

Noting with deep concern the existence and use of coercive measures which affect the free exercise of permanent sovereignty over the natural resources of Latin American countries,

Recognizing that the use or encouragement of the use of coercive measures may create situations likely to endanger peace and security in Latin America,

1. *Urges* States to adopt appropriate measures to impede the activities of those enterprises which deliberately attempt to coerce Latin American countries;

2. *Requests* States, with a view to maintaining and strengthening peace and security in Latin America, to refrain from using or encouraging the use of any type of coercive measures against States of the region.

At the same meeting, the President (Panama) said that he wished to make a statement "with a view to summing up the main points of the discussions which the Security Council has held here."⁸²²

At the same meeting, the representative of Guinea, speaking on behalf of the members of the Council,⁸²³ said that as a result of consultations held among themselves they had agreed on a statement of consensus,⁸²⁴ which read as follows:

On 2 February 1973, the Security Council adopted resolution 325 (1973) in which it decided to hold meetings in Panama City from 15 to 21 March 1973 devoted to the consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter.

In accordance with that resolution, the Security Council held its 1695th to 1704th meetings in Panama City. During the course of these meetings, the members of the Security Council have listened with great interest to addresses by His Excellency General Omar Torrijos, Head of the Government of Panama, by representatives of Member States of the United Nations invited to participate in the Council's discussions pursuant to Article 31 of the Charter, and by several spokesmen for other United Nations bodies or inter-governmental organizations to whom invitations were extended in accordance with rule 39 of the provisional rules of procedure.

Before concluding their meetings in Panama City, the members of the Security Council wish to convey to His Excellency the President of the Republic of Panama and to the Head and other members of the Government of Panama their deep gratitude for the invitation issued to the Security Council and for the generous hospitality and unflinching courtesy and helpfulness extended to them at all times during their visit to Panama. They further wish to assure the Government and the people of Panama and in particular the authorities and population of Panama City, that the delegations of the members of the Council who came from New York and all those who accompanied them carry away with them an abiding memory of the warm welcome extended to them.

In addition, the members of the Security Council express to the Secretary-General of the United Nations their sincere appreciation for the outstanding contribution made by him and his staff to ensure a smooth and efficient functioning of the services required for the meetings of the Council.

COMPLAINT BY CUBA

By letter⁸²⁵ dated 13 September 1973, addressed to the President of the Council, the representative of Cuba

⁸²² 1704th meeting, para. 147. For the text of the President's statement see *ibid.*, paras. 147-164. For the application of the Provisional Rules of Procedure of the Security Council concerning the exercise of the Presidency of the Council, see in chapter I, part III.

⁸²³ *Ibid.*, paras 190-191.

⁸²⁴ *OR*, 28th yr., *Resolutions and Decisions of the Security Council 1973*, p. 4.

⁸²⁵ S/10995, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, pp. 31-32.

requested an urgent meeting of the Security Council to consider the serious acts committed by the Armed Forces of Chile, which violated the obligations placed upon every Member State under Article 2, paragraphs 2 and 4 of the Charter. The situation created by these acts constituted a serious threat to international peace and security within the meaning of Articles 34, 35 and 39 of the Charter. In submitting this request, the representative of Cuba referred to his previous letter⁸²⁶ dated 12 September 1973, whereby he had transmitted a note from the Acting Foreign Minister of Cuba informing the President of the Council of what had occurred in Chile on 11 and 12 September.

At the 1741st meeting on 17 September 1973, the Council included the item in its agenda. Following the adoption of the agenda, the representatives of Cuba, Chile, Democratic Yemen,⁸²⁷ and at the 1742nd meeting thereof, Senegal, Madagascar⁸²⁸ and Algeria⁸²⁹ were invited, at their request, to participate in the discussion without the right to vote. The Council considered this item at its 1741st and 1742nd meetings on 17 and 18 September 1973.

