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The Principle of Non-Intervention in the Western Hemisphere

Marsha Rose McFarland
University of Colorado Boulder

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THE PRINCIPLE OF NON-INTERVENTION IN THE WESTERN HEMISPHERE

by

Marsha Rose McFarland

B.A., University of Colorado, 1962

has been approved for the

Department of

Political Science

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has been approved for the

Department of

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Latin Americans, and more particularly those Latin Americans who are influential in the making of foreign policy, are torn between their fear of United States intervention and their new realization that dangerous threats to their security also emanate from other quarters. Though the principle of non-intervention is a key concept in the inter-American system, it has proved difficult to define, essentially unenforceable and inappropriate for the prevention of covert interventions by foreign powers which employ the newer and more covert devices for attacking the hemisphere. A factor which further complicates this pressing problem is the growing demand for protection of human rights in the hemispheric countries.

Examination of definitions and analysis of actual experience reveal that the principle of non-intervention operates on many aspects — as law, as principle, as policy and as moral force. In this context, Mexico's advocacy of absolute non-intervention, as well as her frequent conflicts with the United States on the subject, provide important illustrative data. The case of Mexico, although extreme, also illuminates the whole hemispheric point of view on non-intervention.

Currently, stress on the principle of non-intervention is utilized by some parties as a means for weakening the hegemony of
Latin Americans, and more particularly those Latin Americans who are influential in the making of foreign policy, are torn between their fear of United States intervention and their new realization that dangerous threats to their security also emanate from other quarters. Though the principle of non-intervention is a key concept in the inter-American system, it has proved difficult to define, essentially unenforceable and inappropriate for the prevention of covert interventions by foreign powers which employ the newer and more covert devices for attacking the hemisphere. A factor which further complicates this pressing problem is the growing demand for protection of human rights within the various hemispheric countries.

Examination of definitions and analysis of actual experience reveal that the principle of non-intervention takes on many aspects—as law, as principle, as political tool, and as moral force. In this context, Mexico's advocacy of absolute non-intervention, as well as her frequent conflicts with the United States on the subject, provide important illustrative data. The case of Mexico, although extreme, also illuminates the whole hemispheric point of view on non-intervention.

Currently, stress on the principle of non-intervention is utilized by some parties as a means for weakening the hegemony of
the United States in the hemisphere. At the same time, insistence on non-intervention does little or nothing to curtail the less visible efforts of outside powers to increase their roles in the hemisphere.

It is questionable, therefore, whether either the principle or the practice of non-intervention is sufficient or effective in the struggle to preserve the security of the hemisphere; and there is even some possibility that the principle may be a positive bar to the achievement of such security. In the light of these new concerns, continental interests may require a search for a new outlook regarding the question of non-intervention.

This abstract of 308 words is approved as to form and content.

Signed

Faculty member in charge of thesis
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INTRODUCTION
INTRODUCTION

Non-intervention is an enigmatic word which means more or less the same thing as intervention.

—Talleyrand

Three developments in the last two and a half decades reflect the forces that are putting new stresses and strains upon the principle of non-intervention in the Western Hemisphere. One is the continual effort toward achieving a greater exactitude and scope for the non-intervention principle itself. A second is the growing concern for the political, social, and economic rights of man, which has led to the issuance of many resolutions that are inevitably concerned with the domestic affairs of states and which, therefore, seem to constitute a form of intervention. Even stronger measures have been proposed and often carried out for the "protection of human rights."

A third development is the refinement of the technique of subversion as a device to effect the overthrow of other governments without inviting the stigma of intervention.

The contradiction between the first two may be inevitable. The intrusion of subversion further aggravates this contradiction by undermining efforts undertaken by legitimate governments to bring about greater freedoms in their countries and by sowing distrust wherever it can be perpetuated. Laws which would allow for some intervention, taken in good faith to protect democracy and human rights, also tend to allow intrusion by subversive elements which seek to undermine self-determination in the hemisphere and to prepare for
ultimate control of the country by foreign powers.

The problem is very difficult to resolve. Must one principle give way to another? Are subversion and propaganda means for accomplishing in an undercover way what the non-intervention principle would otherwise prevent?

In Part I of this paper, the question of intervention is first studied in general as to its definition and permissibility under traditional, general contemporary, and American international law. Next, the position of the principle in the inter-American system is analysed to determine in what special regard the non-intervention principle is held in the Americas and how the American republics have developed their conception of it. The Tricontinental Conference which was held in Havana in 1966 is a special case study of the problems facing the Hemisphere regarding subversion.

Chapter III deals with the question of intervention for the protection of democracy in both general and particular American international law and practice. The case study of the United States and O.A.S. intervention in the Dominican Republic in 1965 is used as an illustration of the status of intervention for democracy in the Americas. Chapter IV covers the same things with regard to human rights.

Part II is a case study which deals with the interpretation and application by one country—Mexico—of the principle of non-intervention. Mexico was selected for this study because of her firm attitude regarding non-intervention. The historical precedents to her present position are outlined, as well as the principles which
have emerged as parts of her foreign policy as a result of her history. These principles are correlated to her position regarding non-intervention, bringing one to date through the regime of President Adolfo López Mateos which terminated in December of 1964.

The special case of Mexico's position at the Ninth Meeting of Consultation of Foreign Ministers of the O.A.S. is used as a case study. At this meeting the actions of Cuba against Venezuela were dealt with, and Mexico's stand was illustrative of her general attitude in such cases.

Another chapter deals with Mexico's attitude regarding international organizations.

Part III concludes the paper, giving a synopsis of the position of the principle of non-intervention in the Western Hemisphere. The nature of the problems surrounding the principle and the possibilities for resolving them are then evaluated.
PART I

PROBLEMS IN INTERPRETATION AND APPLICATION

OF THE HEMISPHERIC PRINCIPLE OF NON-INFRINGEMENT
CHAPTER I

THE CONCEPT OF INTERVENTION

There are few subjects which have given rise to more controversies than that of the duty of non-intervention or the alleged right of intervention. All jurists are agreed upon the seriousness of the act and its consequences. But in their estimates of the juridical issue, one can only find trouble and confusion.

—Henry Bonfils

Most publicists refer to the juridical or political doctrine of "intervention" rather than to the negative form, or "non-intervention." They admit, however, that states should generally conduct themselves by the rule of non-intervention. Intervention is the frequent exception to the actual rule of law. In defining intervention in this study, we must look at it from two points of view, the juridical and the political. First, however, we will note the several types of intervention that exist. Richard A. Falk, professor of international law at the Woodrow Wilson School of Public and International Affairs, describes several prominent kinds of intervention relating to how many states intervene and why.

First, there is the classical form of unilateral intervention by which one nation intervenes in the internal affairs of another. Second, there is counter-intervention, as when State A intervenes in the affairs of B to prevent or offset interference by State C.

---

Third, there is collective intervention, as when a number of states join to coerce the will of the target state. Fourth, there is regional intervention, as when a group of states forms a juridical entity which then imposes the regional will upon a dissenting member of the group. And fifth, there is universal intervention under the aegis of the United Nations.

Types of intervention can be military, economic, cultural, diplomatic, and political. Subversion is likely to be included under the political type.

The practices of states on the matter of intervention are confused and lead to no customary definition or rule of conduct which is accepted as valid by all parties. Furthermore, jurists throughout the world are themselves not in agreement on a definition of the term. They differ as to the scope which the term embodies, and as to what types of interference or involvement, if any, are exempt from being included in a juridical definition of intervention. Intervention from the juridical and political points of view will be studied and compared on the following pages.

JURIDICAL CONCEPT OF INTERVENTION

Jurists usually contend that the term intervention is to be used in its technical meaning, signifying interference in the sense

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3 Examples of the above are, respectively: (1) the Soviet intervention in Hungary in 1956 and much of the U.S. intervention under the Monroe Doctrine; (2) the United States interventions in South Vietnam; (3) the intervention in 1827 by France, England, and Russia on behalf of the Greek insurgency against Turkish rule; (4) the actions of the O.A.S. against Cuba in 1962 and 1964; and (5) the Congo operations which are the clearest instance to date of universal intervention. Cited in Richard A. Falk, "The Legitimacy of Legislative Intervention by the United Nations," Essays on Intervention, Roland J. Stanger (ed.), (Columbus, Ohio: Ohio State University Press, 1964), pp. 40-41.
of an action amounting to a denial of the independence of a state. According to Rosalyn Higgins, it would be a "peremptory demand accompanied by enforcement or threat of enforcement in case of non-compliance."  

In December of 1965, the General Assembly passed a strong and comprehensive resolution on non-intervention. It stated that no state should intervene in the internal or external affairs of another. It prohibited, among other things, indirect intervention, intervention in civil strife, and subversion. As a consequence, the attention of the world was directed to a new, universal concept of absolute non-intervention, except in certain collective areas.

The effect which this resolution will have on the actual legality of intervention is uncertain. It depends upon the legal character of resolutions, and this is a matter upon which jurists are not all in agreement.

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5 See Appendix, U.N. General Assembly Resolution 2131 (XX).

6 Charles G. Fenwick has stated, "... Jurists are not yet in accord as to the legal force of declarations and resolutions. Inasmuch as they do not call for ratification by regular constitutional procedures, they may seem to create purely moral obligations. ... On the other hand, they have in many cases been regarded de facto as creating binding obligations, so that a state neglecting to comply with them will be called to account by the other parties. ... In 1945 the American states assembled at the Conference on the Problems of War and Peace spoke of having been incorporating certain principles into their international law since 1890 'by means of conventions, resolutions, and declarations.'" (Charles G. Fenwick, International Law [4th ed., New York: Appleton-Century-Crofts, 1965], p. 96) James L. Brierly disagrees with the idea that resolutions could be legally
As a consequence of this resolution, the scope of the universal concept of juridical intervention has broadened in one way or another in the past year. Nevertheless, there is scant machinery, except the good will of signatory states and public opinion, to enforce these measures. All forms of intervention remain forbidden (except collective intervention in specific cases), but as the British Ambassador to the United Nations, Sir Roger Jackling, pointed out, even this comprehensive resolution is subject to interpretation.

Evolution of the juridical concept. The meaning of "intervention" under international law has never been static; some historical background must be examined. There has been a long evolution of the term from the time the concept of "intervening was first considered in the seventeenth century.

binding, saying, "A declaration adopted by resolution is not a treaty and is therefore not intended to be a legal document binding on its members. (James L. Brierly, The Law of Nations ((6th ed., New York: Oxford University Press, 1963)), p. 294.) It must be acknowledged that most authorities who list the sources of international law do not list resolutions among them. (See: William W. Bishop, Jr., International Law: Cases and Materials ((Boston: Little, Brown & Co., 1962)), pp. 19-38; Brierly, p. 56; H. B. Jacobini, International Law ((Homewood, Illinois: Dorsey, 1962)), p. 3; et. al.) Most writers list the following as sources of international law: (1) custom, (2) treaties or conventions, (3) national and international court decisions, (4) writings of authorities, and (5) general principles of law. Brierly adds a sixth source—reason. Consequently, it may be that Resolution 2131 (XX) merely serves as a guide to what intervention does and does not constitute, and to what nations who sign it have a moral obligation to do and not to do.


8The idea of non-intervention was born in international law with Hugo Grotius in the seventeenth century upon the publication of his book, Le droit de la guerre et de la paix (The Law of War and
Today we have reached an extreme point in international law in the Americas, where the interpretation of intervention is very broad indeed, encompassing interference in a nation's internal and external affairs and allowing few, if any, legal exceptions. This evolution has been neither steady nor easy to determine, nor a matter of agreement for all interested parties.9

Dr. Isidro Fabela, former Mexican ambassador, jurist, professor, and intellectual, believed that the progress of civilization caused slow, profound changes in the principle of non-intervention. He said that people, after living with constant wars, entered into a life of peaceful international relations, giving birth to international law. He then concluded that the transformation was due to the "ever-growing respect which states should have, and which the majority do have, for the internal autonomy and the external independence of the rest."10


9See: Isidro Fabela, Intervención (México, D.F.: Universidad Nacional Autónoma de México, 1959), pp. 1-73; Aureliano Rodríguez Larreta, Orientación de la política internacional en América Latina (Montevideo, Uruguay: Peña y Cía., 1938), p. 26; Charles G. Breame, Intervention Short of Armed Force in Latin America (Chicago: University of Chicago Press, 1945), pp. 22-38; Henry Wheaton, International Law (London: Stevens and Sons, 1904), pp. 79-102; and Thomas and Thomas, pp. 67-78. In these and many other books, one can find excellent synopses of the evolution of the idea of intervention (and correspondingly of non-intervention) and the opinions of many authors on the subject. It is not within the scope of this paper to list all the historical opinions on the subject.

10Isidro Fabela, p. 8.
His optimistic opinions as to the peaceful motives of people as they have "progressed" through the years, and their growing respect for the domestic jurisdiction of other nations, is debatable. Nevertheless, there can be little doubt that in thought if not in deed, nations have progressed from the day when the ancient Greeks held the belief that to give to "barbarian" states the same rights and respect as that given to Greek States was to devalue one's own self. 11

In James L. Brierly's opinion, in modern times, . . . the Covenant of the League of Nations radically changed the whole foundation of the law, (1) by creating express obligations to employ pacific means of settling disputes, and (2) by establishing a central organization of states empowered to pass judgment on the observance of these obligations by individual states and to employ sanctions in the event of the obligations being violated. 12

Fenwick speaks of the "new law" as follows:

If at times we speak of the "new law" dating from 1945 . . . it is important to keep the distinction confined to certain limited areas of the law. Much of the substantive body of the old law is equally valid in principle under the new, although the application of a particular principle may have changed to meet new circumstances. 13

In other words, according to Fenwick, there does seem to be continuity as new laws evolve and as the international community evolves with them. It is, therefore, important to study the opinions of jurists on the definition and application of the principle of


12 Brierly, p. 408. See Articles 12, 13, 14, 15, and 16 of the Covenant.

13 Fenwick, p. 32.
non-intervention in general international law.

Opinions of jurists. Fenwick states that "The principle of non-intervention, like that of sovereignty, requires interpretation. Stated as absolutes, both terms run counter to the rule of law."\(^{14}\)

And according to Brierly,

Intervention is a word which is often used quite generally to denote almost any act of interference by one state in the affairs of another; but in a more special sense it means dictatorial interference in the domestic or foreign affairs of another state which impairs that state's independence.\(^{15}\)

Quincy Wright adheres to the narrower definition of intervention. He says,

International law defines intervention as dictatorial interference for political purposes in the internal affairs of a state or in its relations with other states. Diplomatic representations requesting information or suggesting negotiations, diplomatic protests alleging violations of international law and demanding reparation, and tenders of good offices or mediation not in a peremptory tone, have not been considered "intervention." Only if force is applied or threatened for purposes other than the protection of a right under international law is the term intervention applied.\(^{16}\)

Note that Wright does not recognize an absolute principle of non-intervention under general international law.

William W. Bishop, Jr. agrees with the idea that intervention signifies forcible action. He says, "... Intervention is generally taken to mean 'forcible' action ... taken in the interference with


\(^{15}\) Brierly, p. 402.

\(^{16}\) Quincy Wright, "Is Discussion Intervention?" American Journal of International Law, L, p. 106.
the affairs of a state by another state, by several states, or by a collectivity of states.  

Other noted authorities, however, disagree with Wright's restrictive idea of intervention implying the use of force. Thomas and Thomas consider it dangerous to restrict the definition in this manner because it excuses various types of interference that have often occurred, especially in recent years. They say, instead,

... that intervention occurs when a state or group of states interferes, in order to impose its will, in the internal or external affairs of another state ... with which peaceful relations exist and without its consent, for the purpose of maintaining or altering the condition of things.  

This seems to be a sensible definition, one which is relevant to modern world affairs. Another useful definition is given by Professor Richard A. Falk, who says, "Intervention refers to conduct with an external animus that intends to achieve a fundamental alteration of the state of affairs in the target nation."  

Thomas and Thomas further explain that intervention contains two elements, the first being an interference by one state upon the sovereignty of another. Since interference is not the same thing as intervention in all cases, the second element is also necessary, that is, the intent to compel some action or inaction through which the intervening state imposes or tries to impose its will. This would,

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17 Bishop, p. 965.  
18 Thomas and Thomas, p. 71.  
19 Richard A. Falk, Chapter II in Stanger, p. 42. Dr. Falk is professor of international law at the Woodrow Wilson School of Public and International Affairs at Princeton.
of course, alter or maintain the condition of things relating to the state intervened upon, depending on the case.\textsuperscript{20}

Since intent is not always evident or discernible, there arises a problem of enforcement. A state can proclaim innocent intent or self-defense in a great number of cases. Consequently, the decisions of those responsible for deciding upon the intent of the interference will often be political. Nevertheless, there must be in the interference a factor attempting to force or achieve compliance with the will of the interfering state, and this can often be discerned.

According to Ellery C. Stowell in his book on intervention,

The essential object of investigation in any instance . . . ought to be to discover whether an undue influence has been exerted upon the government to induce it to adopt a desired course in such a manner as really to affect its freedom of action . . . The mere fact that a particular course is adopted by a small state from fear that otherwise the great neighbor will make it suffer does not constitute an act of interference unless the great state has given an intimation or warning which thereby attaches to the act a greater certainty of a disagreeable consequence.\textsuperscript{21}

For a state to have intervened, its coercive or disruptive intent does not have to have succeeded. Furthermore, if a state acts and the act does, in fact, alter the conditions within a foreign state against its will, that, too, is intervention, since a state is responsible for its acts. Finally, it is to be noted that intervention must occur under conditions of peace. It is not to be confused with war, although intervention does sometimes end in war.\textsuperscript{22}

\textsuperscript{20} Thomas and Thomas, pp. 71-72.


\textsuperscript{22} Thomas and Thomas, pp. 72-73.
Another problem regarding intervention, whatever the definition, is that of deciding exactly when intervention is legal. According to Professor Samuel Flagg Bemis, traditional, general international law has recognized the right to interfere in the affairs of another state under the following conditions: for self-preservation;23 as an empowered mandatory for collective civilization acting under multilateral treaties; after all justice has been denied to nationals of the intervening country who are being mistreated in a foreign country, including refusal of an offer of arbitration; in case of the disappearance or effective breakdown of all government, law, and order, so that there is no organ of protection to which a foreign government can appeal on behalf of its nationals;24 at the invitation of a state; and upon the stipulation of treaties between parties.25

Bishop and Moore see it somewhat differently.

... Grounds for intervention are said to be 'self-preservation, intervention in restraint of wrong-doing, intervention under a treaty of guarantee, intervention by invitation of a party to a civil war, intervention under the authority of the body of states, and intervention to preserve the rights of succession to thrones.'26

23 Isidro Fabela has said, "Shouldn't the active vigilence of the United Nations erase the right of intervention for self-defense? We think so... Members should avoid taking justice into their own hands..." (Fabela, p. 30) However, few authorities, even the O.A.S. Charter, are quite so adamant on the subject, recognizing that the United Nations is often powerless to act in the Cold War situation.

24 See section on the Dominican Republic revolt, p. 93.


The latter point is definitely no longer valid. H. B. Jacobini says,

... The right of intervention is, from a legal standpoint, merely an extension of the right of self-defense. The right of self-defense has long enjoyed legal status, and is recognized by the U.N. Charter in Article 51. ... Under some circumstances a state is justified in interfering in the affairs of another state, but when this occurs, it is a mere extension of the right of self-defense. ... There is a legal obligation not to intervene when a state has bound itself by a treaty not to do so. 27

James O. Murdock in an article in the American Journal of International Law, distinguishes between intervention and collective security action as follows:

The central idea of intervention is coercion—a dictatorial interference by one state in the affairs of another. A government takes the law into its own hands as party, judge, and enforcing agency. ...

Collective action, on the other hand, is the antithesis of intervention. It is a process whereby the international community acts to enforce the law. ... The central idea is that the offending state is to be persuaded to observe its international obligations peacefully. ...

He concludes that "intervention" in the U.N. Charter (Article 2, paragraph 7) is used in a loose popular sense and is an example of bad drafting. 28

Several other modern jurists recognize broad exceptions to the principle of non-intervention and state that intervention in these exceptional cases becomes legally right or at least justifiable. 29

27 Jacobini, p. 53.


Many writers who condemn intervention admit that in certain cases it is justified. Thus, A. S. Hershey states that while not a legal right in the ordinary juridical sense, in international practice there are certain exceptions to the non-intervention rule.\(^{30}\) This is because of the confused state of interpretation of the non-intervention principle, due to loopholes and to the contradictions between general international law and particular international law.\(^{31}\) As a consequence of these many conflicting factors, the way is open for political interpretations based on national interest.

Most of the more noted Latin American publicists are of non-interventionist persuasion. They condemn intervention in almost all forms, especially in modern times and since 1936. In their opinion, intervention is never a legal right, but it is a political fact. In the words of Isidro Fabela,

Authors like Bustamante, who condemn all intervention except collective intervention by a juridical organization of states, see non-intervention as a corollary of the doctrine of the independence of sovereign states. As such, it becomes a duty to respect it.\(^{32}\)


\(^{31}\) General international law is subject to interpretations, as is particular (or regional) international law. At the same time, sometimes they deal differently with similar matters. Until December of 1965, intervention was prohibited more absolutely in the Western Hemisphere under the O.A.S. Charter, than it was universally. Then the United Nations passed Resolution 2131, which was extremely comprehensive. Nevertheless, in interpretation of the prohibitions under either the U.N. Charter, the O.A.S. Charter, or Resolution 2131, should general, traditional international law be relied upon, the results could vary, since traditional law is not agreed upon by all authorities. Before the U.N. resolution, it could be said that general international law permitted intervention in cases where American law did not. How they correlated was often uncertain.

\(^{32}\) Cited in Isidro Fabela, p. 101.
Others, however, have justified intervention where the intervening state can show that its action is sanctioned by some principle that takes precedence over the right of independence. After all, international law is based on the protection of the good of the international community.

