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## CONTENTS

### Agenda item 107:

*The inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty (continued)*

*General debate (continued) . . . . . 255*

*Chairman: Mr. Károly CSATORDAY (Hungary).*

## AGENDA ITEM 107

The inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty (*continued*) (A/5977; A/C.1/L.343/Rev.1, L.349-L.351)

### GENERAL DEBATE (*continued*)

1. Mr. ALARCON QUESADA (Cuba) said that his delegation attached particular importance to the item now before the Committee, for it believed that international tension and threats to international peace and security were due largely to the policy of exploitation and aggression pursued by the imperialists, particularly the United States. As his country's Prime Minister had pointed out in a statement at the General Assembly's fifteenth session, from man's earliest days wars had broken out for one fundamental reason: the desire of some to rob others of their wealth.<sup>1/</sup> That was a subject on which Cuba, which had been plundered by the colonialists and imperialists for centuries, was particularly well qualified to speak.

2. The draft resolution submitted by the Soviet Union (A/C.1/L.343/Rev.1) quite rightly referred to the seriousness of the international situation and the increased threat to world peace resulting from the armed intervention and acts of outright aggression committed by certain States against the freedom and independence of sovereign States. In various parts of the world, people were living and dying in what could only be described as a state of war. The situation was particularly serious in South-East Asia, where the United States Government—in violation of all the relevant international agreements, particularly the Geneva Agreements of 1954—was conducting an undeclared war against the people of Viet-Nam. At first the main objective of the United States Government had been to support the puppet Government of South Viet-Nam which—likewise in violation of the Geneva Agreements—had prevented the peaceful unification of the country on the basis of general elections held without

foreign intervention. From 1954 to 1959, the Viet-Nameese people had carried out a campaign of passive resistance to the reactionary clique imposed on them by the United States; but in December 1960, when United States interference in the domestic affairs of Viet-Nam had increased and the crimes committed by the puppet régime had multiplied intolerably, the National Liberation Front had been established to organize the defence of the Viet-Nameese people had carried out a campaign of field. The United States, in its turn, had provided the puppet régime with military assistance, military advisers and funds; and there had subsequently developed what the Pentagon strategists had cynically described as a special form of war. But that cynical and shameless war of neo-colonialist aggression differed from other such wars in one respect only—namely, that the United States Government had refused to make a formal declaration of war and described its activities in Viet-Nam as co-operation and assistance to a friendly Government. The reason why it tried to conceal the true nature of its policy in South-East Asia was its knowledge that a frank statement of its intentions would arouse hate and universal condemnation and that its warlike designs would meet increasing resistance even from the United States people itself.

3. In the event, all the United States military operations against the people of South Viet-Nam—such as the Taylor plan to "pacify" the country in eighteen months, the mopping-up operations against the guerrillas, the system of fortifications along the border with Laos and Cambodia, the helicopter attacks on guerrillas and farmers, and so forth—had been completely frustrated by the heroic resistance of the Viet-Nameese patriots. The morale and discipline of the South Viet-Nameese troops under the alleged command of the Saigon régime, troops which had been organized, trained and financed by the United States, had declined to such an extent that the United States had been compelled to unleash an undisguised war of aggression against Viet-Nameese territory with 200,000 of its own troops; and the size of the United States army in Viet-Nam was soon to be increased to 400,000.

4. While the forces opposing the South Viet-Nameese people's struggle for freedom were demoralized, the guerrillas of the National Liberation Front were confident that they were fighting for their country's salvation, that justice was on their side and that the United States invasion was doomed to failure. Nevertheless, the aggression against Viet-Nam provoked the righteous indignation and alarm of all peace-loving peoples. In the first place, it was intolerable that a small people which was trying to exercise its

<sup>1/</sup> See Official Records of the General Assembly, Fifteenth Session, Plenary Meetings, 872nd meeting, para. 188.

legitimate right to independence, sovereignty and peace should be subjected to criminal acts by the most aggressive imperialist Power in history. Secondly, as the war continued the United States was intensifying its bombing of cities, towns, communications and transport in the Democratic Republic of Viet-Nam, thereby indiscriminately killing children, women and old people; it was using weapons condemned by international and moral law, such as napalm bombs, toxic gases and poisonous chemical substances; and it was carrying out increasingly dangerous attacks on the Kingdom of Cambodia and against the neutralist forces in Laos.