At the 1741st meeting, the representative of Cuba*, referring to his two letters to the President of the Council, stated that on 11 September, during the military coup against the constitutional government of President Allende, several hundred members of the Chilean armed forces had surrounded the Cuban Embassy in Santiago and opened fire on it, wounding several members of the Embassy staff including the Ambassador. The siege, the armed attack against the Embassy and the attempted assassination of the Cuban Ambassador were gross violations of the Vienna Convention on Diplomatic Relations, specifically of its articles 22, 29, 30, 44 and 45 (a). He further charged that the Cuban merchant vessel *Playa Larga* had been attacked by Chilean aircraft and naval vessels while sailing in international waters off Chile. He also mentioned other incidents including the arbitrary arrest of two Cuban doctors participating in a programme organized by the World Health Organization and the Pan American Health Organization. He denounced these incidents and expressed his Government's concern over the fate of a number of Cuban citizens who were in Chile to fulfil bilateral agreements between the Governments of Chile and Cuba or to participate in activities planned by organizations within the United Nations system. In concluding his remarks he condemned the military regime that emerged from the coup of 11 September as a threat to all civilized peoples and attributed its rise to power to the interfering policies of North American imperialism, to the activities of powerful foreign monopolistic corporations, and to the involvement of the Chilean right.⁸³⁰

The representative of Chile* stated that the events about which Cuba had complained in its letter of 12 September had never threatened international peace and security. The first letter of 11 September had not invoked any Articles of the Charter defining matters that fell within the purview of the Council nor did it contain a request for a Council

⁸²⁶ S/10993, *ibid.*, pp. 30-31.

⁸²⁷ 1741st meeting. President's opening statement.

⁸²⁸ 1742nd meeting. President's opening statement.

⁸²⁹ *Ibid.* following the intervention by Australia.

⁸³⁰ 1741st meeting, Cuba, first intervention.

meeting. Only after the problems had been resolved, did the Cuban Government invoke the provisions of the Charter and ask the President of the Council to convene an urgent meeting. Referring to the *Playa Larga*, the representative of Chile said that the ship had disobeyed the repeated orders of the maritime authorities not to sail and had left without the pilot or the papers called for by Chilean navigation laws. In accordance with article 23 of the Vienna Convention of the High Seas, Chile had invoked the right of hot pursuit against a ship that had been in a Chilean port and subject to Chilean jurisdiction. The harassment of the ship had ended on 12 September, at midday, and the whole question fell within the domestic jurisdiction of Chile.

With regard to the charges concerning the incident at the Cuban Embassy, the Chilean representative stated that a military patrol had been sent to protect the Embassy from popular indignation about the systematic interference by Cuban diplomats in the domestic affairs of Chile. The military patrol had been received with offensive remarks against the Chilean army and the situation in Chile. Staff members of the Embassy had repeatedly fired at the soldiers who returned the fire in self-defence. As the first shots came from the Embassy, it was Cuba that had violated the Charter. On 12 September, late in the day, the Cuban Ambassador and his staff had, by agreement, left Chile; there was no ground for action by the Council.⁸³¹

The representative of the Soviet Union rejected the attempts to justify the attacks on the Embassy and on the ship as entirely unconvincing and compared these attacks to terrorist actions, which constituted inadmissible violations of international law as contained in the 1961 Vienna Convention on Diplomatic Relations. Cuba was acting in strict compliance with the United Nations Charter in calling upon the Council to consider the situation and to take appropriate action. He called for the condemnation of the hostile actions of the Chilean forces against the Embassy and its staff and urged the Council to adopt appropriate decisions of principle to prevent similar unlawful actions in international relations in the future.⁸³²

The representative of Panama condemned the attacks on the Cuban Embassy and on the ship as violations of the norms of international law, but as an advocate of the non-intervention in the internal affairs of other States refrained from commenting on developments in Chile.⁸³³

The representative of Democratic Yemen* recalled the warning which President Allende had issued in his address to the General Assembly in 1972, that the International Telephone and Telegraph Company attempted to bring about civil war in Chile. This warning had come true. As a result, the fate of 10,000 political refugees who had come to live in exile in Chile, was at stake, for the military junta was reported to consider their forcible deportation to their own countries. He concluded that the Council was duty-bound to intervene on their behalf and see to it that their human rights were upheld in accordance with international law and morality.⁸³⁴