Thomas and Thomas are of the opinion that there are no absolute rights, but that all rights are to be asserted with due regard to the preservation of the independence, security, and prosperity of neighboring states. "Rights which have been given for the common good of all the states may not be perverted to menace international security." They continue with the statement that under international law, no state can expect to retain the right of sovereign decision called independence when, by its conduct, it makes clear that it cannot or will not fulfill the international legal obligations of an independent and sovereign state; for "it is obvious that state sovereignty is subject to limitations and that states are not above the law of nations but are subjected to it." They say, therefore, that the right of independence is subject to the restrictions imposed by international law. To recognize an absolute right of self-preservation would be to reverse a fundamental base of international law, and emphasize the preservation of the individual state rather than the preservation of the family of nations.

They grant that a state, like an individual, when faced by a situation which has been created by another and which it believes to

Thomas and Thomas, p. 77.
be against its best interests, will probably act instinctively to pre-
serve itself, even to the extent of violating its international legal 
obligations to its neighbors. This cannot be denied and has occurred 
repeatedly over the centuries. But the Thomases contend that because 
a state acts in such a manner does not mean that its act is legitimate. 
It may be morally excusable, but it is not legal. They state that it 
becomes plain that there is no broad right of self-preservation re-
cognized by principles of international law, and thus there can be no 
right of intervention for such a purpose.\footnote{Ibid., p. 84.}

The Thomases concede that in special circumstances, interven-
tion may be legitimate under general international law even though 
intervention by one state in the affairs of another is not normally 
legal. For example, intervention is legal in general international 
law when it is carried out under the right of self-defense, as a sanc-
tion, and by consent.\footnote{Ibid.}

Jacobini also doubts the validity of a "right to exist."

It is \ldots highly questionable whether a good case can be made 
for the operation of a right to exist—at least on a legal basis. 
\ldots Excepting where it is a political reality and is written 
into treaties, this right \ldots means only that a state has a 
right to protect itself and may attempt to maintain its indepen-
dence. \ldots No important legal right of independence as such 
exists, except where realistically guaranteed by the \textit{status quo}. 
\ldots Yet, the huge network of treaties aimed at preserving the 
\textit{status quo} guarantees a highly political—yet legal—right of 
existence.\footnote{Jacobini, p. 55.}
Brierly tends to agree about the "right of independence," which is closely related to the "right to exist," He says,

Independence is a descriptive term; it has no moral content. There is no "right of independence." . . . We have no right to argue as though an independent state had a right to determine its own conduct without any restraint at all; independence does not mean freedom from law but merely freedom from control by other states. 37

Others would disagree with the above authorities about the lack of a "right of self-preservation" or "right to exist."

Fenwick says,

International law is based upon the assumption of a body of states possessing certain fundamental rights; and the Charter of the United Nations confirms the established tradition. . . . The primary right of a state is clearly the integrity of its personality as a state, since the existence of a state is the necessary condition of any other rights it may claim. . . . A number of jurists have made "the right of existence" the source of all other rights. 38

He goes on to say that practically, the "right of existence" may be described as "national security, the right of self-preservation, or the right of self-defense."

T. J. Lawrence accepts intervention for some purposes, sustaining that "the duty of self-preservation is even more sacred than that of respecting the independence of other states." He admits, however, that intervention should take place "only in the most clear cases of necessity and justice." 39 Isidro Fabela rejects this idea, saying that it places weaker states in the category of semisovereign or in a

37 Brierly, p. 129.
38 Fenwick, International Law, p. 271.
39 Lawrence, p. 123.
subjected status in fact, if not in law.  

Wheaton states,

Every state has certain sovereign rights to which it is entitled as an independent moral being; in other words, because it is a state. These rights are called the absolute international rights of states because they are not limited to particular circumstances. . . .

Of the absolute international rights of states, one of the most essential, and that which lies at the foundation of all the rest, is the right of self-preservation. It is not only a right with respect to other states, but a duty with respect to its own members, and the most solemn and important which the state owes to them. This right necessarily involves all other incidental rights, which are essential as means to give effect to the principle end. . . . In the exercise of the right of self-defense, no independent state can be restricted by a foreign power.

It must be noted that Wheaton may here be referring primarily to self-defense, since he does not mention intervention specifically. It may be assumed that there are circumstances in which a state may view its national interest as being so threatened that not to intervene would mean its collapse. Nevertheless, the international community may not view the situation as being quite so serious. In such a case, intervention would be illegal in the eyes of the world, although it would, nevertheless, occur. History would have to judge the correctness of the act. It would seem that in many cases, states are willing to let history judge, rather than curb their actions.

According to Roger Fisher, Professor of Law at Harvard University, policy decisions regarding international law are, indeed, very important. He says,

40Fabela, p. 31.

41Wheaton, *International Law*, p. 86.
Policy is taken into account in determining what is the law, but only to the extent consistent with a legal tradition reflecting well-known canons of statutory construction and judicial restraint. . . .

The traditional conception of law seems particularly useful in the international arena, for it helps to focus attention on the gap between what a country believes the law to be and what it believes is wise or reasonable to do. . . .

In the . . . international arena, . . . seldom is it enough to persuade the Secretary of State or a presidential assistant that a proposed course of action would violate international law. He will want to know also whether the law should be observed. He will often accept a statement as to the rules of international law but believe that it is wise or reasonable to break them.

Nevertheless, governments prefer to justify what they do according to principle. Every time a government acts openly contrary to principles it professes, that government may lose support. For that reason, governments either try to manage to stay within the law as they see it, or act contrary to the law in an undercover or subversive manner.

It may be that a certain flexibility is necessary in international law (and consequently in the non-intervention principle) due to the necessity of reconciling stability with progress in international affairs. Inflexibility led to the demise of the balance of power system and to World War I. A legal system which cannot adapt today will probably tend to cause revolutions. Richard Falk stresses the need for a response which "engenders an attitude that perceives law


not as a fixed matrix, but as a dynamic dimension of social change.**44**

Arthur H. Dean, head of the U.S. Delegation to the Eighteen Nation Committee on Disarmament, has spoken of the importance of international law in the maintenance of peace.

In our contemporary world, the "vital interests" of almost every nation . . . have expanded and are expanding beyond their national territory to every corner of the globe . . . Whenever there is such a failure to clarify rules respecting important current situations, international law tends to lose touch with reality. Legal concepts may have to be changed . . . to deal adequately with the full contemporary scope of problems such as . . . sovereignty, non-intervention, international responsibility, self-determination, and the legal and juridical role of the United Nations and international organizations.

Non-intervention is not always the only moral recourse. It is doubtful that any state which is strong enough to prevent it will ever allow itself to be destroyed, rather than show disrespect for the principle of non-intervention. In such cases, the practices of states may not coincide or agree with international law. This fact reinforces the weakness of international organizations which make law without having an ultimate power of enforcement. It also reinforces the fact that adherence to international law is a policy of states, especially powerful ones, but not always a necessity.

**POLITICAL CONCEPT OF INTERVENTION**

. . . It must be admitted that, in the case of intervention, as in that of revolution, its essence is illegality and its

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**44**Falk, in Stanger, *Essays on Intervention*, p. 46.

justification is its success. Of all things at once the most unjustifiable and the most impolitic is an unsuccessful intervention.\(^{46}\)

The political school of thought on intervention includes the layman's ideas of interference in any form. In it, the term is not given a narrow technical meaning. Its proponents suggest that the creation of a commission of inquiry, the making of a recommendation of a procedural or substantive nature, or the taking of a binding decision, among other things, constitute intervention under the terms of Article 2, paragraph 7, of the United Nations Charter.\(^{47}\) Although the U.N. Charter does not mention political intervention, those speaking of the political concept of intervention refer often to the Charter. Furthermore, Resolution 2131 (XX) has included many types of intervention which earlier would have been classified as merely political, for example, subversion.

The concept in general. One writer lends much insight into the problems of political intervention in a world of power politics. He says,

Intervention means interference by a Power in the internal affairs of another power. We may classify it as either defensive or offensive, according to whether it aims at preserving or altering the Balance of Power. The principle of defensive intervention may be stated thus: no Power can allow the Balance of Power


to be decisively altered in its disfavour by a change of regime or policy in another state. . . . Offensive intervention is the technique of penetration and expansion, aimed at provoking a change of regime in another state or even at destroying its independence altogether, . . .

Intervention is the point at which domestic and international politics intersect, and there are particular opportunities for it in a period of conflicting ideologies; vertical national loyalties are then confused by horizontal loyalties. . . .

With the political concept of intervention, as with the juridical concept, the idea of intent is important. In this case, however, the concept of legality is employed, if at all, only as a vague excuse or merely another tactic. Political intervention includes policy decisions of the intervening state which might have harmful intent to the target state, but which are not illegal.

The differences between the political and the juridical concepts of intervention are either of kind or relativity. The recipient nation of a political interference can allege intervention on the basis of its political convictions. It may not like the state which is interfering, and might, therefore, wish to embarrass it in the eyes of the world. It can do the same with a case of illegal intervention, but in the latter case, it is evidently a breach of law, while in the former it is not.

Politically speaking, an act may be considered intervention if the intervened-upon country can convince its populace, or some elements of the international community, that said action had coercive intent. It need not allude to law, although it often does. Sometimes

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the legality of the act cannot be proved one way or another. The objections of the interfered-upon state may be the result of its own political motives. The same interference by a friendly power might not have incurred its disapproval.

Much of what is said about political intervention is the same as that which is said about juridical intervention. There is, however, a difference in degree, and in the fact that political intervention would not be handled in a court of law.

On the other hand, from the point of view of the interfering state, it may undertake acts which are not proscribed under a treaty or under international law, and which might not normally be classified as subversive, but which do have the intent of coercing a state against its will. This will not be considered in depth here. Nevertheless, it is submitted that in the modern world, what is juridical is in reality only relatively more of the same thing as that which is political. A court might find one act juridically illegal and another not so, but the latter may be similar, may constitute political intervention, and may have the same desired effect or goal as the one which is juridically illegal. It can perhaps be said that this is what diplomacy is all about, that it inevitably implies some degree of intervention, interference, or coercion.

Isidro Fabela speaks rather strongly on the subject. He gives a good (although biased) example when he says,

_We sustain that modern diplomacy, especially that which is utilized by powerful nations, is the most practical and efficient way to intervene in weak countries when they want to impose their will. . . . Diplomacy of powerful states is a two-edged sword;_
it serves to soften and arrange existing difficulties, but it is also an arm of combat which serves to help a strong state extend its dominium and its political, commercial, and financial hegemony beyond its frontiers. . . .

It may be assumed that smaller nations use diplomacy for the same reasons, playing on the sympathies of world opinion.

Fabela wasn't the only one to imply that the limits of non-intervention affect the larger nations to a greater extent than the smaller ones. Note the following statement by Morton A. Kaplan, noted international lawyer and author on the subject, and Nicholas deB. Katzenbach, presently serving as Attorney General of the United States under President Lyndon B. Johnson:

... Now it is clear that a doctrine authorizing or inhibiting forcible intervention or direct control of the political institutions of another entity . . . is a limitation only upon the great nations. All states may be equally governed by the same general rule against intervention, but its bite is only against those who have the capacity to intervene. . . . Small states do not intervene against large, whatever the provocation, and no rule of law is necessary to prevent it.

The above assumes, of course, that "intervention" entails direct control or use of force (i.e. arms) in another country. This is one interpretation of the subject, but both general and American international law see intervention as having a broader meaning, particularly after the passage of Resolution 2131 by the United Nations. Although it is a mere resolution, still it can be referred to in international law, especially since it was passed unanimously with

49Fabela, p. 19.

only one abstention.

It is important to note in the above quotation the interest given indirectly to the idea of the equality of nations under the law and of the problem of equal applicability of the law. Law is not viewed as applying in the same manner to large and small nations alike. Mexico, however, argued vehemently in 1964 that a vote taken at the Ninth Meeting of Consultation of Ministers of Foreign Affairs, which instructed all Latin American countries to break relations with Cuba, was illegal because only four countries still maintained relations with that country. It alleged that the law was being applied unequally to the states which were unwilling to voluntarily break said relations, since it obviously could not apply to the others which had already done so. However, Mexico would probably be unwilling to admit, applying the same reasoning, that larger states should not have to succumb to the principle of non-intervention since it applies to them in a degree unequal, that is greater, to that to which it applies to smaller states.

The decision of the more powerful states to place themselves under the jurisdiction of a doctrine of non-intervention is necessarily a political decision in the first place. It affects them more than it does the smaller states. The types of intervention affecting relations between larger and smaller (i.e. stronger and weaker) states are usually juridical and generally curb the larger state. Political interventions which are not usually specifically covered by international

51 See section on Mexico's attitudes on Cuba, Chapter IX.
The uncommitted nations are not committed to non-intervention, although they often use this slogan to cloak their resistance to bloc pressures. The revolutionary and subversive appeals and campaigns initiated against other uncommitted states by leaders like Nasser, Kassem, Castro, and Nkrumah bear striking witness to this fact. Consequently, the legal values associated with non-intervention and those associated with sovereignty meet far less support under current international conditions than they did during the "balance of power" period.

It would be difficult to legislate rules to cover many political-type interventions. They are almost infinite and often the same act will have no aim of coercion or detrimental effect in a state, while

There are several examples of small-state intervention into the internal affairs of larger states, which would appear to challenge any assumption that small powers cannot directly intervene in the affairs of great powers. The following cases are exemplary:

First, British investigation in 1954 showed that Guatemala had given assistance to the People's United Party of British Honduras, which wanted separation from Great Britain. A Guatemalan consul at Belize had given $500.00 to help defend party members on trial for sedition. Broadcasts were made against Great Britain from Guatemala, and other, less active support had been given by Guatemalan officials. (This was cited in C. Neale Ronning, Law and Politics in Inter-American Diplomacy ((New York: John Wiley and Sons, 1963)), p. 73; from an Inquiry Report by Reginald Sharpe, British Honduras, 1954.)


at other times it might. To control this, over-legislation would be necessary, which would probably be more detrimental than the situation it tried to correct. Smaller states are able to intervene politically in the affairs of larger states. The type of "international blackmail" practiced by smaller nations, either individually or as a group, which attempts to exert some favor from a larger nation, under the threat of throwing its support to the opposite side in the Cold War if it is not satisfied, is intervention of a political type. It may not be illegal, but it does threaten international peace.

The Latin American nations have not practiced this so patently as have some others, but the Alliance for Progress did grow out of such pressures. In such a case, these pressures can be considered beneficial. In other cases, however, this is not so. Cuba used these tactics after her revolution, and although her aim was soon clear, she pushed the will and patience of the United States as far as she could. It is another case of a nation threatening world peace legally, then later making the opposing nation appear to be the intervenor when it tries to take countering measures.

Fidel Castro himself has publicly admitted that he would let his loudly-proclaimed adherence to the doctrine of non-intervention be compromised for political reasons. He has said that the principle of non-intervention must not be permitted to serve as a shield behind

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which dictators such as Trujillo could hide. This is another example of the fact that, at times, the interpretation of the doctrine of non-intervention depends upon what side of the political fence one is on.

In 1900, the French jurists Brentano and Sorel said that to decide whether an intervention be good or bad, one had to consider the politics between the states concerned, in order to determine in what measure the results depart from the reciprocal respect for their rights, duties, and interests. They considered these to be questions of acts (i.e. policy) and not of law. As such, they said, "these acts belong to the critique of history and not to the law of men." Of course, the inter-American system has rejected this point of view. It has, indeed, made non-intervention a part of American law. Nevertheless, interventions do occur which are motivated by politics, and which often make at least surface attempts to appear to be legal, as in the case of the United States intervention in the Dominican Republic. The United States has not admitted the illegality of her actions in the Dominican Republic, and has even carried the case to the United Nations. Nevertheless, this intervention was obviously political and motivated by the national interest of the United States, as well as by the interest of others. It may or may not be legal, depending on the validity of the Bemis concept.

55 Cited in Ronning, p. 66.


57 See page 13 above.
H. B. Jacobini has observed, "For the political scientist, law must be viewed as a political phenomenon, and international law has an even more obvious political orientation than municipal law. . . ." Isidro Fabela would seem to agree, but has said, "For the politician there may be doubt as to the justifiability of an intervention; for the jurist, there is no doubt, because all interventions are anti-juridical, except collective ones, and those only in determined cases." In other words, he does not seem to agree as to the political nature of the law, since he would see no political motivation as excusing intervention.

No matter which of the above contentions is correct, according to Roger Fisher there still remains the big problem of characterizing the factual situation. He notes, "Even if countries agree on the rules, there remains the difficult question of applying the rules to the facts."

In the meantime, as Richard Falk has observed, "... Interventionary policy accounts for the most intense forms of violent conflict present in the world today."
SUMMARY

The evolution of the concept of intervention was by no means steady. At the time of the passage of Resolution 2131 by the United Nations General Assembly, authorities were not in agreement regarding the exact definition of intervention or when it was illegal. These various definitions are still important in the problems of interpretation and application of the principle of non-intervention.

Resolution 2131 has broadened the concept of intervention and its prohibition, at least as it affects U.N. members. In passing the resolution, the members have supposedly emphasized their adherence to the principle of non-intervention in as absolute a manner as that to which the members of the O.A.S. have expressed their adherence since 1948. Collective intervention is acceptable under certain specific conditions.

There remains the difficult problem of interpretation and application of the principle of non-intervention. It is probable that many interventions will continue to occur due to political interpretations of what the documents and international law have to say. There is a legal principle of non-intervention, but its recognition will often depend on politics.

The political concept of intervention is a matter of relativity and point of view. Politicians may consider an act as interventionary, and may act accordingly. There is a large area of grey and uncertainty in international law concerning interventions which are not definitely included under some legal prohibition. Political-type
Interventions range from the middle to one end of the spectrum, juridical interventions go the opposite way. Those acts which fall in the middle pose the problem, and often a political decision will be the thing which decides whether an act is juridically illegal or not. The question of intent is very important, but usually difficult to prove or to determine; however, it may be the crux of the question as to the interventionary character of an act, as opposed to mere interference.

As Isidro Fabela admitted, a politician may take exception to justifiable interventions, or may call an act intervention when actually it is not, depending upon his point of view. The juridical concept of intervention sees no exceptions, one way or another, and once the nature of an intervention has been determined, point of view is considered irrelevant. In international law, however, it often seems possible to justify interventions under one or another practical loophole in the general principle of non-intervention. A nation is quite able to proceed as it wishes in many cases. It may receive the wrath of public opinion, but no juridical sanctions will be forthcoming.

Some political interventions are not obvious, although they have the same effect as outright interventions, and perhaps more. Many subversive activities come under this category, as they are often difficult to know of or identify until after the fact. Again, the censure which could result from these acts depends upon point of view, since they usually cannot be pinned down to a legal violation. Diplomacy is often included in this category, as well.
As has been mentioned previously, the decision of the great powers to adhere, even partially, to international law is a political one. "In the environment of world anarchy, there is not, in fact, law; there is only policy..." Although this statement is extreme, the fact remains that policy does, indeed, determine the nature of international relations more than law. Even adherence to the principle of non-intervention is a policy decision. There is a law, but policy determines a nation's adherence to it. Political intervention is as important in influencing the course of affairs as is illegal intervention.

See p. 27 above.

CHAPTER II

THE INTER-AMERICAN SYSTEM

AND THE PRINCIPLE OF NON-INTERVENTION

Several theorists... have seen in the substance of inter-American agreements, organization, and cooperation, a typical American international law. Whether or not the degree of particularity justifies the denomination "American international law" has been a source of much dispute, but it must be acknowledged that some elements of particularity do obtain...

—H. B. Jacobini

The United Nations Charter does not define "intervention" per se, but it does say things relevant to the question. To some extent it indirectly implies the intent of the framers. Resolution 2131 (XX), on the other hand, passed by the General Assembly in 1965, specifically condemns most forms of intervention. As it does not in any way contradict the U.N. Charter, it serves to broaden the applicability of the principle of non-intervention as it concerns member states of the U.N.

The inter-American system has developed similar prohibitions regarding non-intervention. It did, in fact, have a very broad principle of non-intervention included in the 1948 O.A.S. Charter, long before the U.N. passed Resolution 2131 in 1965. The wording of the Resolution and the O.A.S. Charter are very similar, although the former

1Jacobini, p. 27. See: Alejandro Álvarez, Le droit international American son fondement—sa nature (Paris: A. Pedone, 1910.)

2See Appendix, Resolution 2131, and also discussion, p. 6.
is even more comprehensive.³

The inter-American system has had a large influence on the evolution of the principle of non-intervention and on the ultimate adoption by the United Nations of such a comprehensive resolution on non-intervention. In this context, a brief summary of the development of the political aspects of the inter-American system is in order.

THE POLITICAL DEVELOPMENT OF THE INTER-AMERICAN SYSTEM

Modern Pan-Americanism began with the first International Conference of American states, held in Washington D.C. in 1889. Little of a political character was accomplished at this meeting, however. For the next half century, the system developed gradually, but without the direct involvement of the system as such in action in the political field. Apart from technical treaties, some eight multilateral treaties on the peaceful settlement of disputes were adopted which made available to disputing parties several bilateral procedures of settlement. Furthermore, the codification of public and private international law and the promotion of comparative law were favorite topics.⁴

In these early years, the system was not empowered to act in a collective capacity in the settlement of disputes. The process of institution building proceeded on the basis of conference resolutions; there was no contractual or treaty basis for institutions. The system,

³See Appendix B, O.A.S. Charter.

in other words, was not a highly developed political organization.

Changes which began in the mid-thirties culminated in 1948. The principle of collective consultation for peace and security was accepted in treaty form at Buenos Aires in 1936. It was put into practice and given institutional form during the war years by means of three meetings of Foreign Ministers.

The consolidation and development of the inter-American system in all fields occurred in 1947 and 1948. This took the form of the two basic treaties of today's O.A.S. These are the Río de Janiero Inter-American Treaty of Reciprocal Assistance and the Bogotá Charter of the Organization of American States. In addition, the bilateral procedures were codified and developed in a single multilateral instrument called the Pact of Bogotá.