5. In such circumstances, it was not enough for the United Nations and its Members to desire peace and to issue declarations calling for respect for the rule of law. All independent States and peace-loving peoples should combine their efforts to put an end to that kind of aggression once and for all. His own country's Prime Minister had promised both men and weapons to assist the Viet-Nameese people in their struggle.

6. In Africa, too, United States monopolies were trying to take over the financial interests of the former colonial Powers. In the first year of its independence, the Congo had been dismembered and its wealth had been plundered by foreign monopolies. The liberation movement had been repressed by white mercenaries; and imperialist forces, acting on the pretext of humanitarianism, had carried out a brutal attack on Stanleyville. At the present moment neo-colonialist forces aided by United States imperialists were launching on offensive in Southern Rhodesia against the independence and security of all the sovereign States of Africa. The South African and Southern Rhodesian racists, like the Portuguese colonialists, were being supported, encouraged and assisted by the United States. In short, the United States was now attacking the African peoples with the same greed and the same contempt for the rules of international law as it had attacked the people of Latin America a century ago.

7. The reason why Latin American countries were particularly attached to the principle of non-intervention was that they had been constantly subjected to threats from the United States since the middle of the nineteenth century. During their struggle for independence, the United States Government had professed neutrality in the conflict between Spain and its colonies, but at the same time it had supplied arms to the Spanish colonial forces. Ever since the Latin American countries had gained their independence, United States imperialists had been hoping to occupy the vacuum left by the European Powers, and to establish a new neo-colonialist empire under the slogan of "Pan-Americanism"—a doctrine which had been decisively condemned by the Cuban people in the first Havana Declaration of 2 September 1960.

8. The hypocrisy of the United States Government's claim that it supported the principle of non-intervention was clearly demonstrated by an article in Bulletin No. 578 published by the United States Department of State itself on 31 July 1950, and later reproduced as a United Nations document <sup>2/</sup> at the request of the

USSR delegation. That article enumerated eighty-five landings of United States forces in foreign territories in Latin America, Asia and Africa between 1812 and 1932. But even that list was incomplete, for it omitted any reference to United States intervention in the separatist war of Texas from 1835 to 1836 or to the final annexation of that Mexican territory in 1845; it did not mention the United States aggression against Mexico from 1846 to 1848, United States intervention in Nicaragua in 1857, in the Cuban war of independence in 1898 and in the Panama area in 1903, or the massacre of Puerto Ricans at Ponce in 1937. Those events could not be regarded as examples of an outdated policy which had not been abandoned, for since the publication of that Bulletin in 1950 the United States Department of State had ordered an armed invasion of Guatemalan territory, United States troops had committed a cowardly act of aggression against the people of Panama, and the United States Navy had entered the waters of the Dominican Republic to prevent any genuine democratization of that country. Lastly, during the past seven months the United States Army had in fact occupied the Dominican Republic; and that most recent example of United States intervention had been connived at by the Organization of American States, which had tried to cover by the so-called Inter-American Peace Force what everyone knew were United States occupation troops.

9. A few years ago the Cuban Government had prophesied that United States imperialists were preparing to launch a colonialist war against the peoples of America; and events had proved that it was right. What was happening today in the Dominican Republic could happen tomorrow in any other Latin American country. The United States House of Representatives had itself declared that the United States Government was entitled to intervene, whenever it saw fit, in the internal affairs of any Latin American State. The United States Government was also planning to establish a so-called permanent inter-American force which would serve as the instrument for future aggression against Latin America. Though the resistance offered by certain Latin American Governments during the recent Second Special Inter-American Conference had prevented the imperialists and their junior partners—the Brazilian military clique—from carrying out that plan immediately, there was no doubt that it would be revived on some more favourable occasion. But as Cuba's Prime Minister had pointed out, those Latin American Governments which had tried to falsify the principle of non-intervention and turn it into a weapon for use against national liberation movements would in the end reap the fruits of their complicity with the imperialists.