At the 1742nd meeting on 18 September 1973, the representative of the United States declared that the United States regretted departures from constitutional processes wherever they occurred and opposed any violent action against diplomatic establishment and merchant shipping in international waters. His delegation agreed with several other Council members that the actions charged by Cuba had resulted from the violent internal upheavals within the territory of a Member State. Therefore, any redress would be more appropriately sought through bilateral channels. He also said that there were other ways, short of a Council meeting, to gain the attention of the international community, such as circulating letters. If other Member States sought to convene the Council on every occasion when injuries were inflicted or when diplomatic and overseas missions were damaged, the Council would be in almost continuous session. Exercising his right of reply, he rejected the accusations made by the representative of Cuba against the United States.⁸³⁵

The representative of India said that the events in Chile were essentially an internal matter and that there was no evidence of an immediate threat to international peace and security. In view of the nature of the complaint and the paucity of facts, his delegation suggested that the Council adjourn until it had had time to sift the facts and consider their legal implications.⁸³⁶

The representative of Guinea stated that the attack on the Cuban Embassy and on the ship, together with the arrest and detention of innocent persons, constituted grave violations of the principles of the Charter and of international law. She called upon the Council to condemn the military junta for these attacks and for acts of provocation likely to trouble international peace and security.⁸³⁷

The representative of Algeria* said that the facts on which the Cuban complaint was based were sufficiently clear and grave to impel the Council to take the necessary measures against the military authorities of Chile as a matter of urgency. Although his Government as a principle avoided any interference in the domestic affairs of other countries and denounced all acts of foreign interference, the dangerous situation behind the brutal activities of the new military regime should retain the attention of the Council. It would be a mistake to divorce the acts denounced by Cuba from the whole context of the situation in Chile or to assess them without taking full account of their inherent danger to peace and harmony in that part of the world.⁸³⁸

The President, speaking as the representative of Yugoslavia, stated that any Member State had the right to call for a meeting of the Council and that the facts presented by Cuba constituted a serious threat to international peace and security within the meaning of Articles 34, 35 and 39 of the Charter and fully warranted the meeting of the Council. The new authorities in Chile were attacking relations with other countries on political and ideological grounds and subjected large numbers of foreign nationals to arrest, terror and violence. The broader implication of the situ-

⁸³¹ 1741st meeting, intervention by Chile.

⁸³² *Ibid.*, intervention by the USSR.

⁸³³ *Ibid.*, intervention by Panama.

⁸³⁴ *Ibid.*, intervention by Democratic Yemen.

⁸³⁵ 1742nd meeting, intervention by the United States.

⁸³⁶ *Ibid.*, intervention by India.

⁸³⁷ *Ibid.*, intervention by Guinea.

⁸³⁸ *Ibid.*, intervention by Algeria.

ation was that the dispute had its roots predominantly in foreign interference against the Government of Chile during the past three years or more. It had been precisely in the larger context of peace and security in Latin America that the Council, meeting in Panama, had adopted resolution 330 (1973).⁸³⁹

The representative of Madagascar* said that the incidents about which Cuba complained represented very serious breaches of the standards of conduct imposed by international law. The Council should not merely confine itself to noting a situation that threatened international peace and security, for its duty was to prevent any development which might jeopardize peace and normal friendly relations between nations.⁸⁴⁰

A number of representatives stated that they followed the recent events in Chile with concern, but that they rigorously adhered to the principle of non-intervention in domestic affairs. They noted the contradictory statements by the representatives of Cuba and Chile and added that they could not pass judgement as long as the facts were not clearly established.⁸⁴¹

At the end of the 1742nd meeting, the President stated that it would be premature to fix a time for another meeting on the issue since he had no indication when members of the Council might wish to speak or present proposals on the item.⁸⁴²

COMPLAINT BY IRAQ

INITIAL PROCEEDINGS

By a letter⁸⁴³ dated 12 February 1974, the representative of Iraq requested the President of the Security Council to convene an urgent meeting of the Council to consider the "continuing acts of aggression launched by Iranian armed forces against the territorial integrity of Iraq."