Article 6 of the Río Treaty is based on Article 51 of the United Nations Charter, which recognizes that the Charter does not do away with the inherent right of individual and collective self-defense in the case of armed attack. This right is also referred to in Article 3 of the Río Treaty. The Río Treaty proposes to delineate the collective responsibility for the maintenance of peace and security in the Western Hemisphere. All American states are to assist immediately any American state that is the victim of armed attack, either by an American state or an outsider. Collective action is

5 Ibid., p. 2.
6 See Appendixes B and C.
7 See Appendix C, Article 3, Río Treaty
also provided for through a meeting of Foreign Ministers of the Council of the O.A.S.

In Article 6, the Rio Treaty states,

... if the inviolability or the integrity of the territory or the sovereignty or political independence of any American state should be affected by an aggression that is not an armed attack or by an extra-continental conflict or by any other fact or situation that might endanger the peace of America, the parties shall consult immediately to decide upon the measures to be taken.

This article has been utilized in twelve out of thirteen cases in which the Rio Treaty has been applied. Decisions reached through the process of consultation of Ministers of Foreign Affairs are binding on the parties, except when the decision involves the use of force, in which case compliance is optional.

In the opinion of William Sanders, Assistant Secretary General of the Organization of American States,

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9 *Inter-American Treaty of Reciprocal Assistance Applications (I and II, Washington D.C.: Pan American Union, 1964 and 1965)*. The Rio Treaty has been applied in the following cases: Between Costa Rica and Nicaragua in 1948; in the Caribbean in 1950; in the Guatemalan situation in 1954; again between Costa Rica and Nicaragua in 1957; in the Panamanian situation in 1959; and that in Nicaragua in the same year; on the request of Venezuela in 1960 (the attempted assassination of President Betancourt); on the request of Colombia in November 1961 (threats to the peace from the intervention of extra-continental powers); on the request of the U.S. government in October 1962 (upon the establishment in Cuba of nuclear offensive weapons under the control of extra-continental powers); on the request of Costa Rica in 1963 (situation between Dominican Republic and Haiti); on the November 1963 request of Venezuela (denunciation of acts of intervention and aggression by the Cuban government); and on the request of Panama in late January 1964 (situation between Panama and the United States). For more information see: Appendix G and *Americas* (August 1964), p. 5.

10 See Appendix C, Article 6, Rio Treaty.
The essence of the Río Treaty is the principle that anything that endangers the peace and security of the United States endangers the peace and security of Latin America, and that anything that endangers the peace and security of Latin America endangers the peace and security of the United States.  \[11\]

The Charter of Bogotá is the comprehensive constitutional instrument of the O.A.S. It contains the legal or contractual provisions on the nature and purposes of the O.A.S., its principles, the rights and obligations of its members, and the organs or institutions and their functions. These include the Inter-American Conference; the Meeting of Consultation of Ministers of Foreign Affairs; the Council of the Organization; the Pan American Union, which is the Secretariat; the Specialized Organizations, and the Specialized Conferences. Articles 7, 13, 15, 16, 17, and 18 relate most specifically to self-determination and non-intervention. \[12\] Article 15 is the most specific in this respect when it states,

\[
\text{No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. . . .}
\]

Other aspects of the O.A.S. Charter which concern the principle of non-intervention will be discussed later in this chapter.

During the 1936 Inter-American Conference for the Maintenance of Peace held at Buenos Aires, the Additional Protocol on Non-Intervention was signed. In it, the United States and others accepted without reservations the absolute principle of non-intervention in the internal or external affairs of the other American states, thus

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\[11\] Sanders, p. 3.

\[12\] See Appendix B, O.A.S. Charter.
underlining the equality among the nations of the hemisphere. Since that time, the principle of non-intervention has been accepted in theory in this hemisphere.  

At the Buenos Aires conference, the theme of mutual cooperation was dominant.  

Later, at Lima, Peru, at the Eighth International Conference of American States, the desire for still closer cooperation for peace in the Americas was manifested. The American republics were determined to strengthen the machinery for continental defense, and to begin to form the mechanisms for a system of collective security. Definite procedures of consultation which could be quickly utilized in an emergency were provided for in the "Declaration of Lima."  

Through these procedures, it was hoped that the nations of the hemisphere as a group would do what the United States had often previously attempted to do alone, usually under the Monroe Doctrine or one of its corollaries—that is, protect the continent from outside interference and promote stability. At the Seventh Inter-American Conference held at Montevideo in 1933, at Buenos Aires, and at Lima, some of the first concrete steps toward this greater responsibility on the part of the inter-American community were taken.  

Thomas and Thomas, p. 62.  


Thomas and Thomas have given the reasons behind these concrete decisions as follows:

It was quickly recognized that non-intervention was excellent in theory, but could be as dangerous to the sovereignty and political independence of an American State as was the doctrine of intervention. An alternative to individual intervention to uphold international law was found in the doctrine of collective intervention, bringing with it a continentalization of the Monroe Doctrine. . . . It was realized that in the inter-American system, the whole inter-American community should be responsible for the maintenance of law and order. 17

THE O.A.S. CHARTER AND NON-INTERVENTION

The Charter of the O.A.S., which is so specific in its condemnation of intervention, has been developing its conception of the principle and its interpretation since 1948. Although it is clearer than the United Nations Charter concerning what it understands intervention to be, there is still much room for differing interpretations. There has been much dissension, especially concerning applications of the Rio Treaty.

As noted earlier, Article 15 of the O.A.S. Charter specifically forbids intervention. Intervention by armed force is proscribed, as well as any other form of interference of attempted threat against the personality of the state or against its political, economic, or cultural elements. 18

Under the chapter on the rights and duties of states, a state is prohibited from using or encouraging the use of "coercive measures

17 Thomas and Thomas, p. 113.
18 See Appendix B, O.A.S. Charter, Article 15.
of an economic or political character in order to force the sovereign will of another state and obtain from it advantages of any kind."

It is evident, that under this document, a broad concept of non-intervention is accepted as a principle of American international law.

Under the O.A.S. Charter, Thomas and Thomas believe that the American states have also proscribed by implication any intervention for reasons of sanction or general consent by the target nation in other than a specific case. In other words, it is not acceptable for a state to sign a treaty stating that another state has general permission to intervene in its affairs. The American doctrine of non-intervention proscribes all intervention in the internal affairs of a country, except when undertaken by the international juridical community for specific purposes. Therefore, an individual state can request specific interference at a given time, which would not put the matter within the scope of intervention. This underscores the idea of intervention comprising an intent to go against the will of the state, which in this instance would not be the case.

Since the U.N. passed Resolution 2131, individual U.N. member states and groups of states alike are prohibited from intervening over the world. The further legality of intervention by the O.A.S. (as, for example, against Cuba in 1964 and in the Dominican Republic in 1965) depends necessarily upon the conception of that body as a

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19 Ibid., Article 17.
20 Ibid., Articles 13 and 15.
21 Thomas and Thomas, p. 95; and Aureliano Rodríguez Larreta, p. 227.
juridical entity rather than as a mere group of states. This will be discussed more later.

TWO MAJOR AREAS OF MISUNDERSTANDING

Apart from the general influence that politics exercises over international law, there remain two other special areas which especially allow for different juridical interpretations of the facts pertaining to an action which is allegedly interventionist. These constitute two of the most fundamental reasons for misunderstandings and mis-usages arising under the principle of non-intervention in the Americas. One area of interpretive debate has to do with differing interpretations as to the juridical character of the O.A.S. The other concerns the problem of subversive intervention.

The juridical character of the Organization of American States.
The first area of interpretive debate in the inter-American system which affects intervention in the hemisphere, or rather its enforcement, arises out of the fact that it is a matter of controversy as to whether the O.A.S. is a juridical entity itself or just a mere grouping of states. If it is a juridical entity, it is consequently not limited by the non-interventionist dictates of Article 15 of its Charter. If it is a mere grouping of states, then it would be ruled by these dictates. 22

This issue is far from settled. The position of the United

22 See Appendix B, O.A.S. Charter, Article 15.
States on this question is unclear.

William Sanders, Assistant Secretary General of the Organization of American States and an American citizen, has commented on the subject as follows:

... The question of the Castro Government and its alliance with international Communism ... has resulted in a basic cleavage on how best to meet this new development and as to the appropriate role of the O.A.S. in the matter. ...

... There are some Latin Americans who consider that the O.A.S. would not be justified in adopting further coercive measures against Castro, on the ground, among others, that such action would constitute a violation of the principles of non-intervention and self-determination. Other Latin Americans contend that such a view misrepresents and misinterprets these two principles in a way that would convert them into a "closed-eyes and hands-off" policy. In fact, it has been said that it is of the utmost urgency that the O.A.S. acquire the characteristics of a truly supra-national structure, capable of adopting decisions consonant with the gravity of the events that threaten the peace and security of the Hemisphere. 23

He then concludes that it is evident that some of the problems facing the hemisphere will require a further stage in the development of the system—a stage of transnational institutions.

Mr. Sanders does not consider that the O.A.S. has, to date, acquired any nature other than that of a "group of states", since he obviously sees the necessity of developing a supranational structure as a task. Whether his contention is correct is not certain for two reasons. First, because there are other points of view, and second, because there may be a position which lies between "group of states" and "supranational" which would allow the O.A.S. to be a single entity while ultimately succumbing to the will of its member states on a higher-than-everyday level.

23 William Sanders, "The Expanding Fabric ... ", p. 5.
Thomas and Thomas stress the desirability for collective intervention in bringing about enforcement of the principles of international law and in maintaining a just and peaceful international order. Under general international law, they say, the individual states in the international community may take sanctions to uphold the law against a state which is responsible for some violation.

If nations subscribe to the theory of the supremacy of the law, then community action is the only alternative to individual action. If a state may violate all norms of international law, and if all other states are required to remain indifferent, then it would be impossible for international society to exist. Consequently, all measures designed to assure the authority of the international legal system are within the scope of collective protection by all states.

As a consequence, Thomas and Thomas say that in the inter-American system, the collectivity alone is given the right to protect international law as envisioned in the O.A.S. Charter. According to this view, since individual intervention has been prohibited altogether, and since collective (that is, groups of states) action is prohibited in more instances than are included under general international law, the only agent left to protect general international law is the legal entity which is the Organization of American States. 24

In other words, to preserve the order and justice of the American international community, it is presumed that some organ must be available to protect it in times of absolute necessity. Although it

24Thomas and Thomas, p. 103.
is not stated in the O.A.S. Charter, neither is it denied, that the
O.A.S. as a juridical entity is that organ, and that it may take
action where the proscription of intervention by a "group of states"
applies.

This does not signify that the O.A.S. is a supranational
structure. As with other semi-autonomous organizations, it may have
jurisdiction as a single entity among its member states, while the
members are nevertheless free to belong to the organization or not
as they wish. If they choose to belong, they must accept its juris­
diction. As such, the organization is semi-autonomous, which places
it between the classifications of "group of states" and "supranational".

Brierly has said that the United Nations is

\[\ldots\] a subject of international law. It is not a state or a
super-state. It is capable of possessing international rights
and duties. What they are depends upon its purposes and func­
tions as specified in its constituent documents and developed in
practice.\[25\]

The nature of the O.A.S. is not precisely stipulated in the
Charter. There may be more than one correct point of view regarding
the matter. Nevertheless, the semi-autonomous concept may be a good
answer to the complex problem, one which has not been fully recog­
nized.

The reorganization of the O.A.S. structure and the whole inter-
American system is being considered at present. Proposals for moderni-
zation were made in Río de Janeiro at a special conference of Foreign

\[25\] Brierly, p. 121.
Ministers held in November of 1965. The Third Special Conference of American States was to be convened in Buenos Aires, Argentina, on August 29, 1966, to undertake this reorganization. It has been postponed indefinitely, however, due to recognition of problems concerning the Argentine government and other member states of the O.A.S.

At this writing, one can only refer to the draft of the Special Committee which was set up to study the possible amendments and to the Report of the O.A.S. Council which treated the same subject. How much stronger the O.A.S. will become when these revisions are accomplished, or how much clearer its nature will be must await the new changes.

Subversion as intervention. Subversion is a major problem in Latin America today. In the words of a perceptive student of international affairs,

Liberal governments are loathe to control it [subversion], whereas illiberal ones do not permit it and thereby achieve an advantage at the same time that they are most effective in employing it, thus achieving another advantage in that they force rival states into the use of intervention.


28 See: Final Act of the Special Committee to Prepare a Preliminary Draft on Amendments to the Charter of the Organization of American States signed at Panama City on April 1, 1966, OEA/Ser. K/XIII/1.1, Doc. 90.

29 James P. Speer, graduate student, seminar in international relations, University of Colorado, Boulder campus, July 1965.
New devices of subversion are being widely and intensively employed in the hemisphere by communist powers which seek to expand their spheres of influence. Foreign subversion is aided and abetted by nationals of the countries which are the targets of the interference, thus further complicating the problems of enforcement of subversion under the non-intervention principle. This is a primary problem with which the United States must contend.

Thomas and Thomas say,

No matter what the theory, the idea that only force or threat thereof can constitute intervention is exceedingly restricted in the world of today; and it is dangerous, for it excuses various types of interference that have often occurred, particularly in modern times. The totalitarian nations have reduced intervention to a science, and to them it has become a duty and a legitimate method of political warfare. Economic pressures...; diplomatic demands backed up with political threats to force a state to curb freedom of speech, press, and radio; fifth column activities; the inciting of another state's peoples to rise against their government; and a multitude of other refined techniques of interference must in many instances come under the heading of "intervention"...

Another authority notes that

... The line between internal strife and international conflict has not only become more difficult to draw, but is now less significant with reference to the basic concern, threats to the

peace. Furthermore, the drawing of a clear line between permissible and impermissible interventionary acts, never easy but always desirable, is now both harder and more urgent. . . . Standards of customary international law relating to intervention are ambiguous, confused, outdated, and inadequate.

Again, we must affirm that it is largely the idea of intent which determines the interventionist character of some of these acts. Due to the veiled character of many of them, nations are forced to make judgments on the basis of political knowledge or belief.

Latin Americans have, to date, been reluctant to act upon subversion-as-intervention. They fear that such action might open the way for United States intervention or interference in their affairs.

The Organization of American States must often, in fact, decide legal questions on the basis of votes which are dependent largely upon political opinions. This would be probable even if the interventionist character of subversive activities were made clear. But the situation is almost hopelessly clouded when, in such organizations, pure politics is allowed to hide under the mask of law, however poorly defined that law may be. This is especially serious when one side tries, even halfheartedly, to build respect for that law, while the other is determined to use the law to destroy both the law and the opposing side.

The lack of a clear reference to subversion in the O.A.S. Charter has made the interpretation of "subversion-as-intervention" uncertain. Such uncertainties of the Charter on this topic have led to actions by the O.A.S. on the basis of interpretations which some

loyal members of the organization firmly believe to be illegal. 32

Since subversion is definitely listed as a type of intervention in Resolution 2131 (XX), which was passed in 1965, the problem of interpreting subversion as intervention would seemingly be solved. Nevertheless, as was mentioned earlier, 33 the provisions of the resolution will mean different things to different people. The problem of controlling subversion and of publicizing subversive acts will remain. It is, therefore, doubtful that subversion will be eliminated in the Americas or elsewhere due to the passage of Resolution 2131, or due to provisions in the inter-American documents.

Reinforcing this doubt is the fact of the convocation of the "First Afro-Asian-Latin American People's Solidarity Conference" which was held in Havana less than a month after the passage of Resolution 2131. Many of those who voted for the resolution in the U.N. were in attendance at the conference. There follows an account of that conference and its significance for future subversive activities in the hemisphere.

THE TRICONTINENTAL CONFERENCE

The U.N. resolution of December 1965 condemned intervention by subversion, terrorism, indirect intervention, intervention in

32 For example, note the Chilean and Mexican reactions to O.A.S. sanctions voted against Cuba in 1964, and to Inter-American Peace Force actions in the Dominican Republic in 1965. They opposed the O.A.S. actions in both cases, saying that the O.A.S. did not have jurisdiction for subversive activities. See sections in this paper on Cuban sanctions, chapter IX, and the Dominican Republic intervention, chapter III.

33 By British Ambassador Sir Roger Jackling, p. 7 above.
civil strife, as well as other more standard forms of intervention.\textsuperscript{34}

In Havana, Cuba, from January 3 to 15, a meeting sponsored by the Communist governments of three continents was held. The official title of the meeting was "First Afro-Asian-Latin American People's Solidarity Conference." It was of great importance to the above-mentioned resolution and to world security in general. All of the Communist and several non-Communist nations sent official delegates, although the delegates from most non-Communist nations were not sent by their governments. Six hundred delegates from eighty-two countries were in attendance.\textsuperscript{35} It was the first time that Latin America was included in such a "solidarity" conference.

The conference took the following steps, among others: First, in the course of the deliberations nearly all the member states of the O.A.S. were specifically mentioned, either as objects of attack or as primary targets marked for overthrow through the support of subversive movements. Secondly, the political resolution approved by the conference\textsuperscript{36} called for "maximum development of militant solidarity" with the Latin American groups who are under arms against their

\textsuperscript{34}United Nations General Assembly, Resolution 2131 (XX), Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty. See Appendix I.


\textsuperscript{36}The "First Tricontinental Conference," Another Threat to the Security of the Inter-American System, Study prepared by the Special Consultative Committee on Security at its 6th Regular Meeting; OAS [OEA]/Ser. L/X/II.12 (English) (Pan American Union, 2 April 1966), p. 40.
governments in Venezuela, Colombia, Peru, and Guatemala, as well as with subversive groups in Brazil, Ecuador, Bolivia, and elsewhere, and particularly in the Dominican Republic. Thirdly, a separate resolution which was approved by acclamation demanded that "all the revolutionary forces of the three Continents intensify their efforts to aid ... materially and financially (including arms and munitions), all the Directing Movements of the countries which fight with arms in hand." Fourth, the conference established the Provisional Headquarters of the Executive Secretariat of the "Solidarity Organization of the People of Africa, Asia, and Latin America" in Havana itself. It set up a special committee whose members include representatives of the Soviet Union, Communist China, and Cuba, and whose objectives include the provision of "... all necessary moral, political and material assistance to national liberation movements, particularly those which are up in arms." Fifth, the so-called "delegations" claiming to represent Latin American countries were directed to remain in Havana following the conclusion of the conference, for further secret meetings.

In other words, the Tricontinental People's Solidarity Conference set the goal of planning the strategy and tactics for vigorous subversive and terrorist activities to be carried on throughout the world, and notably in Latin America, in defiance of United Nations

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38 Ibid., p. 32.
Resolution 2131, which firmly prohibited such activities. Havana, Cuba, is to be the provisional headquarters for such subversion. 39

The statements by delegates who attended the conference are indicative of the intention of the Communist nations to ignore the U.N. Resolution. In a speech to the conference on January 7, 1966, the Soviet delegate, Mr. Sharaf P. Rashidov (candidate member of the Soviet Presidium) urged the creation of "a united front against the common enemy, international imperialism headed by the United States." 40

He said further,

... The Soviet people have always supported the wars waged by the peoples, the armed struggle of the oppressed peoples, and renders them all-round support and aid. ...

The Soviet people are deeply in sympathy with the courageous struggle waged by the peoples of Latin America who are striving to defend their national sovereignty. ... We express our fraternal solidarity with the armed struggle being waged by the Venezuelan, Peruvian, Colombian, and Guatemalan patriots for freedom against the stooges of imperialism. ...

... May this conference increase and strengthen the unity of our ranks, and impart new force to the liberation struggle throughout the world. 41

A very inflammatory, but very typical, speech was given by a delegate of the People's Republic of China, calling for violent revolution and unity in "the struggle against imperialism." 42

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42 Ibid., Speech by Wu Hsuch-Chien, January 6, 1966, p. 30.
The Cuban representatives to the conference issued statements and made speeches which should leave little doubt in the minds of Latin Americans as to the intentions of Cuba in the Western Hemisphere. Dr. Osvaldo Dorticós, President of Cuba, said in a speech on January 3, 1966,

... On this occasion, Cuba declares that it is a right and a duty of the peoples and governments of the countries that have won independence and have begun construction of a new life, to give unrestricted aid to the movements of liberation of Asia, Africa, and Latin America.

... Those here represented have pledged their history in the struggle for liberation and sovereignty. It is important now to find forms of a common language and joint action against the imperialist foe.\textsuperscript{43}

Cuban delegate Osmany Cienfuegos, Cuban Minister of Government, was made director of the Permanent Executive Secretariat of the "Solidarity Organization of the African, Asian, and Latin American Peoples." He said in a speech on January 6, 1966,

It is necessary to ask ourselves what kind of organization we want and what it is going to serve. We must find the path that leads us to an organization that in its form and content will be effective in giving impetus to the revolutionary struggle of peoples. The paths of unity of the people are the paths of revolution. There is no true popular unity without revolution.\textsuperscript{44}

Prime Minister Fidel Castro was by no means silent at the conference. In the closing session he called for unity of struggles throughout Latin America, so that the "imperialists" would not be able to cope with them all. He said, furthermore,

\textsuperscript{43} Ibid., Speech by Dr. Osvaldo Dorticós.
\textsuperscript{44} Ibid., p. 31-32.
In many other American nations, every condition exists for revolutionary armed battle. This battle has been going on for some time. . . in Venezuela, Peru, Colombia, and Guatemala. . . . As the Havana Declaration says, "The duty of every revolutionary is to make revolution . . .; not be a revolutionary in theory alone, but a revolutionary in practice. . . ."

. . . Where the bourgeoisie and imperialism exercise their class rule through constitutionalist means, as is the case of Uruguay, the force of the mass movement and the people's revolutionary spirit are more and more evident. 45

There was some notable support from governments which proclaim themselves to be merely Socialist rather than Communist. The chief of the delegation of the United Arab Republic, Khalid Muhyi-Din, said,

Our program of action is very clear:
We must continue our struggle to eliminate the latest entrenched forces of imperialism and of the old colonialism by every means at our disposal, including recourse to armed conflict if necessary. . . We must wage a . . . ceaseless struggle against all of the tactics and machinations of the neo-colonialists. . . . Long live the solidarity of the peoples of Africa, Asia, and Latin America!