10. Since 1959 Cuba had been resisting every kind of aggression, provocation and intrigue by the United States—including bombardments of its sugar-cane fields, air attacks against its cities, the infiltration of spies and saboteurs, and provocations directed against its territory from the United States naval base at Guantánamo; but its continued resistance and the consolidation of its revolution offered all the American peoples proof that United States imperialism was not invincible. The success of the Cuban revolution was the most effective guarantee of the sovereignty

<sup>2/</sup> Official Records of the Security Council, Twentieth Year, Supplement for April, May and June 1965, document S/6325.

and independence of sister peoples on the Latin American continent.

11. Mr. BELAUNDE (Peru) said that the principle of non-intervention was of cardinal importance to the establishment of the rule of law in international relations. The struggle for power must be replaced by a system based on firm principles and supported, if necessary, by an international court whose decisions would be binding.

12. The United Nations Charter proclaimed the principle of the rule of law, and some progress had been made towards setting up the institutional framework for its realization. In its specific clauses condemning the use of force, the Charter reflected the climate of world public opinion following two catastrophic world wars. The Charter also laid down the related principle of the sovereign equality of States, although he recalled in that connexion that certain Latin American delegations would have preferred the formula adopted at the Eighth International Conference of American States, held at Lima in 1938, which had referred to "the personality, sovereignty and independence" of States.

13. Although the Charter did not mention the word "non-intervention", it was quite clear that the inadmissibility of intervention in the domestic affairs of States was of its very essence. However, events had brought with them new forms of intervention, and legal definitions had to be brought into line with current needs and problems. Many of the principles laid down in the Charter needed to be further elaborated and defined—a task on which the Sixth Committee had been working. The problem was a vast and complex one and there were widely divergent opinions on certain of its legal aspects. That, perhaps, was why the question of non-intervention had been allocated to the First Committee, which would undoubtedly study it with all necessary impartiality. But any genuine codification of the principle of non-intervention—a principle which was of particular significance to the people of Latin America—would have to be the work of the Sixth Committee.

14. Turning to the events referred to by the representative of the USSR, he said that the problem of the Congo had been considered by the Security Council and by the General Assembly, and that of the Dominican Republic by the Security Council. The latter problem was at present before the Organization of American States, and he expressed confidence that a favourable solution to it, based on the will of the people, would soon be found. The problem of Viet-Nam was a tragic one, and the whole world hoped that a settlement based solely on the interests of the Viet-Namese people would be arrived at in the near future through unconditional negotiations. It should be mentioned in that connexion that, though some of the States concerned were not represented in the United Nations, the jurisdiction of the Security Council or even of the Assembly was not ruled out under Article 2, paragraph 6, of the Charter. Article 40, also, provided for certain measures which could be a starting-point for a solution.

15. Non-intervention was the very essence of American law, whose principles were not mere abstractions but derived from the historic events

of the nineteenth century. Intervention had in the past been an established practice; but with the conquest of their national independence the peoples had become the sole arbiters of their own destinies. Reference was rightly made in the Soviet draft resolution (A/C.1/L.343/Rev.1) to the international conferences of Bandung, Belgrade and Cairo, but it was regrettable that the draft resolution included no reference to important American legal instruments such as those cited by the representative of Colombia. The struggle for Latin American independence had been a clear manifestation of the principle of non-intervention.

16. The principle of non-intervention had been proclaimed in Latin America as long ago as the Congress of Panama of 1826. In 1847, the Congress of Lima had been convened specifically to prevent a proposed intervention in the neighbouring Republic of Ecuador, and the principles of non-intervention and respect for national institutions had been laid down in the 1848 treaty of confederation. Throughout their history the countries of Latin America had united against foreign intervention, and that spirit had found its supreme expression in the Drago doctrine that the territory and personality of a State might not be violated even to enforce the recovery of a debt—a doctrine which had been incorporated, in modified form, in a convention adopted at the Second International Peace Conference, held at The Hague in 1907. Despite political and other difficulties, the countries of Latin America had steadfastly followed that policy.

