Charter, was the body primarily responsible for the maintenance of international peace and security, should take immediate action in the interests of world peace, and call upon the USSR and its Warsaw Pact allies to remove their troops from Czechoslovak soil and to cease interfering in that country in a manner contrary to the principles of international law relating to sovereignty and self-determination of States.<sup>654</sup>

The representative of the USSR contended that the question of Czechoslovakia was an internal affair of that country and "the common cause and affair of its partners in the socialist community under the Warsaw Treaty". He further held that there was a dangerous conspiracy of the forces of internal and external reaction to restore the order in that country which had been brought down by the socialist revolution. In view of this direct threat, a group of members of the Central Committee of the Czechoslovak Communist Party, of the Government and of the National Assembly, had addressed an appeal to allied States, members of the Warsaw Treaty, for immediate assistance through armed force. After reading the text of the appeal, the representative of the USSR maintained that the decision of the Czechoslovak side and the actions of the Warsaw Pact nations were in full conformity with the right of States to individual and collective self-defence provided for in treaties of alliance concluded between the socialist countries, and also with the provisions of the United Nations Charter. He further noted that the Soviet Government had officially stated that Soviet troops would immediately be withdrawn from Czechoslovakia as soon as the existing threat to the achievements of socialism in that country, and to the security of the countries of the Socialist community, would be "dispelled", and as soon as the legitimate authorities would decide that the further presence of those armed forces in Czechoslovakia was not required. He asserted that those military measures were not directed against any State or against the independence and sovereignty of Czechoslovakia, or any other country. They served only the cause of peace and were directed towards the strengthening of peace. Therefore, in accordance with Article 2, paragraph 7, the Security Council should not interfere in the internal affairs of Czechoslovakia. Moreover, the representatives of Czechoslovakia had not appealed to the Council for such intervention.<sup>655</sup>

The representative of the United States disputed the contention of the USSR representative that the invasion of Czechoslovakia was an internal matter for Czechoslovakia, since there had not been any request or permission from the Government of Czechoslovakia for such interference. He added that the Soviet representative had not been able to document the fact that there was

any such request. The statement which he had read before the Council was from a nameless group, and he had not been able to disclose the signers of that statement who were certainly not the members of the Czechoslovak Government.<sup>656</sup>

At the 1442nd meeting on 22 August 1968, the representative of Denmark introduced a draft resolution<sup>657</sup> which was jointly sponsored by Brazil, Canada, France, Paraguay, the United Kingdom and the United States. Senegal was later added<sup>658</sup> to the list of co-sponsors of the draft resolution according to which the Security Council would: (1) affirm that the sovereignty, political independence and territorial integrity of the Czechoslovak Socialist Republic must be fully respected; (2) condemn the armed intervention of the USSR and other members of the Warsaw Pact in the internal affairs of Czechoslovakia, and call upon them to take no action of violence or reprisal that could result in further suffering or loss of life, forthwith to withdraw their forces, and to cease all other forms of intervention in Czechoslovakia's internal affairs; (3) call upon Member States of the United Nations to exercise their diplomatic influence upon the USSR and the other countries concerned with a view to bringing about prompt implementation of this resolution; and (4) request the Secretary-General to transmit this resolution to the countries concerned, to keep the situation under constant review, and to report to the Council on compliance with this resolution.

At the 1443rd meeting on 22/23 August 1968, the eight-Power draft resolution was voted upon and failed of adoption. The vote was 10 in favour, 2 against and 3 abstentions (one of the negative votes being that of a permanent member of the Council).<sup>659</sup>

At the same meeting, the representative of Canada submitted a draft resolution<sup>660</sup> which was jointly sponsored with Brazil, Denmark, France, Paraguay, Senegal, United Kingdom and the United States. Under the terms of the draft resolution, the Security Council would request the Secretary-General of the United Nations to appoint and despatch immediately to Prague a Special Representative who would seek the release and ensure the personal safety of the Czechoslovak leaders under detention and who would report back to the Council urgently.

At the 1444th meeting on 23 August 1968, the representative of the USSR objected to the draft resolution on the ground that it was a direct intervention in the internal affairs of a Member State of the United Nations.<sup>661</sup>

The joint draft resolution was further discussed but was not put to the vote.<sup>662</sup>

At the 1445th meeting on 24 August 1968, the representative of Czechoslovakia stated that "the act of use of force" by the Governments whose armed units had occupied his country could not be justified on any

<sup>653</sup> 1441st meeting (PV), pp. 66-67.

<sup>654</sup> 1441st meeting (PV), pp. 77-87.

<sup>655</sup> 1441st meeting (PV), pp. 101-135.

<sup>656</sup> 1441st meeting (PV), p. 136.

<sup>657</sup> S/8761, 1442nd meeting (PV), p. 17.

<sup>658</sup> S/8761/Add.1, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, p. XIV.

<sup>659</sup> 1443rd meeting (PV), pp. 163-165.

<sup>660</sup> S/8767, 1443rd meeting (PV), p. 168.

<sup>661</sup> 1444th meeting (PV), pp. 7-10.

<sup>662</sup> For discussion of the proposal, see chapter V, Case 3.

grounds. No request had been made by the Czechoslovak Government for the military occupation; neither could it be justified on the grounds of concern for Czechoslovak security or alleged danger of counter-revolution. He added that too much harm had been done already and it was an urgent responsibility to prevent further harm being done. He expressed the hope that the current negotiations undertaken by the Czechoslovak President and his delegation in Moscow might contribute to that end. In the meantime, notwithstanding the non-fulfilment by the five socialist countries concerned of their obligations towards Czechoslovakia, his country continued to abide by the principles, aims and objectives of its socialist foreign policy, including co-operation with socialist countries, peaceful coexistence, and support for the progressive efforts of people throughout the world against colonialism, imperialism and any aggression. That policy gave Czechoslovakia every right to oppose "such disrespect for international obligations where we ourselves are involved". On the basis of these principles, the Czechoslovak Government had demanded that the foreign troops leave its territory without delay and that its sovereignty be fully restored. It was the view of his Government that the functions of its constitutional and political organs must be fully respected and that all acts of occupation organs were illegal. The position he had set forth, he

added, could constitute a basis for a future solution. The reaching of that solution, his Government was fully aware, lay squarely with the Governments of the five socialist countries concerned, in negotiation with the constitutional authorities of Czechoslovakia. However, the Council, having discussed the problem, could contribute to its solution by creating the favourable atmosphere for reaching it and for creating a basis for a solution such as he had outlined.

At the conclusion of the 1445th meeting on 24 August 1968, the President (Brazil) after saying that a substantial number of delegations had indicated their desire that the Council should reconvene urgently to resume the consideration of the item, of which the Council remained seized, stated<sup>663</sup> that, unless otherwise decided after informal consultations, the Council would meet on 26 August 1968. There being no objection, the meeting was adjourned.

The question remained on the list of matters of which the Security Council is seized.<sup>664</sup>

<sup>663</sup> 1445th meeting (PV), p. 123.

<sup>664</sup> S/8933, 16 December 1968, item 78. For a subsequent request by the Acting Permanent Representative of Czechoslovakia that the item be withdrawn from the Council's agenda, see chapter II, foot-note 41.