He then mentioned that President Nasser has invited the next conference to meet in Cairo in 1968. 46

According to Paul D. Bethel, on January 18, 1965, the Russians issued a communiqué directing Communist parties in the Western Hemisphere to push "on an ever greater scale, the movement of solidarity with Cuba on the entire continent." It promised "active aid" to terrorists operating in Latin America. 47

Ambassador Spruille Braden has quoted Soviet Ambassador Rashidov

47 Bethel, p. 1.
as saying that communist operations in this hemisphere would soon capture Venezuela, Guatemala, Peru, the Dominican Republic, British, French, and Dutch Guianas, and Puerto Rico. This subversion in America is to follow Viet Cong tactics perfected in Asia. As can be expected, the United States, its friends, and their interests are to continue to be prime targets.\footnote{Ambassador Spruille Braden, speech presented to Cuban Organizations in Exile, in special edition of Latin America Report (Vol. IV, No. 6, March 21, 1966), p. 2. Ambassador Braden is Assistant Secretary of State for Latin American Affairs. He is presently a director of several corporations, consultant of foreign affairs, and trustee of the Citizen's Committee for a Free Cuba.}

Ambassador Spruille Braden notes a resolution issued at the Tricontinental Conference on January 15 which states,

... Peaceful coexistence applies only to relations between states with different social and political systems. It cannot apply to relations between social classes, between the exploited and the exploiters within separate countries, or between oppressed peoples and their oppressors.\footnote{Ibid.}

This resolution, in effect, voids any real concept of peaceful coexistence or of non-intervention, since in supporting "class struggles" against other governments and social systems, intervention and a kind of "undeclared war" are inevitable.

Ambassador Braden also stated that the United States is not bound to abide by President Kennedy's promise to Chairman Khrushchev that the United States would not attempt to overthrow Castro, since part of that agreement included on-site inspections in Cuba. Such inspections were never permitted. He also said that no man can
guarantee that Castro and communism will be protected forever. Finally he warned that all guerilla wars are closely inter-related, including the one in Vietnam.  

The aims set forth in the addresses presented at the conference include the following: the creation of an ad hoc organization to give impetus to revolutionary activity; repetition of the idea of "active, dynamic and militant solidarity"; use of the conference as a "revolutionary school"; solidification of Soviet support for the Cuban revolution and, by extension, firm support to any other American country that follows Cuba's example; a decided inclination toward the Chinese line of "violent revolution"; and the institutionalization of intervention by the Communist blocs into the internal affairs of the American countries.  

The important resolutions adopted by the conference include a General Declaration, which outlines the reasons and methods for a "fight to the death against the imperialists", and proclaims the right of the "people" to resort to armed conflict to "liberate" themselves.  

There was also passed a General Political Resolution which closes as follows:

The conference also proclaims the need to tighten cooperative relations with the countries of the socialist system, the working class, and other revolutionary and progressive organizations of the peoples of Europe and North America.

\[50\] Ibid., p. 1.  
\[51\] See O.A.S. [OEA]/ Ser. L/X/II.12, p. 36.  
\[52\] Ibid., p. 39.
Faced with the criminal alliance of the reactionary forces, the peoples of the three continents reply with active, dynamic, militant solidarity and the readiness to respond to every imperialist aggression with revolutionary action, committing themselves to this fight until all forms of oppression by imperialism colonialism, and neo-colonialism have been completely wiped out.  

Considering the fact that the Communist nations consider all governments which were not represented as either colonialists, neo-colonialists, stooges of the imperialists, or the imperialists themselves, little doubt remains as to what the representatives at the conference want to do to the rest of the world. There is also little doubt about their determination to attempt to do so.

There was also passed a Declaration on Colonialism and Neo-Colonialism, and a resolution establishing a Permanent Executive Secretariat, with headquarters provisionally in Havana. According to the Special O.A.S. Consultative Committee on Security, which put out the report from which much of this information is derived,

The long list of topics of resolutions makes constant reference to the support and encouragement of subversion, to the "struggle to the death against imperialism", attacks and abuses the institutions of the free world, fosters the creation of permanent organizations to spread violent revolution, and seeks the strengthening and maintenance of a spirit of "active, dynamic, and militant solidarity." All of this, without taking into account the secret resolutions and agreements that no doubt must have been adopted behind closed doors.  

Finally, the Conference made several declarations relating specifically to Latin America, among which is a Declaration on the O.A.S. The aim of the latter is to discredit the Organization and

53 Ibid., p. 41.

54 Ibid., p. 37. The committee believes, furthermore, that the resolutions were prepared beforehand, due to the great number of them, the relative lack of discussion, and their rapid approval.
its basic documents, "making use of virulent diatribes and false im-
putations." It is obvious that these attacks are directed toward
weakening the inter-American system and its objectives.

Furthermore, specific resolutions were made dealing with the
Dominican Republic, Colombia, Venezuela, Peru, Guatemala, and other
countries, including Puerto Rico. All reiterate, regarding the
specific countries, what was said in the General Declaration.

**Reaction of the O.A.S.** The inter-American community was un-
aminous in its condemnation of the Conference and its purposes. A
special session of the Council of the Organization of American States
was called on January 24, 1966, at the request of the Peruvian govern-
ment. The head of the Peruvian delegation gave his reasons as follows:

In accordance with the instructions of my government, I must
request the convocation of a special extraordinary session of
the Council of the Organization, to formulate a denunciation on
the violation of the principle of non-intervention, as consecrated
by the Charter of the Organization of American States, and rati-
fied by the General Assembly of the United Nations in its Resolu-
tion 2131 (XX), approved in the session of December 21, 1966.

Every delegation spoke out against the Tricontinental Confer-
ence and its purposes in the Western Hemisphere. There was unanimity
on the resolution adopted by the Council at the meeting on February
2, 1966, condemning the policy of intervention manifested in the
discussions and decisions of the Tricontinental Conference, and

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57 O.A.S. Council Series, Acta de la sesión extraordinaria
declaring the inadmissibility of giving support to any indirect forms of aggression. All the delegations reiterated their adherence to the principle of non-intervention and self-determination, and condemned the Communist countries for their obvious betrayal of these principles.

Several inter-American labor organizations, among them the ORIT (Inter-American Regional Organization of Workers), the CLASC (Latin American Christian Trade Unionists), and several other unions from Costa Rica, Peru, Colombia, Ecuador, and exiled Cubans, also passed resolutions condemning the conference and its goals.

The only disagreements concerned the length to which the Council of the O.A.S. could legally go in taking action on the results and actions of the Tricontinental Conference. Chile and Mexico felt that Resolution II, number 1, of the Eighth Meeting of Consultation at Punta del Este, Uruguay, could not be applied in the case at hand, since it was specifically aimed at aggression, and the two governments were not willing to see the label "aggression" applied to the actions of the Conference. They admitted that it would be an obvious case of violation of the principles of non-intervention and self-determination.


59 Some of these other unions included the Federation of Workers and Peasants of Costa Rica, Confederation of Peruvian Workers, Social Center for Private Peruvian Employees, National Federation of Farmers of Peru, Colombian Federation of Democratic Organizations, Confederation of Colombian Workers, and Ecuadorian Confederation of Free Trade Unions. (See: Editorial in Cuban Labor ((Vol. III, No. 22, February 1966)), p. 2-3; and OAS Document Ser. G/II/C-a-593 Aprobada ((February 2, 1966)), p. 5-6.)
should any of the declarations or resolutions be implemented. They objected, however, to any attempt to make intervention synonomous with aggression. 60

The delegate of Chile said that a declaration against "aggression" would be excessive, since Chile considered that the agreements of the Conference could not change a factual situation, existent for many years and object of many declarations on the unity of the world Communist movement, a unity more figurative than real. Such a declaration would not advance the situation established by the Eighth and Ninth Consultative Meetings, and it would put the peace of America in danger due to more declarations and threats, not real and effective acts. Chile and Mexico abstained from voting on the resolution since, although they "deplore intervention," they considered that the resolution exceeded the powers of the Council. 61

This reaction of Mexico and Chile was not unexpected, since these two governments are always opposed to anything which would expand the jurisdiction of the O.A.S. or tend to equate intervention with aggression. This difference of opinion as to the reach of the O.A.S. Council does not diminish the unanimous condemnation which the American states, with the exception of Cuba, gave the Tricontinental Conference and its aims.

The O.A.S. Special Consultative Committee on Security concludes


61 Ibid., p. 21.
its report on the Conference with the following statement:


The Committee recommends and stresses the need for strong, joint action on the part of the inter-American system to counter the Communist plans, and that a high level meeting should be invoked to consider the problems of Communist subversion and of establishing the provisions and procedures necessary to decide upon the joint manner of achieving the objectives sought through these recommendations.  

The resolution which was passed by the O.A.S. Council on February 2, 1966 was transmitted to the Secretary General of the United Nations. In the United Nations, however, the O.A.S. received little satisfaction. The Secretary General requested that the Cuban government reply to the charges made in the O.A.S. resolution.  

In his reply, Fidel Castro said that all eighteen signatories of the appeal were lackies of the imperialist aggressors. As a consequence, the actions proposed by the Conference did not constitute aggression. He asserted the right of the delegates to the Tricontinental Conference to propose to overthrow the other governments of Latin America.  

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63 Ibid., p. 69.  
64 See Appendix J, Resolution.  
In other words, the inter-American system is cognizant of the threat to the non-intervention principle presented by the Tricontinental Conference. It, and the United Nations, after recognizing the threat, are left to prove that they can handle the problems which arise due to Communist subversion. If they cannot, one must assume that nations will have to make policy decisions on the basis of their national interest, adhering to law as they can, but acting first on their diplomatic instincts. International organizations have tried to make this unnecessary, but the Tricontinental Conference has brought the problem to the fore once again.

To date, therefore, the problem of subversion in the hemisphere appears to be worse, not better, since the passage of Resolution 2131 (XX). This can be blamed, first, on the Tricontinental Conference and the intentions of its participants to subvert and undermine the legitimate governments of the hemisphere; and second, on the inability or unwillingness of the international organizations to do more than pass resolutions on the subject, resolutions which are scoffed at by those at whom they are aimed.

REACTIONS OF THE U.S. PRESS TO THE TRICONTINENTAL CONFERENCE

Although only two newsmen from the United States were allowed to attend the conference out of the thirty-five who applied (and those two were from small Marxist publications), there was extensive coverage by other members of the international press corps. Le Monde of Paris ran a series of detailed articles on the conference. 66 In spite

of this, relatively little mention was made in this country of the conference, which was surprising when one considers the importance to the peace and security of both the United States and to the whole hemisphere which it implies.  

Paul D. Bethel, editor of the "Latin America Report" and former press attache of the U.S. Embassy in Havana, notes that few of the news media have issued statements alerting the public to the significance of the conference. He has observed,

... Our nation's news organs have either ignored the Havana meeting for the most part, or bemuse themselves with conjecture that the conference bears no more importance than a widening of the Sino-Soviet split. Yet the Havana Conference represents the largest gathering of guerrillas in one spot in the world's history.

In spite of this relative lack of alarm on the part of the United States news media, the Tricontinental Conference would appear to be of great importance to the problems and future which the United States faces. Mr. Bethel reports that evidence indicates that a huge radio and communications complex is under construction in Cuba, which will help to co-ordinate subversive activities in the hemisphere.

67 U.S. News and World Report (January 31, 1966), p. 50, was the only one of the U.S. mass media periodicals which, following the close of the conference, carried an article on it. Later, another article appeared in The Reporter, written by Paul D. Bethel, as cited above. Extensive information is also available through O.A.S. documents, as cited above.

68 Bethel, "Latin America Report", 4 (No. 5, February 1966), p. 2. It is true that many of the delegates from Africa, Asia, and Latin America were Communist guerrilla fighters, including many Viet Cong, according to U.S. News 60, p. 50, and O.A.S./Ser. L/X/II.12, p. 4.

He also points to the well-equipped subversive apparatus already active in the hemisphere out of Cuba. Many obsolete Soviet missile bases in Cuba were converted after 1962 into guerrilla training camps. The U.S. Senate Internal Security Subcommittee listed ten such installations as early as 1963, and today, some intelligence estimates list forty-three such camps. They could train about ten thousand guerrillas a year. Mr. Bethel notes that this training program "is co-ordinated with international Communist subversion over the world."\(^7^0\)

That these facts have multiplied in importance since the Tri-continental Conference should be obvious. For this reason, the laxness of the United States press in this respect is a matter for sincere but curious concern.

\(^7^0\) Bethel, "The Havana Conference," p. 28.
CHAPTER III

INTERVENTION FOR DEMOCRACY

Law and politics are inseparable . . . Law . . . conserves the values of a going social system . . . When the values are themselves in transition, the system of law gives way to political or quasi-legal activity.

—Morton A. Kaplan and Nicholas deB. Katzenbach

THE PROBLEM IN GENERAL INTERNATIONAL LAW

The idea of domestic jurisdiction is a dynamic one. Today, since an important concept in contemporary international law is the right of internal and external independence, a state should be free to adopt whatever form of government it chooses. "The right of revolution is implicit in this concept." 2

Hall defends the concept of independence thusly:

A state (i.e. a people) may place itself under any form of government that it wishes. . . . A state has a right to live its life in its own way, so long as it keeps rigidly to itself, and refrains from interfering with the equal rights of other states to live their life in the manner which commends itself to them. 3

Thomas and Thomas agree with Hall when they say, "A government brought into being by the machinations of another cannot be called the chosen government of the people of a nation." 4

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1 Morton A. Kaplan and Nicholas deB. Katzenbach, "The Patterns . . .," American Political Science Review, p. 703.
2 Thomas and Thomas, p. 359.
3 Hall, pp. 43-44.
4 Thomas and Thomas, p. 359.
**Historical background.** One early concept of non-intervention relating to a democratic or republican form of government grew out of the French Revolution and Jean Jacques Rousseau's concepts of the sovereignty and the self-determination of the state. Since the state was subject to no authority but its own, intervention was not legitimate.

Immanuel Kant was very much influenced by Rousseau. He put forth a principle of non-intervention in his essay entitled *Perpetual Peace* in 1795, declaring, "No state should interfere in the constitution or government of another state." Therefore, Kant proscribed intervention absolutely, but it must be noted that he probably meant it to apply only among republican states. This is because he believed that world peace could be maintained only when republican government was universal. As a consequence, he might condone intervention to help overthrow authoritarian governments in order to achieve universal republicanism and peace.

During the nineteenth century, under the balance of power system, the great "civilized" nations shared a similar economic philosophy, a similar regard for the individual, and similar views as to domestic

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6 As the French Revolution progressed and France became stronger, however, France justified her interventions by the necessity to free Europe from absolute monarchies and to confer democracy upon the people. It should be noted that Napoleon employed interventionary methods in the name of liberty in his designs for power and control in Europe. See Thomas and Thomas, p. 7.

politics. They "shared the principle values of a common civilization, of a common legal heritage, and of a common faith in laissez faire economics." They imposed these values on the world at large whenever it was in their interest to do so.

Fear of the revolutionary character of democracy and a desire to maintain the social order had led the Holy Alliance, formed in 1815, to temporarily proclaim a doctrine of collective intervention against republicanism. This doctrine was abandoned, however, due to the even stronger desire to preserve the stability of the international order and the independence of the nation, both of which were prerequisites of the system. The guiding norm of national independence—for the more important European nations—was supported by the existing political circumstances. The community of nations would turn its outraged resentment against any violator. Under the balance of power system, even war had to stop short of interference into a nation's internal affairs.

Formerly, smaller and non-European states were not thought of as having or deserving any "right" of sovereignty or independence, except as they were needed to contribute to the balance of power system. It was in the interest of the larger nations to preserve that system, and therefore its values were imposed upon any new nation

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8 Morton A. Kaplan and Nicholas deB. Katzenbach, The Political Foundations of International Law (New York: John Wiley & Sons, 1961), p. 40. This contains a good resume of the nature of the balance of power system, with several references to intervention.

9 Ibid., pp. 31-41. See also: Thomas and Thomas, p. 7-8.
which was permitted to take part in it.

In the twentieth century, the world tended to drop previously accepted ethical values as part of the requirements for members of the community of nations. In fact, few if any requirements were retained as the geographical limits of international law were extended to include all states. In the inter-war period, furthermore, although democracy was encouraged, no one nation thought that it had the responsibility to intervene or to initiate a collective intervention in support of democracy. In the opinion of Kaplan and Katzenbach, a lack of leadership hampered the collective security system.  

After World War I, according to Kaplan and Katzenbach,

\[\ldots\text{national self-determination was the order of the day, and every nation was to be the legal equal of every other nation.} \]

The crystallizing force for peace was to be found in the democratic sentiments of the free citizens of independent nation-states, whose interests were harmonious and whose energies for constructive peace would be mobilized by national independence and democratic political processes.

After the war, therefore, states began to proclaim their "rights" to sovereignty and independence, taking little notice of the responsibilities inherent under these so-called "rights". The "right of revolution" was strongly asserted once more, especially against colonial nations, but also against domestic governments.

Kaplan and Katzenbach go on to explain that under the inter-war system of collective security, due to the absence of any predominant great powers, there was no one nation to lead the call for action

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10 Kaplan and Katzenbach, Political Foundations \ldots, p. 40.

11 Ibid., p. 42.
against a transgressor. Every nation looked to other nations to act, since "reasons for procrastination seemed stronger than reasons for action." 12

Since the internal form of government was not considered important to world peace, since there were few, if any, standards to which nations all conformed, since the collective security system was weak and insecure, and since the principle of non-intervention was beginning to take shape, problems arose which the international community could not handle. Specific minority groups were supposed to be protected, but they were not. Totalitarian governments became immune from intervention for democratic purposes; they could flaunt the democratic ideals of the League of Nations and no nation felt it its responsibility to do anything about it. Therefore, where modern totalitarian governments came to power, new methods of internal and external control made the "right of revolution" somewhat irrelevant, except in cases where the government was not highly organized or where it was overthrown after a war. 13

Under the loose bipolar system of today, members of the blocs have little interest in maintaining the independence of the members of the opposing bloc, as was the case under the balance of power system. Alignment must be on the basis of long-term interest. The

12 Ibid., p. 43.

13 Thomas and Thomas, p. 359-360. Note the cases of Eastern Europe where the Soviet Union exercises ultimate control over the fate of those countries, and of the People's Republic of China where the people are highly organized and militantly controlled by the system.
blocs become relatively stable patterns of alignment within which conflicts of short-term interest tend to be more or less ignored. Apart from the positive motivations to intervene, the negative factor of the concentration of capabilities in the leading members of the blocs makes it difficult not to intervene. Just as the Soviet Union has an important interest in preserving the governmental forms present in Eastern Europe and in spreading them if possible, can the United States remain indifferent to possible changes in the NATO governments, changes which might throw one of them into the communist bloc? Since the United States has decided that encouraging representative democracy is the most effective way of opposing communism, it requires great restraint on her part (restraint which may sometimes not be justified), not to interfere when totalitarianism threatens a formerly democratic country. 14 Many interventions which the United States undertakes indirectly have to do with trying to preserve democratic forms of government, if possible, and otherwise, with trying to preserve, temporarily at least, any government which will oppose communism.

Martin Wight has put the contemporary problem as follows:

... Like neutrality, non-intervention requires unassailable confidence and strength to be an effective policy, and a non-intervening Power is likely to have its hand forced if it cannot make other powers follow non-intervention as well. ... Intervention is frequent in the relations between a Great Power and its satellites. The classic example is the relations between the United States and Latin America. 15

14 See Kaplan and Katzenbach, Political Foundations ... , pp. 50-55.
15 Wight, pp. 50-51.
During the inter-war period, the bloc system was not in effect and the problem of losing or keeping satellites was not applicable. At that time and before, however, nations did not interfere with another's colonies. It was somewhat the same thing, although international politics was balanced in a different manner.

THE PROBLEM IN THE UNITED NATIONS

In the United Nations Charter, the reference to equal rights and self-determination\(^16\) is not a guarantee or a legal obligation that the United Nations will act to bring about these democratic ideals in the governments of its member nations. The Charter stipulation that the United Nations shall not intervene in matters of essentially domestic jurisdiction indicated that the organization does not have the power to intervene for democracy, since, so long as it does not threaten the peace, the government of a country is an internal affair. That the organization has sometimes seriously considered such intervention, as in the case of a resolution involving Spain in 1946,\(^17\)

\(^{16}\)See Appendix A, Article I, paragraph 1.

\(^{17}\)This refers to UNGA Resolution of December 12, 1946 which recommended that all members recall from Madrid their ambassadors and ministers plenipotentiary accredited there. The resolution gave the reasons as being that the Franco Fascist government of Spain, "imposed by force upon the Spanish people with the aid of the Axis powers, . . . does not represent the Spanish people, . . . and is making impossible the participation of the Spanish people with the peoples of the U.N. in international affairs." (Cited in Dep't. of State Bulletin, Vol. XV, p. 1143.) Fenwick says that the same could have been done with Cuba in 1960 when Cuba invited the USSR to strengthen her armed forces. The O.A.S. broke relations, but the U.N. did not act. (See Fenwick, International Law, p. 576.)
does not alter the fact that it is not a legal right of the United Nations to intervene in support of democracy.¹⁸

The concept of sovereignty of the state was the foundation upon which modern international law was built. This sovereignty, however, implied recognition on the part of the state of certain ethical principles. "But when international law was emasculated by the denial of ethical principles, sovereignty was assumed to mean that a state had an inalienable right to do as it pleased."¹⁹ Therefore, under the latter concept, intervention into a state's affairs in favor of the principle of democracy would not be legitimate, "for if there is no ethical behavior to which a state must subscribe, any internal form of government is legitimate."²⁰ If the ethical principles of international law have only to do with external relations, then as long as a regime does not breach international law or endanger the peace, any intervention to bring about the overthrow of its government, no matter how undemocratic it may be in its internal affairs, would not be legitimate.