17. The draft resolution submitted by seventeen Latin American countries (A/C.1/L.349) was no more than a reflection of that long history of resistance to intervention. Precisely because it was a document based on historical experience he appealed to members of the Committee to support it. He directed that appeal in particular to the countries of Africa and Asia. Those countries were entering a period in their history similar to that through which the Latin American countries had passed, and he hoped that in their efforts to protect their freedom and further their economic development they would put their trust in the same principles of law as those which had inspired the peoples of Latin America.

18. Mr. PAZHWAQ (Afghanistan), speaking on a point of order, said that in view of the need to complete the agenda item under discussion as soon as possible, it would be useful if the delegations which had submitted draft resolutions or made suggestions could agree on a single draft. He therefore suggested the appointment of a working group, whose membership could be selected by the Chairman with the approval of the Committee, to draw up an agreed draft.

19. The CHAIRMAN said that he would hold informal consultations to ascertain whether such a working group could be set up.

20. Mr. GARCIA ROBLES (Mexico) said that, in his country's view, all armed intervention was prohibited by Article 2, paragraph 4, of the United Nations Charter. Only the United Nations was competent to decide whether or not force should be exercised and to decide on the scope and conditions of its exercise. The prohibition of the use of force was a categorical and un-

conditional obligation, and any unilateral use of force by a State or group of States was therefore clearly condemned. The only exception to that general rule was the case of individual or collective self-defence; but even that exception, as Article 51 of the United Nations Charter made clear, was permissible only in response to armed attack: threats, violations of international treaties and so forth were not cases in which the right of self-defence could be invoked.

21. The case covered by Article 51 was the only exception to the exclusive competence of the United Nations to decide on the use of force. There was another exception to the prohibition of the use of force but not to the exclusive competence of the United Nations: the adoption of enforcement action under the provisions defining the collective action which the United Nations was authorized to take for the maintenance of international peace and security. Under Article 53 of the Charter, no enforcement action could be taken by regional agencies without the authorization of the Security Council. In other words, the use of force by regional agencies was only one of the forms which collective action by the United Nations might take, and was not an autonomous case of the legitimate use of force. So far as the Latin American continent was concerned, article 17 of the Charter of the Organization of American States, which was based on the same philosophy as Article 2, paragraph 4, of the United Nations Charter, proclaimed the inviolability of the territory of a State and banned the use of force or other means of coercion.

22. The proclamation of the principle of non-intervention in the Charter of the Organization of American States had been the culmination of a long history, for the Latin American States had in the past been the victims of repeated interventions by the community of the then so-called "civilized nations". That situation had continued into the present century, reaching a climax in the well-known controversy at the Sixth International Conference of American States, held at Havana in 1928. Finally, thanks to the initiative of President Roosevelt, the United States had agreed that the situation was unjust and should cease. Unfortunately, the United States had entered a general reservation to the Convention on Rights and Duties of States signed at Montevideo on 26 December 1933; however, the Additional Protocol relative to Non-Intervention adopted unanimously at Buenos Aires in 1936 had declared inadmissible the intervention of any Contracting Party, directly or indirectly, and for whatever reason, in the internal or external affairs of any other Party. The principle of non-intervention had found its definitive expression in the Charter of the Organization of American States, in which it was laid down as a constitutional rule.

23. Mexico, which throughout its history had been one of the foremost champions of the principle of non-intervention, was one of the sponsors of the draft resolution on that subject (A/C.1/L.349) submitted by seventeen Latin American States. It fully endorsed all the provisions of that draft resolution.

24. The fact that direct or indirect intervention constituted a violation of the principles of the sovereign equality of States and of the self-determination of peoples was clear from the text on the former