At the 1762nd meeting on 15 February 1974, the Council included⁸⁴⁴ the question in its agenda. The representatives of Iran, Democratic Yemen,⁸⁴⁵ the Libyan Arab Republic and the United Arab Emirates⁸⁴⁶ were invited to participate in the discussion. The Council considered the question at its 1762nd to 1764th and 1770th meetings, held between 15 February and 28 May 1974.

Decision of 28 February 1974 (1764th meeting):

Statement by the President of the Council

During the discussion the representative of Iraq charged that Iran, on several occasions, had committed acts of

aggression against his country. After describing the attacks and violations of Iraqi territory that had taken place on the borders of the two countries on 10 and 24 December 1973 and on 4 and 10 February 1974 leaving a death toll of 44 known,⁸⁴⁷ he stated that Iran's aggressive policy towards his country stemmed from Iran's refusal to abide by its obligations under the mutually binding Iraqi-Iranian Boundary Treaty of 1937. Iran's violations of its treaty obligations had culminated in its declaration, made in April 1969, to the effect that it was unilaterally abrogating it. In that connexion, he recalled that in a letter dated 11 July 1969, his Government had given a detailed account to the Council of the Iranian illegal action and of the historical background of the Shat Al-Arab dispute.⁸⁴⁸ Moreover, his Government had drawn also the attention of the Secretary-General to the seriousness of the situation on the Iraqi-Iranian border and had expressed its readiness to accept a special mission of the Secretary-General to investigate that situation. It had also offered to submit the alleged Iranian complaints regarding the implementation of the 1937 Boundary Treaty to the International Court of Justice. Iran, in both cases had turned down Iraq's offer. The problem had proved itself to be insoluble so far, due to Iran's refusal to renounce its territorial claims against Iraq. The Security Council was duty-bound to expend its efforts to see that justice was done and peace and stability restored to the region. His Government wanted to preserve Iraqi-Iranian relations, on the basis of justice and respect for Iraqi sovereignty and would welcome direct negotiations in connexion with the Iraqi-Iranian border disputes, only after Iran had declared before the Council, its willingness to abide by the 1937 Boundary Treaty.⁸⁴⁹

The representative of Iran* denied Iraq's allegations of Iranian aggression and stated that on the contrary, it was his country who was the victim of Iraq's acts of aggression. In a letter addressed to the Embassy of Iraq in Teheran, and circulated as a Security Council document,⁸⁵⁰ the Government of Iran had described those acts of aggression and had drawn the attention of the Iraqi Government to the very dangerous consequences of such violations. He added that Iraq had also conducted mass deportations of Iranian nationals and made efforts to incite the people in Iran to revolt.

The representative of Iran then said that his country did not consider the 1937 Boundary Treaty to be valid and had repeatedly offered to enter immediately into negotiations with the Government of Iraq on the basis of the accepted principles of international law and justice and taking into account the interests of the two parties, with a view to the complete normalization of the situation. However, the delegation of Iraq had refused to have recourse to these normal means. After stating further that there did not exist any treaty delimiting the land frontier between Iran and Iraq, he stated that his Government would not be opposed if the Council sent a representative on a fact-finding mission

⁸³⁹ 1742rd meeting, intervention by President as representative of Yugoslavia.

⁸⁴⁰ *Ibid.*, intervention by Madagascar.

⁸⁴¹ 1741st meeting: Peru; 1742nd meeting: Indonesia, Australia, Kenya, Austria.

⁸⁴² 1742nd meeting, President's closing statement.

⁸⁴³ S/11216, *OR*, 29th yr., *Suppl. for Jan.-March 1974*, p. 96.

⁸⁴⁴ 1762nd meeting, President's opening statement.

⁸⁴⁵ *Ibid.*

⁸⁴⁶ 1763rd meeting, President's opening statement.

⁸⁴⁷ Those actions were described by Iraq in document S/11216, *OR*, 29th yr., *Suppl. for Jan.-March 1974*, p. 96.

⁸⁴⁸ S/9323, *OR*, 24th yr., *Suppl. for July-Sept. 1969*, pp. 108-123.

⁸⁴⁹ 1762nd and 1763rd meetings: several interventions by Iraq.

⁸⁵⁰ S/10627, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 41-42.