Nevertheless, Thomas and Thomas feel that a case could be made for the legality of intervention when used against totalitarian regimes "like those of Nazi Germany or Communist Russia," which have repudiated fundamental principles of international law. Such governments obviously do not consider themselves bound by its dictates. The

¹⁸See Rosalyn Higgins, pp. 77-79; and Thomas and Thomas, p. 371.
¹⁹Thomas and Thomas, p. 361.
²⁰Even violations of international law may not now be considered sufficient reason for intervention. It would depend upon the nature of the violation.
Thomases also contend that if the ethical principles which form the basis of international law not only affect external relations but internal affairs as well, then there is a legal duty which applies to each state to form a democratic type of government. 21

In theory, this latter contention would seem to allow some right of intervention in support of democracy. The international community has not, however, made it clear whether or not the ethical principles of international law do relate to the internal affairs of a state. Thomas and Thomas conclude that the opinions given by most authorities on the subject indicate that the positivist contention forbidding intervention in support of democracy is, for the present, the strongest argument in the interpretation of international law. 22

Therefore, it seems that a state has a right to do as it pleases internally, so long as it follows the international law precepts which are to govern its foreign relations. In other words, presently, "no general law right exists to permit intervention for democracy." 23

THE PROBLEM IN THE AMERICAS

In Latin America, until 1959, the problem of subversive intervention was not so evident. There were several notable exceptions, of course, such as with Axis sympathizer activities during World War

21 Thomas and Thomas, p. 362.
22 Ibid.
23 Ibid.
II and with the situation in Guatemala in 1954. Latin American dictators have, of course, had many problems and disagreements. Numerous interferences have occurred among them, and between them and the democratic countries, as well.

Nevertheless, more serious than any previous problem concerning subversion and interference is the establishment of a communist government in Cuba since 1959. This government has exported a sophisticated form of subversion and much unrest throughout Latin America. Although it calls itself democratic, it represses its own people and actively seeks to destroy other governments in Latin America, whether democratic or dictatorial. The Cuban government is an active Soviet agent of the Cold War.

Representative democracy is a common aspiration of the American republics. Resolution XXXII of the Conference of Bogotá reiterated faith in democracy. The Charter of the Organization of American States says, "The solidarity of the American States and the high aims which are sought through it require the political organization of those states on the basis of the effective exercise of representative democracy." This is, of course, a principle in the sense of an aspiration, since the Charter contains no provisions for enforcement

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24 It must be acknowledged that some Latin Americans would say that the United States has been an "aggressor" and "interrenor" for over a century.


26 See Appendix A; O.A.S. Charter, Article 5, paragraph d.
of the democratic principle.

The framers of the O.A.S. Charter wanted to avoid United States intervention "in the name of democracy." In 1948, the legacy of history had made them fear the probable results of such intervention by the United States more than they feared any possible form of government that they could imagine at the time which would result from non-intervention on the part of the United States.

The principles of self-determination and non-intervention in the internal affairs of other countries are closely connected to anti-colonialism, notwithstanding the obscure nature of these principles in this century of "international civil wars," the first of which was the Spanish Civil War. . . . It was in the non-interventionist sentiment that Brazil always interpreted the Monroe Doctrine and supported it from the beginning. 27

Speaking of democracy, Jorge Castañeda has said,

. . . This [democracy] is one of the Pan American principles which is farthest from reality. . . . The dual political composition of the continent has neither favored historically nor favored in actuality the practice of representative democracy in America. . . . One of the most powerful reasons for the perpetuation of dictatorships on this continent is the decided support—moral and material—which the United States has historically given them. . . . The continental reality is not union in democracy, but disunion, the division into dictatorships and democratic countries. The postulate of representative democracy is null as a factor of solidarity and cohesion in America. 28

He goes on to say that while the fear of United States interference exists in the hemisphere, under the existing circumstances, the cornerstone of the inter-American system will not be democracy,


28 Jorge Castañeda, México y el orden internacional (México, D.F.: El Colegio de México, 1956), pp. 193-94. (Translation by the writer.)
but rather, intransigent nationalism (i.e. non-intervention).\textsuperscript{29}

Whatever one might think about Dr. Castañeda's allegations concerning democracy and unity, his further opinions as to the importance of intransigent nationalism, due to fears of United States hegemony (and due to other fears as well), are unfortunately true. This underscores the importance on the continent of the principle of non-intervention, which is a negative principle, as well as the principle of democracy, which is a positive one. Neither of these principles is perfectly realized, but this does not mean that they do not exist.

THE PROBLEM UNDER THE O.A.S. CHARTER AND THE RÍO TREATY

As particular international law, the Charter of the Organization of American States does not provide for intervention in favor of democracy, although one may speculate that justification for it might be present in the statement of principles.\textsuperscript{30}

\textsuperscript{29}Ibid., p. 195.

\textsuperscript{30}The early opinions of Latin American governments regarding the United Nations multilateral intervention in support of democracy are noted by Javier Rondero, former Mexican Minister of Foreign Affairs. In El Día on July 24, 1964, p. 4, he reports that the great majority of the American states rejected the idea of multilateral intervention for democracy "so as not to weaken the important principle of non-intervention." He lists the governments of Bolivia, Brazil, Colombia, Cuba, Chile, Ecuador, El Salvador, Haití, Honduras, Mexico, and the Dominican Republic as expressing this rejection. It must be kept in mind that in 1945 some of these countries were governed by dictators. It is highly probable that self-interest played some part in their reactions.
The Preamble can be used as evidence in interpretation of the articles which follow it, but it does not have legal significance. In other words, it does not guarantee the realization of the principles which it sets forth, and the principles are not self-activating. Therefore, there is no right of collective intervention by the O.A.S. in favor of democracy and the American states do not have a legal duty to establish a government under democratic tenets. Article 13 says, in this respect, that "each state has the right to develop its political life freely and naturally."31

Likewise, the Inter-American Treaty of Reciprocal Assistance (Río Treaty) cannot undertake to enforce principles unless they come within the terms of Article 6 and the "if" clause.32 This means that if the "inviolability of the territory or the sovereignty or political independence of [an] American State" would be affected by other than armed aggression, proper action would be taken after consultation.

Intervention for democracy would not apply in the above case, except perhaps indirectly under the Resolutions passed at Caracas in


32 Article 6: If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.
1954. Fenwick has noted that through 1959, in the applications of the Río Treaty, there was nothing to suggest that collective action would be warranted "beyond the protection of the state against an armed attack or an act of aggression short of an armed attack by the removal of the conditions giving rise to the complaint." He says that the inferences are all the other way.

He further notes that at Caracas, the fear that collective resistance to Communist intervention might result in collective intervention by the American States themselves led to the adoption of a formal supplement to the effect that the declaration of foreign policy thus made was designed to protect and not to impair the inalienable right of every American state "freely to choose its own form of government and economic system and to live its own social and cultural life."

\[\text{Resolution XCIII, "Declaration of Solidarity for the Preservation of the Political Integrity of the American States Against the Intervention of International Communism;" and Resolution XCV, "Declaration of Caracas." The former condemns the extension of Communism in the New World and declares it to be incompatible with the tenets upon which the inter-American system is founded. It can come under Article 6 of the Río Treaty. It is, however, an indirect way to protect democracy in the Americas, excluding only one type of anti-democratic government, while leaving the possibility open to many other types. Furthermore, its possibilities of enforcement are very scant. The "Declaration of Caracas" reiterates the adherence of the American states to many of the Charter principles, including democracy and non-intervention. (See Appendix H, Tenth Inter-American Conference, Resolutions XCIII and XV. Also Final Act, March 28, 1954; Pan American Union, Congress and Conference Series, No. 33. Also: Philip B. Taylor, "The Guatemalan Affair: a Critique of United States Foreign Policy," American Political Science Review 1\(96\) (September 1956), pp. 787-806; and Charles G. Fenwick, \textit{AJIL} 1\(61\) (1961), p. 469.)}\]

\[\text{Fenwick, "Non-Intervention and American International Law", \textit{AJIL} (1959), p. 875.}\]

\[\text{Ibid.}\]
Fenwick then concludes,

Collective action thus has its limits and they would appear to preclude action beyond the immediate threat to the peace that might lead to the convocation of a Meeting of Foreign Ministers. . . . There is no suggestion of any collective action being taken (under the Declaration of Santiago de Chile) beyond the appeal to principles and to voluntary cooperation. The coercion of public opinion is for the present the only measure within the law.30

From 1948 to 1959, the measures adopted by the Organ of Consultation consisted merely in protecting a state which made a request for the application of the Río Treaty. Constructive measures did not go beyond the bringing together of the two antagonists and encouraging them to come to an agreement upon obligations acknowledged in principle but difficult in practice.37

This changed in 1960 when the Organ of Consultation took positive action against the Dominican Republic, and in 1962 and 1964 when it took measures against Cuba.38 Nevertheless, it is not legally authorized to intervene to protect democracy *per se*.

Secretary of State Christian Herter, responding to arguments at Santiago that the non-intervention principle should be set aside when the overthrow of a dictatorship was the objective, affirmed in strong terms that the principle held in favor of one and all. He said that it must not be weakened in an effort to promote representative government.39

36 Ibid.
37 Ibid., p. 874.
38 See Appendix G: Applications of the Inter-American Treaty of Reciprocal Assistance.
In the words of Thomas and Thomas, it is evident that

... In a test between democracy and non-intervention, the latter rules supreme in relations between the states of the Western Hemisphere. No government, therefore, is authorized to intervene in the name of democratic principles in the affairs of another state.

Possibly, collective action could be taken in the name of democracy after the holding of a Meeting of Consultation to consider the adoption of action appropriate to the rules laid down in existing treaties. This possibility depends, however, upon the future interpretation of the treaties.

Nevertheless, it is recognized that it is almost impossible to impose democracy upon a people from without; such action nearly always has the opposite result. Therefore, say Thomas and Thomas,

... if only from the selfish standpoint of national or individual survival, some solution must be found. The inter-American system is searching for the right answer, and although its search is slow, it is careful and painstaking. At present, its primary achievement is the recognition that intervention cannot in and by itself establish democracy.

They go on to say, interestingly, that since there is a recognition of the problem, plus a desire to explore avenues to its solution, perhaps the American doctrine of non-intervention will eventually become Kantian, under which no democratic state could or would interfere in the affairs of another democratic state. Furthermore, each state would be guaranteed a democratic form of government by the international community. This implies that democratic states would allow

40 Thomas and Thomas, p. 366.
41 Ibid., p. 368.
42 Ibid., p. 367.
themselves—probably collectively—to intervene in non-democratic states to impose a government responding to the will of the people (i.e. a democratic government).

PROONENTS OF INTERVENTION FOR DEMOCRACY

**Early proponents.** After the Latin American wars of independence, the theory of the right of intervention in favor of democracy was rejected by most Latin American writers and statesmen. But a minority has always been in favor of it.

In 1837, Pedro Vicuna of Chile urged the establishment of a general Congress of America with power to support popular revolutions against tyrannical governments. In 1844, Juan Bautista Alberdi, an Argentine, stated that intervention should be used to promote democratic governments. In 1847, at the Congress of Lima, a proposal was put forward by the government of Bolivia urging that collective intervention be used as a means of establishing and supporting constitutional governments.⁴³

**The Uruguayan Proposal and reactions to it.** In 1945, the Foreign Minister of Uruguay, Dr. Eduardo Rodríguez Larreta propounded his thesis that there is a "parallelism" between peace and democracy. He was reacting to a situation in Argentina in which civil rights of

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Argentine citizens were being violated. He addressed a note to the foreign ministers of all the Latin American states, which, in effect, urged collective intervention in some cases of violation of democracy and human rights. His note said in part,

A multilateral collective action, exercised with complete unselfishness by all the other republics of the Continent, aimed at achieving . . . the mere re-establishment of essential rights, and directed toward the fulfillment of freely contracted juridical obligations, must not be held to injure the government affected, but rather it must be recognized as being taken for the benefit of all, including the country which has been suffering under such a harsh regime. \(^\text{44}\)

The Rodríguez Larreta note said further,

The purest respect for the principle of non-intervention of one state in the affairs of another . . . does not protect unlimitedly the notorious and repeated violation by any republic of the elementary rights of man. \(^\text{45}\)

In the name of Uruguay, Rodríguez was, in fact, reacting to the above-mentioned undemocratic actions of Argentina. By the standards of most Latin American jurists, this note would be a kind of indirect intervention itself, in that it was submitting a diplomatic protest concerning the treatment by a foreign government not of aliens, but of its own citizens. But nevertheless, the note did concern the

\(^\text{44}\) Cited in Thomas Mann, Ibid.; Aureliano Rodríguez Larreta, p. 1; C. Neale Ronning, p. 68, in which this proposal was published from a note entitled: "Paralelismo entre la democracia y la paz," from Ministerio de Relaciones Esteriores (Montevideo, Uruguay: 1946), pp. 7-12; and Ramon López Jiménez, El principio de no-intervención en América y la nota uruguaya (Buenos Aires: Editorial de Palma, 1947), pp. 127-130.

\(^\text{45}\) Ronning, p. 68.

much larger issue of which we are speaking.

Eight states agreed with Uruguay, some with reservations, some only agreeing with the idea of consultation on the relationship between peace and democracy. Those eight states were the United States, Venezuela, Panama, Cuba, Costa Rica, Guatemala, Nicaragua, and Uruguay. Thirteen rejected the idea altogether. United States Secretary of State James F. Byrnes supported Rodríguez as follows:

Violation of the elementary rights of man by a government of force and the non-fulfillment of obligations by such a government is a matter of multilateral action after full consultation among the republics in accordance with established procedures.

This note met with much vocal opposition, nevertheless. Castañeda affirms that the main reason the proposal was rejected was that the fear existed that the propositions could be used as an instrument of pressure and unwanted meddling by the United States to put the Latin American Republics in line with its way of thinking. There was also a fear of one another. He gives the same reason for the defeat of a Guatemalan proposal at the Conference of Chapultepec concerning the recognition of non-democratic governments.

An extra-continental jurist, Camilio Barcia Trelles of Spain, has sharply criticized Rodríguez's point of view. Like Castañeda he attributes little importance to the democratic solidarity of America. He believes that collective action in support of democracy would be

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47 Mann, p. 812; López Jiménez, pp. 134–244.
48 Cited in Mann, p. 812.
49 Castañeda, p. 194.
even more subjective and dangerous than would be the Tobar Doctrine. The latter called for withholding recognition from any government which might come into existence through revolution.

Although the Tobar Doctrine was accepted for a time by the Central American republics, it has since been abandoned by all Latin American governments. Therefore, no intervention in such cases is precisely legal.

Barcia Trelles states that Rodríguez emphasized ideological motives more than he did the means of coming to power. "The truth is that the cited doctrine . . . constitutes no more than a dialectical

50 Barcia Trelles, p. 135.

51 Dr. Carlos Tobar, ex-Foreign Minister of Ecuador, sent a letter while serving as Consul-General in Barcelona to the Ecuadorian Consul in Brussels on March 15, 1907. The letter suggested that the following proposition be submitted to the Pan American conferences:

"The American republics, to their good name and credit, if not for other humanitarian and altruistic considerations, should intervene, even partially and indirectly, in the internal dissensions of the continent. This intervention could at least be to deny recognition to de facto governments which have come into being through revolutions against the constitutional order."

Dr. Tobar felt that collective intervention was justified in such cases, due, furthermore, to the fact that the modern world intervenes in world social questions. He felt that in this respect, civil wars were much more cruel than were international wars. He believed the Latin American nations to be solidly interested in ending the scandals of some of their more miserable brothers. (Isidro Fabela, pp. 142-147.)

Even Isidro Fabela doesn't question the good intentions of Dr. Tobar, admitting the desirability of ending the frequent military coups d'etat and rebellions in Latin America. He would have favored the incorporation of the Tobar Doctrine into positive international law by a Pan American conference or by a suitable international organization, if based on very clear, precise juridical principles and rules for implementation. Such collective indirect intervention in certain specific cases he felt would be justified. (Ibid.)
reaction in the face of a concrete fact, in this case the Argentine fact. . . ."\(^{52}\)

Ronning thinks it is a mistake, as well, to proclaim the "doctrine" of intervention or of non-intervention in the face of specific threats.\(^{53}\)

Dr. Rodríguez's note was not so rigid as it may have appeared at first, since it did call for "consultation on the parallelism between peace and democracy." This would at least have left open the question of whether or not American states were legally obliged to be democratic.

It is interesting to note that Rodríguez brought up the possibility of a return to the Kantian concept of "non-intervention only for democratic (i.e. republican) countries," but this time in its reverse form, that is, intervention only towards non-democratic nations. He also returned to the concept of a link between democracy and peace.

The issue of whether the note was or was not in response to a specific threat is not very relevant. It proposed a general principle which, it may be assumed, was intended to be applied in a general way and under which the specific conditions in the Argentine nation happened to apply. The fact that a specific situation causes nations to seek a general principle does not invalidate the generality of application of that principle. The same would be true of the Declaration adopted at the Tenth Inter-American Conference at Caracas in 1954,

\(^{52}\)Barcia Trelles, p. 135.

\(^{53}\)Ronning, p. 69.
in the face of a threat from Communist activities in Guatemala.\(^{54}\)

Finally, Thomas and Thomas have said that the fact that the majority of the American republics rejected the principles in the Uruguayan note is not the important thing. The significant fact is that, even considering all the difficulties inherent in the implementation of the principles in the note, over one-third of the republics were nevertheless willing to accept the doctrine as a principle of American international law, indicating strongly that the idea of intervention in favor of democracy is not dead in the hemisphere.\(^{55}\)

**HEMISPHERIC POSITIONS REGARDING INTERVENTION FOR DEMOCRACY**

Other nations of the hemisphere, besides Uruguay, have given hints of their opinions on the subject of intervention in favor of democracy.

Nicaragua has long accepted foreign intervention as a way of life, but not intervention for democracy. Her politics have been closely influenced by the foreign policy of the United States, although public opinion in that country may not be in favor of such intervention. It is unlikely that the Somoza family which rules the country would support any general principle approving intervention to support democracy, since they are even somewhat fearful that Central American integration might affect their government.\(^{56}\)

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\(^{54}\) See Appendix H, Tenth Inter-American Conference, Declaration of Caracas.

\(^{55}\) Thomas and Thomas, p. 363.

This is not to say that Nicaragua is completely against interfering in the affairs of her neighbors, since she has intervened in the past, although not for the cause of democracy. Nevertheless, in 1945, Nicaragua did indicate that she was in favor of the Uruguayan proposal.

Costa Rica is a strong adherent of Western democracy and firmly opposes despotism. In the words of one writer:

Costa Rica has not always adhered as closely as she might to the principle of non-intervention, and from time to time her governments—particularly those of National Liberation—have looked the other way while armed civilians have intruded into the internal affairs of Nicaragua and the dictatorial regimes of the Caribbean... 57

Again, Costa Rica was one of the countries which supported the Uruguayan proposal.

Venezuela has used certain kinds of pressure, as have other governments, to express approval or disapproval of a government. "President Rómulo Betancourt of Venezuela followed a policy of seeking hemispheric unity and the consolidation of democratic regimes. [He] took a dim view of dictatorial governments." 58

In 1961, Venezuela broke relations with Cuba and she voted, along with thirteen other countries, to exclude Cuba from the Organization of American States. Upon breaking relations with the Trujillo regime in the Dominican Republic in 1960, she urged the exclusion of that country from the O.A.S. as well. The Venezuelan government said


58 Leo B. Lott, "Venezuela," Chapter XII in Needler, p. 264.
that it would no longer recognize any government coming to power through illegal means.

President Raúl Leoni seems to be an equally avid opponent of dictatorial regimes, but has not seemed to propose intervention for such a purpose. Venezuela does not recognize regimes coming to power through unconstitutional means. Venezuela, too, agreed to the Uruguayan proposal in 1945.

It is very doubtful that Bolivia would agree to such a proposal as that of Dr. Rodríguez, or that she would lessen her adherence to the absolute principle of non-intervention. Although generally friendly to the United States, Bolivia is quite independent in her conduct of foreign affairs and often does not take the side of the United States in controversies. She took the other side in 1962 at the Punta del Este Conference when the United States was seeking the expulsion of the government of Cuba from the Organization of American States. Through early 1964, Bolivia's was one of the four Latin American governments to continue to maintain diplomatic relations with Cuba, and it continued to do so until after the Ninth Meeting of Consultation of Foreign Ministers which voted that all states should break said relations. Bolivia complied. Generally speaking, Bolivia has adopted a somewhat isolationist attitude. 59

Argentina, which was the immediate target of the Rodríguez proposals, certainly opposed them at the time. She has generally tried to avoid conflicts, especially those between great world powers

in which Argentina's vital interests were not involved. Although she does have an interest in world peace, she is isolated enough not to feel that her interests have been directly affected by non-democratic governments in other parts of the hemisphere. Furthermore, there have been times when Argentina, herself, has not been the best example of democracy. She has what seems to be an excess of nationalism, but has had at the same time a "fine record of willingness not only to submit disputes to international arbitration, but also to abide by adverse decisions."  

José Julio Santa Pinter, in his chapter on Argentina in Foreign Policy in a World of Change, points out that while Argentina "adheres profoundly to the principle of non-intervention, she believes that nations should observe those obligations with respect to human rights and democracy outlined in the Charter and fortified by the Conference of Santiago." Nevertheless, while she may adhere to these aspirations, it is doubtful that she would want to enforce them in other countries through intervention.

After World War II and until the advent of the present government, Brazil evidenced a strong increase in nationalism. The United States was often the target of this nationalist attack, and a spirit of neutralism was emphasized by some recent presidents, especially

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61 Black and Thompson, p. 594.
João Goulart.  

Needless to say, Brazil did not favor the Rodríguez proposals in 1945. However, under the present government of General Humberto Alencar, she might do so. In the past, Brazil opposed much of the overt United States and O.A.S. action against Fidel Castro, while today she is a firm opponent of the Cuban Premier's regime. She was also a principle participant in the O.A.S. intervention in the Dominican Republic in 1965.