principle unanimously adopted by the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States at its session held at Mexico City in 1964.<sup>3/</sup> The principle of non-intervention was so obvious and incontrovertible that it was universally accepted; and the best way to ensure its faithful observance in practice would be to reach agreement on its significance, content and scope. To that end it would be useful to have, in addition to a general definition, an agreed list, which could be periodically revised and supplemented, of cases which should be regarded as intervention. Mexico had followed that procedure in the proposal<sup>4/</sup> it had submitted to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. That proposal, which was one of the most complete documents so far drafted on the subject, was based principally on three inter-American documents: articles 15 and 16 of the Charter of the Organization of American States signed at Bogotá in 1948, the Convention concerning the Duties and Rights of States in the Event of Civil Strife signed at Havana in 1928,<sup>5/</sup> and the draft instrument relating to violations of the principle of non-intervention prepared by the Inter-American Juridical Committee at Rio de Janeiro in 1959. Mexico considered that all the acts listed in its proposal were equally to be condemned. The reason why it had agreed to the enumeration of only certain forms of intervention in operative paragraph 4 of draft resolution A/C.1/L.349 was that the First Committee was not attempting to duplicate the work of the Sixth Committee and that the forms enumerated posed the most serious threat to peaceful coexistence among nations.

25. If the principle of non-intervention was to be observed, all States must "fulfil in good faith the obligations assumed by them", as provided in Article 2, paragraph 2, of the United Nations Charter. Any definitions which might be adopted should be interpreted, if they were to be effective, in the light of the advisory opinion of the International Court of Justice of 3 March 1950.<sup>6/</sup> That opinion had confirmed the statement of the Permanent Court of International Justice that words must be interpreted in the sense which they would normally have in their context, unless such interpretation would lead to something unreasonable or absurd.

26. The three drafts before the Committee all contained elements which might help to define the principle of non-intervention and the way in which Member States should conduct themselves in their mutual relations in order to ensure its observance. Draft resolution A/C.1/L.349 referred to intervention in the external as well as the internal affairs of States, following in that respect the Charter of the Organization of American States and other inter-American precedents. The internal and external affairs of States were often so closely linked as to be indissoluble.

<sup>3/</sup> See Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 90 and 94, document A/5746, para. 339.

<sup>4/</sup> *Ibid.*, para. 208.

<sup>5/</sup> League of Nations, Treaty Series, vol. CXXXIV (1932-1933), No. 3082.

<sup>6/</sup> Competence of Assembly regarding admission to the United Nations, Advisory Opinion: I.C.J. Reports 1950, p. 4.

27. He agreed with the representative of Afghanistan that it would be useful to establish a working group which would attempt to work out a single draft resolution.

28. Mexico regarded non-intervention as the juridical and political principle of its existence as a sovereign nation, and as the corner-stone of peaceful coexistence and friendly co-operation among peoples. It had been one of the constants in Mexico's history as an independent State; indeed, it was its troubled history which had made Mexico so fervent a supporter of the principle of non-intervention. Many statements on the subject had been made by Mexican statesmen; he drew particular attention to the speeches made at the opening meeting of the eleventh session of the Economic Commission for Latin America by the President of Mexico and at the Second Special Inter-American Conference by the Mexican Minister for Foreign Affairs.

*Mr. Fahmy (United Arab Republic), Rapporteur, took the Chair.*

29. Mr. SETTE CAMARA (Brazil), replying to the Cuban representative, confirmed his country's support for plans to create an inter-American peace force such as had been discussed at the Second Special Inter-American Conference held at Rio de Janeiro in November 1965. Peace-keeping operations with the use of military forces had proved highly valuable;

Brazil would be prepared to take part in any regional operation of that kind, as it had taken part in United Nations operations. It was to be hoped that the plans under discussion would bear fruit and that the pan-American system would thus be provided with an efficient instrument to combat the insidious forms of indirect intervention which had been carried on for many years, and which had increased in scale and intensity since the dictatorship of Fidel Castro had been established in Cuba.

30. Cuba was hardly an example of democracy for the other Latin American countries. The adoption of a resolution along the lines of the Latin American draft (A/C.1/L.349) would deprive Cuba of its principal exports: revolution, agitation and disorder. None of the Latin American countries were interested in importing the hate and fratricidal war that had lately been the only new products of a suffering country devastated by a ruthless tyranny.

31. Mr. YOST (United States of America) said that the Cuban representative had once again demonstrated his Government's firm commitment to communist doctrine and discipline; he had repeated the charges made by the representative of the USSR at the 1395th meeting, which had already been answered by the United States delegation (1396th meeting). His delegation hoped that the Committee could soon move on from sterile polemics to constructive action.

The meeting rose at 1.35 p.m.