It is interesting to note that on one occasion in 1946, Panama affirmed the belief that situations which represented a potential danger to world peace are essentially within international jurisdiction. This was expressed during consideration of the Spanish regime of General Franco in 1946 and was an obvious step towards narrowing the scope of domestic jurisdiction. Panama, at that time, was willing to accept parts of the Rodríguez proposal. It would be unlikely to do so today.

Chile is a country with a very independent foreign policy, as evidenced by her attitude in many inter-American conferences. She has opposed many measures taken against Cuba, and it is certain that the government of Chile would not think it advisable to trust the

62 Phyliss Peterson, "Brazil," Chapter XX in Needler, p. 508.


64 See: Americas (August, 1964), pp. 1-5; also see: New York Times (May 7, 1965) for Chile's attitude toward United States intervention in the Dominican Republic.
good judgment of a majority of the other American states enough to support a principle which would allow them to interfere in another state in the name of democracy.

Mexico is a very firm adherent of the absolute principle of non-intervention and did not support the Uruguayan proposal. Her attitude is covered in a later section. While all of the nations of the hemisphere have not been covered here, a cross section has been presented to illustrate some of the differing attitudes prevalent in the continent regarding the idea of intervention for democracy as presented in the Uruguayan note.

SUMMARY

Daniel Cosío Villegas speaks of the vulnerability of the United States' position in the hemisphere with respect to her support for the principle of democracy. In an exaggerated statement, he says, "There is not a single Latin American government which can be said to enjoy evident and . . . active popular support." He explains that Cuba is an example of the fact that the presence of physical force, such as that of the United States, may be successfully countered by other forces, even that of the spoken word, which of course leaves the desirability of forceful intervention in favor of whatever philosophy in question.

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66 Ibid., p. 144.
There can be little doubt that the Communist success in Cuba could easily be repeated in the hemisphere. There is danger of this on many fronts. Nevertheless, that forceful intervention is the only alternative is not an acceptable argument. As Dr. Cosío has implied, force is very vulnerable. There are other types of action which, although implying intervention to some people, might prevent such governments from grasping control of American nations.

In turn, the concept of domestic jurisdiction is closely tied to the narrower question of intervention for democracy. What is and is not exclusively a matter of domestic jurisdiction is a concept which has frequently changed in the past and, in all probability, will continue to do so.

The new techniques of subversion perfected in this century and their intensified use in the post World War II world, have caused major concern over the questions of democracy, human rights, and domestic jurisdiction. The idea that the internal situation within a country is never a matter of foreign concern is under question, even in the Western Hemisphere.

The Communist government in Cuba, and the dangers to other hemispheric governments that it presents, have caused consternation on many sides. The democratic aspirations of the Latin American republics are placed in a dangerous position, and there is a serious question as to whether the O.A.S. is prepared to handle this challenge. Nationalism and fears of U.S. hegemony make many Latin Americans reluctant to take steps which might be necessary to curb subversive activities in their countries. They fear that such action might open
the door for some types of intervention or increased influence on the part of the United States. The Uruguayan note and the reactions to it, however, clearly showed that there are those in the hemisphere who would be willing to accept some type of intervention in favor of democracy, if practiced in specific cases and under strict controls. Nevertheless, today it seems evident that many hemispheric republics are not of this frame of mind, in spite of the case of the Dominican Republic. The latter intervention was not specifically and originally proclaimed to promote democracy, although it does relate to that problem, since it continued until elections were held. The following section is a résumé of that intervention.

**O.A.S. INTERVENTION IN THE DOMINICAN REPUBLIC**

On April 25, 1965, revolt erupted in the Dominican Republic when supporters of former President Juan Bosch rebelled against the military junta government in that country. The reaction of the United States to that revolt, irregardless of the reasons, is proof that the issue, practice, and condemnation of intervention have stirred with renewed vigor in the hemisphere.\(^{67}\)

The United States sent troops to the Dominican Republic before consulting with the Organization of American States. In doing so, the United States caused much displeasure among the other nations of Latin America. Some did not deny the necessity for such action, but rather protested its unilateral nature. The reason President Johnson

gave for the U.S. action was that American lives were endangered. On April 30, the U.S. made efforts to have an inter-American military peace force established, a step which would "internationalize" the action it had already taken.

On April 30, President Johnson also stated, "There are signs that people trained outside are threatening the legitimate aspirations of the Dominican people, for progress, democracy, and social justice are threatened.

In the Meeting of Foreign Ministers called in the O.A.S., Latin American resentment was evident, although Paraguay, Brazil, and Argentina spoke out in support of the U.S. action. Chile took more or less the role that Mexico had taken in opposing sanctions applied to Cuba in 1964. She vigorously condemned the U.S. interventionist action. Uruguay and Mexico, although opposing it, remained silent.

The debate over the U.S. justification for intervening has been extensive. Some have charged that Johnson immediately suspected, rightly or wrongly, that there was strong Communist influence in the revolt, and that he sent in the Marines to prevent another Communist takeover. Others believe that the intervention was to protect American and foreign lives, as originally announced, and that American authorities discovered the Communist influence in the revolt only

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70 Ibid., April 30, 1965, p. 6.
71 Ibid., May 1, 1965, p. 7.
after arriving on the island. Detractors charge either that there was no Communist infiltration whatsoever in the revolt, or that nevertheless, it was a domestic matter in which the United States had no right to intervene, Communists or not.

In defense of the United States intervention, and taking for granted that the U.S. action was to alter the course of things in the Dominican Republic, Professor Adolf A. Berle said that the U.S. recognizes the right of revolution, but that it held that the Dominican revolt was "indirect attack."

Former President Juan Bosch charged that the nationalistic revolt was won and would have been over in thirty-six hours, had the United States not intervened. Nevertheless, there does seem to have been evidence of some Communist influence and plans for taking over what started as a nationalistic revolt.

Predictably, the Communist bloc nations charged the U.S. of intervening illegally. France sided with them in their opinion, as did Mexico, Chile, and Uruguay.

In the United States, an editorial in the New York Times on July 3, 1965, said that there was a need for the U.S. to seek international support at the outset of any "war of liberation."

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76 Ibid., July 3, 1965, p. 18.
editorial in November charged that the intervention violated multilateral hemispheric policy.  

Senator William Fulbright condemned the intervention and what he called "faulty advice" given to President Johnson. He elaborated on the U.S. tendency to suspect Communism in any Latin American effort for social change. He charged further that the U.S. intervened, on the pretext of saving lives, to prevent a rebel victory.

There has been less opposition to the O.A.S. peace force than there was to the unilateral U.S. intervention, although it has not, by any means, received universal approval. The Security Council decided that it was a matter to be solved by the O.A.S., but did pass a resolution stipulating that an observer be sent to report on the situation.

The O.A.S. force was sent under the justification of Articles six and eight of the Río Treaty. Although Mexico, Chile, and Uruguay disagreed as to the legality of using these articles for such action in the Dominican situation, the majority agreed that it was legal.

Subsequent events have proved that the U.S. and the O.A.S. were sincere in their announced plan to try to help the Dominicans plan for free elections. Nevertheless, the advent of the O.A.S.-sponsored inter-American military force was not enough to silence the critics, partly because many of the troops provided came from

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The presence of the inter-American forces was not an assurance of peace and stability in the Dominican Republic, but they did keep some modicum of peace until elections could be held. The provisional government proved inadequate to some of its tasks.\(^{80}\)

In spite of numerous problems, under the supervision of the O.A.S. peace forces, peaceful elections were held on June 1, 1966. Joaquín Balaguer was elected President and subsequently inaugurated. Preparations began for the removal of the O.A.S. troops.

Although necessary background for understanding the situation, the state of affairs in the Dominican Republic is not in question in this thesis. What is in question is the state of the principle of non-intervention since the U.S. and O.A.S. actions in sending in troops.

It seems obvious that the "Additional Protocol on Non-Intervention" of Montevideo signed in 1936, in which the signatories promised not to intervene in the internal or external affairs of a state, is null and void in the eyes of the U.S., as is Article 15 of the O.A.S. Charter. It is, however, highly probable that other governments had in fact nullified them before this, through their use of subversive tactics.

The problem again arises of striking some balance among United States power, its sense of responsibility, and its desire to encourage

a strong and vigorous inter-American system, composed of independent nations. The problem illustrated in the Dominican Republic and the principle of non-intervention in the hemisphere are inevitably tied-up with the above.

Also involved is the question of the role which subversion and infiltration play in the political crises in the hemisphere. Is a nation bound not to intervene when the result of its abstention would be frankly menacing to its national interest and to the interests of the inter-American system? The United States has apparently decided this negatively.

Nevertheless, if, when such interventions are undertaken, the results are more damaging than otherwise, if there is only suspicion of enemy subversion, but no proof, is there any right to intervene? Again the question of ideological orientation, of a nation's concept of future goals and benefits, enters into play in these decisions. Legally, however, under the O.A.S. Charter, it is obvious that a nation has no right to intervene unilaterally to protect the lives of its citizens. That a powerful nation may continue to do so underscores the fact that international law often fails to correspond with political realities.\footnote{The Congo intervention by U.S., Belgian, and English troops in 1964 is another example of this situation.}

The legality of the O.A.S. intervention was also questioned, but in this case, intervention rested on firmer ground, since it was collective, and it was meant to protect the peace of the hemisphere. In fact, it may be argued that it has established a precedent for
interventions to assure elections in countries rent by civil strife in the hemisphere.
CHAPTER IV

INTERVENTION FOR THE PROTECTION OF HUMAN RIGHTS

The question whether a certain matter is or is not solely within the jurisdiction of a state is an essentially relative one; it depends upon the development of international relations.

—Permanent Court of International Justice, Nationality Decrees Case, 1921.

THE PROBLEM IN GENERAL INTERNATIONAL LAW

In the opinion of the French jurist, Dr. Paul Fauchille, professor and member of the Institute of International Law, humanitarian intervention is the right (or the action) of one state to exercise international control over the acts of another with regard to its internal sovereignty when such acts are contrary to the laws of humanity.²

Does a right of intervention to protect human rights exist? There are three points of view on the subject. Those viewing it from a purely pragmatic position say that humanitarian intervention is outside the jurisdiction of international law, since the individual

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¹Permanent Court of International Justice, Nationality Decrees Case, Series B, No. 4 (1923), p. 23.

²Paul Fauchille, Traite de droit international public (Vol. I, Paris: Librairie Rousseau, 1922), p. 571. Fauchille's version of the definition does not include the idea of "action" as included above, a concept which the writer feels is important, since a state may actually perform a humanitarian intervention whether or not it has a right to do so.
per se cannot be a subject of that law. They say that international law concerns only nation states. This point of view is based on strict national sovereignty. If, on the other hand, international law is viewed as an intersocial law, then it may be said that the family of nations must be concerned with the life of the individual in his relationship with the state. Thirdly, a middle ground says that although intervention to protect human rights is definitely in violation of the law, it may nevertheless be praiseworthy and morally right.

**Intensified concern for protecting human rights.** The international concern over the commission of crimes against humanity has been intensified recently. Although it has been a matter for consideration for many years, even in the nineteenth century humanitarian intercession seldom proceeded beyond mere diplomatic representations. It never dealt with the cause of the abuse—that is, with a government which failed to provide individual protection. It never seriously challenged the right of a state to deal with its subjects as it saw fit.

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5 Thomas and Thomas, p. 573.
James L. Brierly speaks of one facet of the question of intervention for human rights as follows:

Under customary international law, no rule was clearer than that a state's treatment of its own nationals is a matter exclusively within the domestic jurisdiction or the state, i.e. it is not controlled or regulated by international law. ... Almost the only restrictions placed upon a state's treatment of its own nationals before the League period were to be found in a handful of treaty provisions for religious protection, although some writers did support a right of collective humanitarian intervention. The first major advance came with the insertion into the peace treaties after the First World War of clauses for protection of minorities; the execution of these clauses was placed under the guarantee of the League.

It must be mentioned that these clauses covered specific minorities, not general obligations to respect human rights.

Prior to World War II, the democracies did not protest Nazi persecutions in Germany, nor Franco's actions in Spain. They held, instead, to the theory that to protest would be to intervene in the internal affairs of those countries. The same attitude held true after World War II with regard to Russia. "Humanitarian intervention in the twentieth century . . . retains but little vigor." 7

Nevertheless, there is a distinct effort to revitalize the concept as an active part of general international law. Judge Shawcross stated at Nürnberg, "The right of humanitarian intervention on behalf of the rights of man trampled on by a state in a manner shocking the sense of mankind has long been considered to form part of the recognized law of nations." He said that if such acts clearly

6 Brierly, p. 291.
7 Thomas and Thomas, p. 374.
imperiled the peace of the world, then they were violations of interna-
tional law. 8

Professor T. O. Elias, Attorney General of the Federation of
Nigeria, has stated,

... It seems very urgent and necessary that Article 2(7) of
the United Nations Charter should be reviewed with a view to
effecting suitable modifications which would permit of inter-
vention by the United Nations on humanitarian grounds. It would
require utmost care to avoid unwarranted infringement of the
sovereignty of a member state, however. ... 9

He then notes the case of the Union of South Africa, where Article
2, paragraph 7 is employed to prevent U.N. intervention into that
country's racial situation.

There seems to be fear, however, of an inherent conflict be-
tween the defense of human rights through external intervention and
a consideration of international peace threatened by such inter-
vention. Today, when misinterpretation of the spirit underlying the
law of nations is so prevalent, "intervention for the sake of humanity"
can conceivably become a weapon in the hands of the unscrupulous.
Under too many interpretations calculated to breed anarchy, it could
cause international chaos, leading to war.

In spite of her fears in this area, Latin America does give
evidence of sincere concern for human rights and welfare. Daniel Cosío
Villegas has said that two reasons for much of the Latin American

8 Speeches of the Chief Prosecutors, Command Papers 6964 (Nurn-
berg, Germany, 1946), p. 40.

9 T. O. Elias, "The Expanding Frontiers of Public International
sympathy for the Cuban revolution were the beliefs that it sought to benefit the poor, and that the aim was the welfare of the people.  

The large number of international statutes and agreements which guarantee human rights and freedoms, or which at least verbally support them, is a modern development in the law of nations. The Treaty of Paris guaranteed some rights for individuals, but the results were slight. The League of Nations Charter protected minorities and strengthened collective security. This doctrine of protecting minorities became twisted into an excuse for illegal intervention, however, when Hitler's armies crossed over into Czechoslovakia, ostensibly to "protect German minorities" in that country. The collective security provisions also proved to be very weak. Responsibility was shifted from one nation to another while no one state took any responsibility for leadership. As a consequence, little in the line of collective security was accomplished.  

The situation since 1945. With the framing of the Charter of the United Nations in 1945, it was decided to set up guarantees of individual human rights which would apply to all. Reference to this is found in the Preamble, in Article 1, and in Chapter 9.  

10 Cosío Villegas, p. 148.  
11 See: Kaplan and Katzenbach, Political Foundations . . ., p. 50.  
12 The Preamble states, "We the peoples of the United Nations determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, . . ." Article 1 states, in paragraph 3, that the purposes of the U.N. are " . . . to achieve
Nevertheless, Brierly notes that the Charter doesn't define these fundamental human rights and freedoms, nor mention machinery to secure their observance. Consequently, one must note Article 2, paragraph 7, which seems to make it clear that these are not legal obligations. It says that the organization shall not interfere with matters which are essentially within the domestic jurisdiction of the state. Brierly observes, however, that "... a pledge to cooperate in promoting at least implies a negative obligation not to undermine human rights." He notes that South Africa is out of harmony with her Charter obligations.

Therefore, what can the United Nations do concerning human rights? Brierly notes two possibilities: (1) it can discuss and (2) it can make recommendations. He says that according to one argument, it would only be considered intervention if the United Nations were to attempt or to prepare to enforce its recommendations. He says that international cooperation in solving international problems of an humanitarian character, and in promoting respect for human rights and for fundamental freedoms for all. Chapter IX, on International Economic and Social Cooperation mentions in Article 55 equal rights, higher standards of living, solutions of social problems, as well as "c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." In Article 56, all members "pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55."

13 Brierly, p. 292.


15 Brierly, p. 292.
dictatorial injunctions are interventions unless the breaches are of a kind which endanger the peace. "... The U.N. has not been an effective instrument for remedying flagrant violations of elementary rights and freedoms." He then notes that progress in the enforcement of human rights is more likely to be made through regional organizations, such as the O.A.S.16

On the other hand, Fenwick has observed, "... It is in the field of recognition of fundamental human rights that the individual has come of recent years to be a subject rather than an object of the law."17 In other words, it would appear that the individual has at least made progress.

If it were acknowledged that there is a general international law right of humanitarian intervention, and that human rights come under international jurisdiction, then the matter would no longer be one to which Article 2 (7) applied. But since the United Nations is based on the idea of the sovereign equality of nations, it has been said that no nation is required to fulfill Charter duties which may not agree with the theories upon which its government is formed. Nevertheless, in the words of Thomas and Thomas,

... Under the Charter, if a nation carries on a program toward its own population in a way which violates the laws of humanity and which shocks the conscience of mankind to such an extent that the breach of human rights constitutes a threat to international peace, the issue can no longer establish immunity, either under the domestic jurisdiction clause or under the concept

16 Ibid., p. 295.

17 Fenwick, p. 152.
of sovereign equality. It becomes subject to collective action by the organization.

The International Court of Justice has said, furthermore, that the interpretation of the terms of a treaty for the purpose (of substantiating or negating an alleged violation of human rights and fundamental freedoms guaranteed by that treaty) could not be considered as a question essentially within the domestic jurisdiction of the countries concerned. It is rather a question of international law which, by its nature, lies within the competence of the courts.

The Declaration of Human Rights was passed by the General Assembly in 1948 in the form of a nonbinding resolution. In spite of efforts by the Commission on Human Rights to effect treaties which would make human rights legal requisites for nations and which could instigate legal measures for their implementation under the Charter, it has been impossible to reconcile the many philosophies on the subject. Therefore, there has been no definitive action in the field of legalizing human rights protections. The Declaration of Human Rights serves as a standard to which the ratifying nations should aspire, or as a basic definition of human rights which serves as a reference.

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18. Thomas and Thomas, p. 376.


SUMMARY

As the matter stands today, in the opinion of Thomas and Thomas, if general international law permits humanitarian intervention, it does so only if the action of the government is in the nature of persecution or atrocities, or is shocking to the sense of mankind. It must also be widespread activity. Isolated instances of injustice are bound to occur in all governments. "Should a right of collective action ever be established for all the rights listed in the Universal Declaration on Human Rights, the right of humanitarian intervention would far exceed anything heretofore recognized by general international law."21

Under general international law, a state has a right to treat its citizens as it pleases. It is a domestic issue. But this right is limited by the doctrine of the abuse of rights—that is to say, if a state uses a right in a way which exceeds its equitable limits, it becomes legitimate to employ courses of action which might not be justified in another situation, so as to nullify its effect. An abuse of rights treatment of citizens occurs in general international law when a state takes action which shocks the conscience of mankind.22

The human rights mentioned in the Charter are much broader in content and scope than those whose breach would traditionally permit humanitarian intervention. But the Charter establishes no legal duty

21 Thomas and Thomas, p. 376.
22 Ibid., p. 384.
upon its members to secure these additional human rights. In fact, by prohibiting intervention by force, except collective intervention by the organization in the event the actions constitute a threat to international peace, it has limited the general international law right to intervene for humanitarian purposes.

THE PROBLEM UNDER THE INTER-AMERICAN SYSTEM

It is only since World War II that there has been in the American Hemisphere an admission that human rights have become a subject of international concern in that their deliberate violation might constitute a serious threat to international peace. Nevertheless, even earlier, at the Montevideo Conference in 1933, the Executive Committee of the American Institute of International Law presented a project which, had it been accepted, would have altered the course of American law regarding intervention in protection of human rights. It included the following:

The conservation of order within states and the guaranty of the rights of man are essential conditions of international juridical life. In the cases laid down by general or regional treaties of organization, the international community shall be able to intervene, by means of organs enjoying international authorization, for the purpose of insuring the existence, in the territory of any member state, of the minimum degree of order necessary, in order that the international rights of states and of individuals may be effective.

At the Chapultepec Conference in 1945, a resolution (Resolution XI) was adopted on "International Protection for the Rights of Man,"

which proclaimed the adherence of the American republics to the principles established by international law for safeguarding the essential rights of man. It declared their support of a system of international protection of these rights. This resolution was specifically aimed at the elimination of the misuse of diplomatic protection of citizens abroad.\textsuperscript{24}

The Rio Treaty of 1947 delineates more clearly the influence which the violation of human rights has on international peace.\textsuperscript{25} But the words used do not indicate legal obligation. No collective action is indicated in case of violation.

When the Charter of the Organization of American States was framed at the Ninth International Conference of American States in Bogotá in 1948, there was strong pressure to incorporate legal obligation for the respect for human rights into the Charter. This would have been binding on every nation. There would have been a duty on the part of the O.A.S. to police these obligations. This idea was not put into the Charter, however, because it was argued that it should go into a separate agreement instead. Therefore, the Preamble, Article 5, and Article 13 mention human rights, but Article 15 prohibits intervention into the internal affairs of state.\textsuperscript{26}

The exact meanings of these articles is debatable. They may

\textsuperscript{24} Resolution XL, Inter-American Conference on Problems of War and Peace, Final Act 19 (Pan American Union, 1945).

\textsuperscript{25} See Appendix C, Preamble of Inter-American Treaty of Reciprocal Assistance.

\textsuperscript{26} See Appendix B, O.A.S. Charter.
be mere expressions of desire on the part of the O.A.S., but they may be binding. This issue revolves around the question of the nature of the Organization of American States. Is it merely an associated group of states or does it have a legal personality of its own, distinct from the legal personalities of the individual states of which it is composed? If it does have a distinct legal personality, then the O.A.S. would have different rights and duties from those of any or all of its members. It would not be bound by Article 15.

Thomas and Thomas list other possibilities by which there might be justification for intervention to protect human rights under the O.A.S. Charter. But they say that the Charter is not the final word on the subject. At Bogotá, the majority of American governments also signed the Inter-American Charter of Social Guarantees and the American Declaration of the Rights and Duties of Man. These are not in treaty form and they establish no legal obligations, but they do outline social standards which, if put into practice by all the signatory states, would establish many of the ideals embodied in the term "human rights and fundamental freedoms." The main value of such resolutions is that at least some thought is being devoted to these questions. Furthermore, they clarify what is meant by human rights and fundamental freedoms as far as the Western Hemisphere is concerned.

It must be noted as well, that at Bogotá another resolution was adopted which recommended that the Inter-American Juridical

27 Resolution 29 and Resolution 30, Final Act, Ninth International Conference of American States (1948), Congress and Conference Series, No. 31, pp. 50-60.
Committee prepare a draft statute providing for the creation and functioning of an Inter-American Court to guarantee the rights of man. This has, however, been postponed.28

The Tenth Inter-American Conference adopted a resolution stating that each nation should strengthen its system for the protection of human rights.29 It also requested the Council of the O.A.S. to continue its studies on the jurisdictional aspects of the protection of human rights, including the possibility of creating an Inter-American Court for the Protection of Human Rights, so that the matter could be considered at the Eleventh International Conference of American States. However, this court has not been created, and the Eleventh Inter-American Conference has never met.

CONCLUSION

Thomas and Thomas provide a succinct conclusion to the topic of the protection of human rights in the Western Hemisphere when they say:

Although the Charter of the United Nations does not change the general international law right of individual intervention for humanitarian purposes, except that such intervention may no longer be intervention by use of or threat of force, it would seem that the Charter of Bogotá does, as far as the American states are concerned, completely prohibit such intervention. As it establishes no clear-cut right for the O.A.S. to intervene for humanitarian purposes, it can be said that as far as the inter-American system is concerned, human rights are now less protected than they were under general international law.30

28 Thomas and Thomas, p. 389.
29 Resolution XXVII, Tenth International Conference of American States, Final Act (Caracas, Venezuela, 1954), p. 34.
30 Ibid., p. 390.
In spite of the truth in the last sentence, it must be remembered that the American states strongly stress the respect for human rights. Perhaps they are not facing the problem realistically.
PART II

MEXICO'S POSITION ON NON-INTERVENTION
CHAPTER V

HISTORICAL BACKGROUND

PRE-REVOLUTIONARY ERA

Francisco Cuevas Cancino, Mexican lawyer, writer and diplomat who has been a delegate to the United Nations and member of the Secretariat, has said that at the time of Mexico's independence, Mexicans, and many others as well, thought they were witnessing the birth of a great empire, an empire which would exercise a dominant position in the New World. "... Weakness and errors reduced her power."¹

External crises, together with internal problems at the time, determined Mexico's foreign policy for years ahead. The war with the United States weakened Mexico. In it she lost half of her territory. She could never again consider herself a great power. Her earlier foreign policy, based on the ideas of a great empire and a powerful nation, ceased to be. Her diplomats now needed defensive weapons, since several foreign powers were anxious to take advantage of Mexico's weakness.²

Jorge Castañeda has stated, "The first half century of our independent life is no less than a history of attacks from outside

² Ibid., p. 646.
... The 'exterior' meant a fountain of evils for Mexico.\(^5\)

Mexico had to face the realities of United States "manifest destiny" and of being "hemmed in" by United States influence. Daniel Cosío Villegas says that Mexico became part of what he calls, "the North American system."\(^4\) Mexico has always resented such a position. For this reason, she has struggled hard for her independence and her self-respect in foreign affairs.

It was logical that Mexico's new policy in foreign affairs would be built around international law. This law was used by the nation to promote her interests and to assure her conservation. "Mexico's policy was aimed at attaining that ideal law to which she naturally aspired through conviction and self-interest."\(^5\) In the law Mexico found the only protective shield she could use in the face of threats from ambitious nations.

Mexico's relations with the world's powers were shaky during the 1850's, with several threats of foreign intervention. Guerrilla actions threatened foreign nationals. In 1859, although the European countries recognized Miguel Miramón as president of Mexico, the United States supported Benito Juárez. According to some authorities, this split reflected the differences between the old line, clerical-supported


\(^5\)Cuevas Cancino, p. 648.
elite and the new, emerging, anti-clerical middle-class which favored the liberal political ideas of the times. Miramón represented the first, while Juárez was a very liberal thinker.  

After the French intervention and the Empire of Maximillian, which coincided with the American Civil War, Juárez came to power again in 1867 for the second time. His first term had been from 1858 through 1864. The revived republic received United States support. Maximillian's Empire was Europe's last direct and open political attempt to install a puppet government in Mexico.

The United States had implied its willingness to use force, unless the French withdrew from Mexico their troops which were supporting Maximillian. It was partly due to this threat that the French did so, thus leaving Maximillian with no military backing. He was soon overthrown. In this case, United States intervention favored Mexico's interests.

THIRTY YEARS UNDER PORFIRIO DÍAZ

Mexico's foreign policy during the period of the administration of Porfirio Díaz (1880-1910) was not very imaginative. Díaz made almost all policy. In the last years of his administration, Mexico appeared to lack any positive policy whatsoever. Díaz had allowed foreigners to come into the country in large numbers, and to wield

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7 Ibid.
great influence. The principle of non-intervention was usually ignored. Mexico had no real diplomatic tradition after Díaz thirty years.³

The government of Porfirio Díaz did take some unexpected positions regarding general international problems. Mexico attended several Pan American Conferences⁹ and the two world conferences at the Hague during the Díaz period. At these, she defended—at times with vigor—some principles appropriate to her position as an underdeveloped country.¹⁰ Nevertheless, in general, Mexico followed a submissive international policy under Porfirio Díaz.

REVOLUTIONARY MEXICAN FOREIGN POLICY

The Revolution inherited this "vacuum" of tradition from Porfirio Díaz. Previous tradition had not been exercised for thirty years. Mexico seemed to be lacking the proper experience or clear-cut diplomatic directives.

The Revolution of 1910 was an indigenous one. Jorge Castañeda states that although it borrowed some ideas from abroad, it was not based on universal ideologies or foreign values. He says it merely sought what was best for Mexico. Although the philosophy of the Mexican Revolution was not at all clear-cut, its reaction to foreign

³ Cuevas Cancino, p. 649.
⁹ See Appendix D.
¹⁰ Castañeda, México: 50 años . . ., p. 507.
influence was intense. Nationalism was reinforced, of course, after 1910, due to the role of the United States Ambassador, Henry Lane Wilson, in the fall of President Madero; by the occupation of the port of Vera Cruz in 1914; by the threat of European intervention; A strong spirit of nationalism is reflected in the Constitution of 1917, as is evidenced by several of its articles. Among others, special note should be made of Article 27, which claimed all lands as the national patrimony and thus made expropriation legal; Article 123 which gave Mexican labor a very privileged position. Both of the foregoing worked against foreign entrepreneurs. Another article stipulates that Mexican presidents must be of Mexican parentage and have a Mexican wife. Others concerning cultural affairs and economics also reflect nationalism. See: Frank Tannenbaum, *Peace by Revolution* (N.Y.: Columbia University Press, 1933), p. 243; Javier Rondero, "Characterísticas del nacionalismo," in *México: 50 años de revolución*, p. 293; and especially Daniel James, pp. 183-192.

Henry Lane Wilson was the United States Ambassador to Mexico when the Mexican revolution began. He was a "fanatical" enemy of the government of President Francisco I. Madero for several reasons, economic, political, and personal. During a "coup d'etat", Wilson collaborated with the antigovernment forces, thereby aiding the usurper, Victoriano Huerta, who eventually had President Madero murdered. (Parkes, p. 553; and James, pp. 154-165.)

On April 21, 1914, several months before the outbreak of World War II, President Woodrow Wilson ordered the occupation of the Mexican port of Vera Cruz to prevent a German vessel laden with arms from rendering assistance to the regime of Victoriano Huerta which had overthrown the duly elected government of Madero. A battle ensued; Vera Cruz was shelled. Later a commission of envoys from Argentina, Brazil, and Chile mediated the dispute, and U.S. forces were withdrawn. Although the action favored his position, Venustiano Carranza, leader of the Constitutionalist forces opposing Huerta, condemned the U.S. move. (U.S. News [July 4, 1916], p. 84; and James, pp. 168-173.)

During the course of the Mexican revolution, and especially after the formulation of the Constitution of 1917, Mexico threatened confiscation of some property owned by European and American nationals. Furthermore, Mexico was unable to meet many of her obligations. This, plus the loss of the favored position enjoyed under Porfirio Diaz, caused some European and American countries and interests to threaten intervention in Mexico. (See James, pp. 212-224.)
and by the punitive expedition against Francisco Villa in 1917, led by General Pershing. In these cases, Mexico invoked principles in her defense such as the respect for the territorial integrity of the state and non-intervention.

Despite many trials, Mexico's relations with North America and Europe slowly, albeit inconsistently, improved during the decade of the 1920's. Nevertheless, there was much unfavorable public sentiment on the part of North Americans toward Mexico.

Furthermore, United States recognition policy had changed. Under Victoriano Huerta, Mexico had been the first of the Latin American "revolutionary" regimes to taste this new departure in policy which was inaugurated by President Woodrow Wilson. The United States had replaced her previous de facto policy with a de jure policy. One effect of this was that the right of revolution was thereby questioned, something which Mexico firmly believed in, after the experience of her own revolution. The United States questioned the future results and natures of revolutionary governments. The government of President Álvaro Obregón was not recognized by the United States for three years.

In March, 1916, rebel troops led by Francisco Villa raided Columbus, New Mexico. Seventeen persons were killed. President Wilson ordered 15,000 regular U.S. troops under General Pershing to pursue the offenders into Mexico. The Mexican government, still involved in revolution, was not consulted. Mexicans greatly resented this invasion of their territory by official North American troops. The troops were withdrawn in February, 1917. Villa was never apprehended. (U.S. News [July 4, 1966], p. 84; and Daniel James, p. 178.)

Only upon its signing of the Bucareli Agreements was recognition extended to the Obregón government. In these agreements, Mexico, in effect, postponed realization of two revolutionary goals—agrarian reform and the revindication of the petroleum industry—by
which did nothing to better relations from Mexico's point of view.

From 1922 through 1927, President Calles sought to enforce anti-alien ownership clauses affecting oil properties, in spite of the Bucareli Agreements. He ordered owners to exchange their titles for leases, which caused more tensions. Talk of American intervention increased. North American publications vigorously criticized Mexico and her revolution. However, wiser counsels prevailed and the United States did not intervene in Mexico at this time.

It must be remembered that it was during this period that the United States had troops in several Central American nations, and semi-protectorates in others. She was not opposed to intervention per se. It was in 1928 that the Sixth Inter-American Conference was held in Havana, in which the discussion of non-intervention was so heated. At that meeting, Mexico was a firm adherent of the adoption of the principle of absolute non-intervention by the American States.  

**EMERGING PRINCIPLES**

Since the time of the Carranza administration, Mexico has followed several important principles of foreign policy. These include the propositions that all countries are juridically equal; that intervention in another country's internal affairs is intolerable; that renouncing the constitutional dispositions for these goals as they affected North Americans. It created a position of privilege for them in relation to Mexican nationals. (Castañeda, México: 50 años ..., p. 509.)

foreign residents must expect equality of treatment with nationals; and that diplomatic recognition does not depend on moral approval of the recognized regime by the country granting recognition. Mexico has adhered, as well, to the following principles: opposition to secret agreements; opposition to aggression; advocation of arbitration of disputes; and upholding the right of asylum. More recently, Mexico has added the principles of support for the machinery of collective intervention under stipulated conditions, and the recognition of political democracy and a healthy economy as protection against totalitarianism, but these latter points will be discussed in more detail later.

Revolutionary Mexico also upholds the principle of the pacific settlement of conflicts. She believes it to be, among other things, an important tool in the prevention of intervention and thus, in the achievement of peace. "Mexico has sustained that no controversy or conflict exists among states which cannot be solved by peaceful means." The Mexican Revolution introduced into the hemisphere the contemporary phase of the problem of state responsibility toward aliens.

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18. This problem has been the cause of many interventions in the past.
19. Tucker, p. 189. Note that Mexico may have her own ideas of what "political democracy and a healthy economy" signify.
20. Quintanilla, p. 4. Note, in this respect, that Mexico proposed a "Peace Code" in 1933, which was approved in various of its chapters at Buenos Aires in 1936. These chapters concerned maintenance and re-establishment of peace, good offices, and mediation, prevention of controversies, compliance with treaties, and non-intervention. Furthermore, Mexico is one of the Latin American countries which has approved and ratified the Pact of Bogotá, officially the "International Treaty of Peaceful Solutions." (Ibid., p. 18.)
and their property. The movements and policies adopted in Mexico at this time have since influenced other Latin American governments. They precipitated threats of intervention which, for some time after the early 1930's, seemed to be a thing of the past. Nevertheless, recent actions in the Dominican Republic show that intervention "for the protection of nationals" may not be a dead letter.

In his delineation of the guidelines and boundaries of Mexican diplomacy, which under Carranza's definition would appear to be rigid and of limited scope, Luis Quintanilla, noted Mexican diplomat, jurist, and intellectual, lists several other concepts. They show that Mexico has definite opinions on other, more general issues which are still subject to debate in international and inter-American circles.

Quintanilla says that it was Venustiano Carranza, president of Mexico from 1917 to 1920, who first denounced multi-lateral intervention by a group of countries. He made a vigorous protest to the ABC powers in 1914 for their attempts to discuss and mediate Mexico's internal affairs. "... If intervention by one state in the affairs of another is a flagrant violation of the fundamental principle of non-intervention, so also is the intervention by any group of states into the internal affairs of Mexico."

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21 In the Constitution of 1917, Article 27 is the basis for the new philosophy of "Mexico for the Mexicans." It states that original ownership of land and waters lies with the nation. They must be distributed according to the public good. Furthermore, direct ownership of the subsoil wealth lies with the nation.

22 Ronning, p. 37. See Chapter III on the Dominican Republic, also.

23 Quintanilla, La política internacional . . . , p. 4. See also: Javier Rondero, "Características del nacionalismo," México: 50 años.
Carranza's firm attitude against foreign military interference may be seen as an antecedent of the Mexican refusal to permit the establishment of foreign military bases on her territory. In this respect, Carranza said that all occupation of foreign territory, even when animated by the most noble goals, constitutes a hostile invasion and a violation of sovereignty. He called for the immediate withdrawal of foreign troops from Mexican territory.

In 1918, he said to Congress that all internal matters of a country are outside the range of all international action, be it collective or not, and even if it should only deal with the mere examination of these subjects. "No country should intervene in any form or for any reason in the internal affairs of other nations..."

On November 29, 1915, in Matamoros, President Carranza said,

... The guiding ideas of the Mexican revolution are that all countries are equal and should respect mutually their institutions, laws, and sovereignty; no country should intervene in any form or for any reason whatever in the internal affairs of another; all should submit themselves strictly... to the universal principle of non-intervention; no individual should try to achieve a better situation than that of the citizens of the country where he resides, nor make of his position as foreigner a title of protection and privilege.

Referring to the above guidelines, Luis Quintanilla concludes...

de revolución, p. 307, in which he quotes the Informe by Venustiano Carranza of September 1, 1918; and Carlo de Fornaro, Carranza and Mexico (New York: Mitchell Kennerly, 1915), pp. 192-204 (242 pp.).

24 Castañeda, México: 50 años... , p. 307.

25 Ibid., pp. 307-308.

26 Cited in Quintanilla, La política internacional... , p. 2.
that Mexican diplomacy was modified by these ideas, and that, thereafter, Mexicans felt that their diplomacy should be responsible for watching over the general interests of civilization. He continues by praising Carranza's doctrine in its espousal of the guidelines of modern Mexican diplomacy, which are not limited, in his opinion, to defense of national interests, but which pertain also to world peace and to the interests of humanity.27

As for its participation in international conferences, Mexico always saw a risk that, due to United States participation, there might be attempts to treat with Mexico's internal position. In spite of the fact that one of these meetings had goals which, in fact, favored Carranza's position, the latter sustained the thesis that even the simple discussion of the questions on an international level "would injure the independence of the Republic in a profound way, and it would set a precedent of foreign intromission for resolving internal problems."28

Few Mexicans, if any, approve of or support the propositions behind the Monroe Doctrine as far as United States protection is concerned. Nor do they recognize its validity in the hemisphere. They challenge it on legal, moral, practical, and historical grounds.29 Even Porfirio Díaz attacked the doctrine. The "corollaries" gave Mexico even more reason for this denunciation. As Mexico saw it, "The

27 Ibid., p. 3.
28 Venustiano Carranza, as cited in Castañeda, México: 50 años . . ., p. 308.
29 Ronning, p. 9.
Monroe Doctrine and its corollaries were invoked . . . to vindicate nothing less than sixty verified interventions during fifty years in half a dozen Latin American countries."  

Mexicans constantly point out that although many interventions by the United States were carried out for "preventative" purposes, at other times the United States did nothing to prevent actual interventions. They point out, further, that since the doctrine is equally predicated on North American non-intervention in Europe, something which the United States has long since violated, the Doctrine itself has been nullified.  

During the course of the Revolution and since, Mexico has forged a synthesis which aims at broad principles of self-determination, non-intervention, and full international independence for the nation. Although common to all Latin American nations, Mexico has espoused these aims most fervently, and in doing so, influences others along the same line.

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30 Ibid., p. 12. See also: Appendix E, Monroe Doctrine.

31 Ibid.
A PERIOD OF CHANGE IN THE INTER-AMERICAN SYSTEM, 1930-1946

EVENTS

During the 1930's, Mexico supported the non-intervention principle at the important conferences which she attended, especially those at Montevideo in 1933 and Buenos Aires in 1936. Jorge Castañeda states that in the thirties, Mexico's foreign policy reached a height and brilliance perhaps not equalled in her history. He says this was due to a favorable international climate, the "Good Neighbor" epoch, a consolidation of the international situation, and the advent of a government in Mexico with solid popular support, and a determined point of view on revolutionary goals.¹

The Lázaro Cárdenas Administration (1934-1940). The Lázaro Cárdenas administration brought a new look both to domestic and to foreign policy. Foreign affairs were conducted with more consistency, self-assurance, and vigor than before. Mexico joined the League of Nations and condemned German rearmament as a violation of the Versailles Treaty. When Italy went into Ethiopia, Mexico favored imposing sanctions against Italy. When these sanctions failed to win support, the delegate from Mexico, foretelling the consequences, refused to be a party to the failure and withdrew from the League Assembly. At the start of the Spanish Civil War, Mexico insisted upon the recognition

¹Castañeda, México: 50 años . . ., p. 310.
of, and adherence to, the international law principle which distinguishes between a de jure government and a rebellious faction, allowing the purchase of munitions by the former.² Finally, in 1937 and 1938, Mexico vocally opposed the invasions of Austria and China, demanding especially that measures be taken against Japan.³

After leaving the League of Nations, Mexico refused to attend the Inter-American Conference in Chile, protesting what she termed United States policies of persecution. In return, Secretary of State Kellogg accused Mexico of great international crimes relating to actions connected with her revolution.⁴

During this period, according to Dr. Cosío Villegas, Mexico "intervened" more than once in Central American politics. Opposing what she considered to be Yankee designs, Mexico had recalled her diplomatic representatives when the United States Marines invaded Nicaragua; but she herself permitted expeditions against the Venezuelan dictator, Juan Vicente Gómez, to be organized in her territory, thus disturbing the peace of America in the name of democracy.⁵

In 1938, the United States demonstrated to Mexico her adherence, under Franklin D. Roosevelt's administration, to a non-interventionist

³Tucker, p. 187.
⁴Cosío Villegas, p. 40.
⁵Ibid. Juan Vicente Gómez was a ruthless dictator, and in permitting such expeditions against him, Mexico was taking a logical step of carrying through with her revolutionary philosophy although violating her principle of non-intervention. For information about Juan Vicente Gómez, see Needler, p. 233.
policy. Under President Cárdenas, Mexico had employed her doctrine of original ownership of the subsoil wealth to expropriate the petroleum properties of the nation. In the past, this would very likely have been sufficient cause for foreign intervention. Nevertheless, due in part to the "Good Neighbor" policy of the U.S. government and its desire to promote hemispheric unity in the face of the Axis threat, the Mexican government was able to resist international pressures against the move.  

Jorge Castañeda attributes great importance to this expropriation for Mexico's frame of mind. In its completion of an important goal of the revolution, Mexico re-established "the rule of the constitutional order, which had been inoperative vis-à-vis the North Americans."  

New confidence was generated by the success of the expropriation. It has since been converted into the symbol of the economic independence of the country. 

The United States refrained from intervening during the process of expropriating the petroleum. Instead, she sent Ambassador Dwight Morrow as a good-will emissary. Nevertheless, Mexico continued her independent foreign policy. She was the first country of the continent to establish diplomatic relations with the Soviet Union after that country's revolution. Furthermore, Mexico placed herself on the side of the Spanish Republicans when other countries remained "neutral".

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6 Ronning, p. 39.

7 Castañeda, México: 50 años..., p. 310.
The relations between Mexico and the United States were rather disagreeable at times through 1938, although no intervention occurred. During all the controversies, however, the Roosevelt administration exhibited a policy of understanding and friendship. A short time later, during World War II, Mexico became an ally of the United States.

The Ávila Camacho Administration (1940-1946). An era of "conservative consolidation" in foreign relations was introduced in 1940 under President Ávila Camacho. Agreements were reached on many issues, such as oil and agrarian expropriation claims with the United States. Trade treaties, monetary stabilization, and closer collaboration in the war effort were undertaken.

Mexico is disposed to give her total support to the cause of American defense . . . Conscious of our limitations, and voluntary and traditional pacifists, we desire to keep out all armed conflict. But jealous of our independence, we will omit no effort in maintaining, together with the inviolability of our territory and the sovereignty of our institutions, the integrity of America and the sacred right to think and act as free men in a hemisphere in which the ideal of liberty and justice is affirmed.

The initial, fervently active period of the revolution had ended with President Cárdenas. In 1940, with Ávila Camacho's assumption of the presidency, the epoch of what has been called the "Institutional Revolution" commenced, in both foreign and domestic affairs.

8 Cosío Villegas, p. 40.

9 Ávila Camacho, Informe (Report to the Congress) from files of the Secretariat of the Presidency, Mexico D. F., 1941, p. 20.

10 The name of the official government party was even changed from Partido de la Revolución Mexicana (Party of the Mexican Revolution) to Partido Revolucionario Institucional (Party of the Institutional Revolution).
It was a period of transition. Mexico turned away from government by generals and began to develop her own, permanent civil bureaucracy and governmental tradition. This she has attempted to continue in foreign as well as in domestic affairs. Perhaps the war effort was a catalyst which caused Mexico to mature somewhat with respect to foreign policy. She was still, however, primarily concerned with internal affairs, and had not yet outgrown her isolationism.

EMERGING PRINCIPLES

The Estrada Doctrine. Mexico had been bitter before 1930 about delays on the part of the United States in recognizing Carranza and Obregón. Since 1930, she has claimed to follow a recognition policy which was first stated on September 27, 1930, by Foreign Minister Genaro Estrada. He said that Mexico's policy, henceforth, would be that of "establishing, maintaining, or suspending diplomatic relations with other states in accordance with the circumstances, but without qualifying the legitimacy or the stability" of the governments. The statement said, furthermore, that Mexico considered the granting of "recognitions" to be

... an insulting practice which, besides wounding the sovereignty of other nations, places them in a situation so that their internal affairs can be qualified in some sense by other governments. ...

11 James, p. 361.
12 See: James, pp. 316-359, for a good resume of the Ávila Camacho Administration.
13 Ronning, p. 13.
The Mexican government limits itself to maintaining or retiring, as it sees fit, its diplomatic agents.

The Estrada Doctrine came into being to try to put an end to the concept of "recognition", since Mexico believed that recognition had been used as an instrument of intervention. This doctrine does not imply that governments must automatically conserve existing diplomatic relations. Every sovereign state has the right to break relations. In Luis Quintanilla's words, Mexico could not preserve diplomatic relations with any regime that was the product of a foreign intervention or which came into being due to a simple coup d'etat. . . . Mexico reserves the faculty to exercise her right of legation when it best suits her national interest or her international position. This is apart from any concept of "intervention".

The Question of Mexico's Relations with Spain. Discussion of Mexico's recognition policy inevitably brings to mind the question of her relations, or rather her lack of relations, with Spain. Mexican officials admit to no ambiguity, whatsoever, in their attitude on Spain with respect to the Estrada Doctrine. Since the final part of the doctrine states that a government which comes to power through an arbitrary takeover has no right to be treated as an authentic government, Mexico appears to be following the doctrine to the letter. Mexico had experienced very cordial relations with the Spanish Republic. From 1931 to 1936, there was a rebirth in cultural and political intercourse between the two countries, based on similar

\[14\] Quintanilla, La política internacional . . . , p. 13.

\[15\] Ibid., p. 15.
ideological bases. When the Spanish Civil War began in 1936, Mexico took a leading position among the Latin American states which supported the Republican cause. After the war, she opened her borders to Spanish Republican refugees and furnished the headquarters for the Republican government-in-exile.

On the other hand, Mexico's relations with Franco's Spain were very strained before and during World War II. She has always considered that this government was imposed upon Spain through direct intervention by foreign powers. She has also held that the so-called "non-intervention" policy which was followed by France, Great Britain, and the United States towards the two sides was illegal under international law. The policy was adhered to before Franco's faction had any real hold on the country, thus placing the Republic, a recognized government, at a disadvantage, while the Falange was receiving aid from Germany and Italy. This is an unusual case in which Mexico was firmly against non-intervention, at least as it was practiced in this instance.  

Ramón Beteta, Mexican newspaperman and editorial writer, explains Mexico's position as follows:

In the case of Spain, a country to which we gave help when asked, and over whose government Franco presides, we do not maintain relations because things have not changed since Hitler and Mussolini installed the only fascist regime which has subsisted after the war.  

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The case of Spain provides a good example of Mexico's diplomatic independence. Her spokesmen constantly reiterate that the Mexican government cannot maintain official relations with the Franco government, since it considers the latter to be a direct product of military intervention in the Spanish Republic. Luis Quintanilla states,

... The outrage against the Spanish Republic was committed offensively and with the luxury of propaganda. Germany and Italy had the impudence to intervene in uniform to save Franco, and to destroy by military force the young and democratic Republic which had arrived to power through free elections. . . .

Commentary. Mexico's position of non-recognition of the Spanish government of Francisco Franco probably does not run contrary to the letter of the Estrada Doctrine. The section concerning forced imposition of a government upon a people by foreign powers is a technicality which allows this. However, if one is to take seriously Mexico's urgings that recognition not be used as an instrument of foreign policy, then the spirit of the Estrada Doctrine may well not agree with Mexico's position on Spain.

This is a situation with no single correct answer to the problem it poses. The intent of the nation is again important. The Estrada Doctrine seems to be subject to interpretation and Mexico interprets it according to her national interest.

Therefore, although Mexico may condemn a nation for refusing recognition to another government which that nation believes may have

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18 Quintanilla, La política internacional . . ., p. 27.
come to power through international communist subversion or covert intervention, there is little real distinction between that position and Mexico's position on Spain. The one distinction is this—that Mexico refuses recognition where the foreign intervention was obvious, while the United States and others may refuse it where they highly suspect that there was covert intervention involved in a governmental change, be it official or unofficial intervention. This is a qualitative distinction which seems relatively naive in today's world. The distinction which Mexico makes between the granting of recognition and employing the right of legation is largely one of semantics, not of substance. It helps Mexico as a tool of foreign policy, but need not be taken seriously as a real distinction, as Mexico does not employ it as such.

It must be admitted, however, that Mexico usually grants recognition, however she may term it, with more facility than do many other governments. In spite of the contradictory case of Spain, the Estrada Doctrine may be given credit for such facility.

The Estrada Doctrine is significant in the inter-American system, since, at the Ninth Conference of American States at Bogotá in 1948, Resolution XXXV declared the continuance of diplomatic relations desirable in the case of revolutionary governments. It further condemned political bargaining on the subject of recognition. In Dr. Quintanilla's opinion, it is a kind of corollary to the Estrada Doctrine. Nevertheless, neither is wholly accepted in the hemisphere.

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Many Mexicans believe, as Quintanilla has said, that history teaches that people have always found a manner of expressing their political will, even if it be through revolution. "Without revolutions, political, social, and economic injustice could be indefinitely perpetuated even inside of misleading 'democratic' molds."\(^{20}\) Mexico's recognition policy is therefore closely related to the principle of self-determination of peoples, or so Mexico claims.

There is one further reservation to the Estrada Doctrine which has not been mentioned, but which concerns the right of revolution. Should a limited sector arbitrarily take power of the executive, the resulting regime cannot expect the international community to treat it as an authentic government. "To admit explicitly or implicitly such usurpations of power would only stimulate crimes against democracy. . . . Nothing in the Estrada Doctrine favors this."\(^{21}\)

The traditional United States doctrine of recognition also grew out of the idea of popular sovereignty and belief in the right of revolution. It was emphasized by many early North American statesmen, among them Thomas Jefferson and John Adams.\(^{22}\)

This traditional U.S. doctrine condones "recognition", but it states that a nation has the right to govern its internal affairs and to transact foreign policy through whatever organs it chooses. Only

\(^{20}\) Ibid., p. 2.

\(^{21}\) Ibid., p. 14.

the will of the nation is essential. Later, even before the turn of the century, the United States began to insist upon prerequisites for recognition, such as the fulfillment of international obligations, constitutionalism, and the respect for property. Mexico has always opposed such prerequisites. The wide acclaim which was heaped upon the Estrada Doctrine by Latin Americans was due in part to the resentment which they felt toward this United States recognition policy, which in fact did result in some intervention.²³

Martin C. Needler has called the Estrada Doctrine "one of Mexico's leading contributions to the inventory of ideas of international law in the hemisphere."²⁴ It differs from the traditional U.S. doctrine in its idea of abolishing the policy of recognition altogether and merely withdrawing legations, a physical act, if the country does not want to deal with another government.

The Estrada Doctrine has made a possible contribution to international practice in its facilitation of the establishment of relations among countries, since it may break down some superficial barriers which have previously existed. It is not, however, widely or exclusively employed in the hemisphere.²⁵

²³ Ronning, pp. 10-14.
²⁵ For further discussion of the Estrada Doctrine see: (1) Macridis, p. 555; (2) Quintanilla, La política internacional ..., p. 10; and (3) Ronning, p. 12.
CHAPTER VII

NEW POST-WAR VISTAS

THE CHAPULTEPEC CONFERENCE

Events. For Mexico and Pan Americanism in general, the Inter-American Conference on the Problems of War and Peace (the Chapultepec Conference), held in 1945, was an important success. Mexico felt an especial link to it, since it took place in Mexico City. Its two objectives were to consolidate forces so as to accelerate the end of the war and to examine the grave problems which would present themselves at the initiation of the peace. In the view of President Ávila Camacho, "... at the Conference of Chapultepec, the solidarity of the states of the continent was elevated to a point of cooperation never before reached in the history of the inter-American system."¹ This statement is somewhat exaggerated, since the United States did not attach importance to the conference equal to that of the Latin American nations. Nevertheless, it was certainly a very important milestone in inter-American cooperation.

Principles. Mexico's position at the Chapultepec Conference was, in Jorge Castañeda's words, an "advanced" one.² This is evidenced by her observations on the Dumbarton Oaks Meetings prior to

¹Ávila Camacho, Informe, 1946 (from the files of the Secretaría de la Presidencia, Palacio Nacional, Mexico City), p. 18.
²Castañeda, México y el orden . . ., p. 52.
the Chapultepec Conference, and on the Conference itself. She had proposed many amendments of very internationalist character to the charter draft. In this respect, she suggested that the General Assembly be given the faculties of a democratic system and that respect for the rights of man be established as one of the articles of the Charter. Furthermore, she proposed to include in the Charter a requirement that all states should promise to incorporate international law into their respective national laws, and that every exception or restriction concerning the competence of the organization in cases of international dispute be suppressed. To accomplish the latter, Mexico proposed the elimination of all restrictions to the competence of the United Nations in international controversies so it could always apply one of the procedures of peaceful solution provided for in the Charter, even in cases of domestic jurisdiction.  

MEXICO AND THE UNITED NATIONS

In 1945, Mexico was caught up in the short-lived, optimistic current that prevailed in the post-war world. She had great confidence in the future ability of the United Nations to preserve the peace. Her proposals were broad and markedly internationalist. She evidenced a willingness to abandon her vehement insistence upon complete national sovereignty and the absolute respect for domestic jurisdiction regarding problems which might influence world peace. Her hopes were set on a strong international order. It was stated

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3 Ibid., p. 52.
in her "Opinions of the Secretary of Foreign Relations regarding the Dumbarton Oaks Project" that situations or controversies originating from questions of internal jurisdiction should "be forcibly within the competence of the United Nations or of the International Court of Justice if they affected world peace in any way."^4

At the various conferences which were held to formulate the United Nations Charter, and especially at the San Francisco Conference, Mexico took a very radical position, amounting, in fact, to one condoning collective intervention, or meaningful steps toward world government. Her propositions provided that the veto would practically be eliminated; that the General Assembly would have greater faculties; that the international protection of the rights of man would remain guaranteed in the Charter; that the rights and duties of states would be defined in an obligatory appendix of the Charter; and that provision would be made for the automatic incorporation of international law into the national legal systems of member states.5

In Mexico's opinion, it followed, therefore, that during international controversies, few restrictions of domestic jurisdiction should be placed on the authority of the United Nations. When these proposals of Mexico were rejected, "her point of view on the problem of the dominium reserved to the states with regard to international organizations had to be altered."6

^4 Ibid., p. 53.
^5 Ibid., p. 54.
^6 Ibid.
Therefore, although some of her internationalist propositions were influential at the San Francisco Conference, the failure to adopt the crux of her suggestions (that is, giving the organization powers which would begin the formation of a supranational structure), led Mexico thereafter to revert to her former position of isolation in foreign affairs with a strict emphasis on non-intervention.

Dr. Cuevas Cancino has said that Mexico considers those acts by which one or several powers attempt to implement their own desires to be interventionistic. He says, however, that she believes the act is not one of intervention when it consists of applying the principles of the Charter to matters of universal concern, such as the establishment of democracy, racial justice, or self-determination.

In his opinion, Mexico still believes that her own development allows her to avoid all international problems. She emphasizes this belief with the fact that she has not been the object of any United Nations discussion having to do with an international controversy. She stresses that which she believes to be in the general interest. For this reason, she has sometimes supported the organization's jurisdiction in some cases where the states involved have claimed domestic jurisdiction, although in very limited instances. Nevertheless,

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7 Some twenty of her twenty-eight proposals were in some way included in the Charter.

8 Cuevas Cancino, p. 665.

9 Ibid.

10 Ibid.
on close examination, it is clear that she has not strayed far from her traditional policy, although emphasizing more and more the possibilities of international cooperation in some fields, guided strictly by international law.  

Mexico has emphasized that a government imposed upon a people by a foreign power is illegal and should be actively opposed by the international community. It is for this reason that she has continued to oppose Franco's government in Spain. Furthermore, Mexico has favored measures taken against the government of South Africa because of its policy of "apartheid". In such cases, Mexico recognizes the right of the international community to take action against a government.

In her participation in the United Nations, Mexico has approached concrete problems with some flexibility. She usually exercises a restrictive interpretation of the jurisdiction of the United Nations when there is a conflict. Mexico is still not inclined to give complete support, without stringent restrictions, to the role of international organizations regarding matters of intervention.

Jorge Castañeda states that although Mexico herself has no specific material objectives in relation to her international activity, through the United Nations she sees some possibility of achieving

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It is possible that Mexico really does not recognize that in so many instances she is obviously following her own national interest when proclaiming so vehemently her adherence to objective principles which are "in the general interest"—principles which may be interpreted in more than one way.
the goals which are common to all small and medium powers, such as keeping the peace, giving small nations some moderating influence, assuring the independence of all nations, and observing the principle of non-intervention in their strictly internal affairs. Furthermore, the United Nations emphasizes the need for and the function of international law. It can also facilitate economic development. These functions coincide with Mexican policy.  

Dr. Cuevas Cancino expounds further on Mexico's attitude, this time as it relates to collective security. He says that she does not understand that collective security implies individual responsibilities and carries with it heavy fiscal charges, or that it can even require shedding the blood of her own citizens. Dr. Cuevas says that Mexico believes that as far as the existence of international secular arm is concerned, it is not necessary to go beyond the bounds of principles.  

A policy based on principle gives force and cohesion to Mexican policy in the United Nations; but as a counterpart, it becomes somewhat immune to the changes which occur within the organization. . . . The present situation in the U.N. is different from that of the immediate postwar period. The danger lies, . . . in the possibility that Mexico may overlook her interests in favor of time-worn principles which cannot be immediately implemented. . . .

Luis Quintanilla understands in depth the dilemma facing the United Nations and the problems under discussion here. He recognizes the apparent conflict between the principle of non-intervention and

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12 Castañeda, México y el órden . . ., p. 187.
13 Cuevas Cancino, p. 663.
14 Ibid., p. 664.
the solemnly declared desire of all nations, one approved in the U.N. and the O.A.S., of stimulating and protecting the exercise of human rights.

He speaks further of Mexico's attitude as follows:

For the Mexican revolutionaries to speak of human rights and democracy was the same thing. Democracy is the only form of government adequate to guarantee such rights. . . . In effect, we don't forget that all the constitutions of America formulate elevated democratic principles, including the constitutions of Latin American countries which continue submitted to military dictatorships.

Mexico . . . has maintained loyally and consistently that the indispensible conciliation of individual interests with the collective interest is possible without recourse to violence. . . .

Mexico participates in the United Nations as a kind of conscience, hoping to set an example of principle which will inspire others. She expresses faith in collective security, but seems reluctant to implement it. A strong adherent of human rights, Mexico nevertheless opposes many measures which one would assume to be in the interest of human rights. The reasons for this ambiguity are not clear, but seem to rest on Mexico's fervent attempts to conduct her foreign policy upon set principles which may lose touch with practical problems.

THE COLD WAR FORCES A REVERSAL IN MEXICO'S ATTITUDE

Since the San Francisco Conference, Mexico has manifested a

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15 Quintanilla, La política internacional . . ., p. 22.

16 Adolfo López Mateos, Address, October 14, 1959, printed in Voice of Mexico (Mexico City: Partido Revolucionario Institucional), pp. 41-47.
strong resurgence of nationalism and an increased support for state sovereignty. She blames this on the weakness of the United Nations in the circumstances of the Cold War. Jorge Castañeda has said,

The realities of the Cold War, and . . . the tensions generated on the American continent, obliged us to return to our traditional position. The unconditional application of the related principles of non-intervention and respect for the dominium reserved to the states in relation to international organizations have become the cornerstone of Mexican foreign policy in the post-war period.17

After San Francisco, Mexico's return to her traditional position favoring the strict observance of the rights of domestic jurisdiction was emphasized. The Rodríguez Larreta note from Uruguay originated during the same period, scarcely five months after the close of the conference. It proposed to the American states that collective action be taken to protect democracy and human rights. Mexico opposed the proposals set forth in the note.18

In 1946, President Ávila Camacho recognized the steady tendency to reduce the area of international jurisdiction of states, but he believed that what jurisdiction there was should not be violated. He also stated that under the principle of non-intervention, he hoped that the nations of the continent would give new proof of their unity by granting full support and recognition to the legitimate government of Argentina, which "eminated from the people."19 Mexico has always favored universality in continental affairs whenever feasible. At

17 Castañeda, México: 50 años . . . , p. 310.
18 See section on Larreta note in the first part of this paper, p. 84.
this time some nations were attempting to prevent Argentina from holding a full-fledged place in the inter-American system. Mexico supported Argentina's right to equality in the system.

**MEXICO'S ADHERENCE TO THE INTER-AMERICAN SYSTEM, 1945-1958**

There were a few important exceptions to Mexico's general isolationist attitude after 1945. At the Conferences of San Francisco and Bogotá, and with the creation of new international organizations, Mexico supported positive initiatives in the field of international cooperation on a long range basis.

The foreign policies of Mexico under the postwar administrations present the same characteristic signs. Until the advent of the regime of Adolfo López Mateos, in which a new mood was evidenced, Mexico's participation in the great general political and economic problems of the world was cautious and defensive. In the words of President Miguel Alemán (1946-1952), "Mexico, . . . due to her history, has been a country with few windows open to the outside." She continued to be legalistic in her conduct of foreign affairs.

President Adolfo Ruiz Cortines (1952-1958) has said,

... Mexico always respects the rights of others ... and tries to facilitate the means for world cooperation while defending her own independence. ... By orienting ourselves in this way, we have followed only one clear path: the path of Mexico, the path which our tradition has paved for us. ... We have always expressed in the international organizations to which we belong, our sincere conviction that it will only be possible to reach a constructive solution for the principle problems of the present, if all states forming these institutions will adhere to

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the postulates which in juridical matters, sustain them and which
could be the object of an even greater amplitude and activity in
economic and social matters.  

Although she has always actively participated in the inter-
American system, in the period from 1945 through 1958, Mexico was
not very active in bilateral relations. The several administrations
made few serious efforts to establish Mexico's cultural or political
presence in other Latin American countries. The tiny budget of the
Ministry of Foreign Affairs gives evidence to this.  

In 1945, Mexico reaffirmed her neutral doctrine of recognition
in her relations with the triumvirate government of Guatemala in 1945
and in the case of the new government of El Salvador.

At the Conference of Bogotá in 1948, Mexico, continuing with
her non-interventionist tradition, supported a Cuban proposition to
recognize the right of revolution as an attribute of popular sover-
eignty in America. She based her stand on the causes of her own re-
volution in 1910, and on its trials in the face of opposing elements.
Since that time, Mexico has held the opinion that revolutions are
logical chapters of social evolution, and that they guarantee, in
whatever emergency, the vital rights of the people.

Mexico gave her approval to the formation of the Organization

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22 Howard F. Cline, Mexico: Revolution to Evolution (New York:

23 It accounted for only 1 1/2% of the national budget. (Tucker, p. 311.)
of American States at Bogotá. Dr. Howard F. Cline, Director of the Hispanic Foundation of the Library of Congress, has noted how closely congruent are Mexico's own principles of international politics and those underlying the inter-American system as expressed in the O.A.S. Charter. She has since let it be known that she views the organization as merely a grouping of individual states, not as an entity with an autonomous legal personality of its own.

At the Fourth Meeting of Consultation of Ministers of Foreign Affairs held in Washington in 1951, Mexico reiterated her propositions of loyal collaboration with the other nations of the hemisphere in conformity with the Treaties of Río and Bogotá. She stipulated, however, that military cooperation should be the result of the free determination of each state, not the consequence of an automatism which would have introduced a fundamental change into the inter-American system.

The Mexican delegation also suggested that the organs should not, by themselves or by having it determined by previously ratified instruments, adopt decisions of worldwide reach which would be outside the orbit of their competence.

In 1952, Mexico made proposals to the United Nations General Assembly to the effect that regional organizations should never surpass their respective orbits of action.

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24 Cline, p. 312.


President Adolfo Ruiz Cortines stated in the Informe of 1953,

All the activities of the government in international affairs have been inspired by the basic intention of enwigoring the concept of mutual help between nations, and by the basic principles of international law. . . . 

In Mexico's interpretation, international law strictly limits intervention.

A few years after adoption of the Río Treaty, Mexico began to show concern about its applications. The treaty was conceived as a means for creating a common defense against foreign aggression. The measures of coercion laid out in the treaty were originally intended to help prevent armed aggression and to be instruments of collective security under the United Nations. Mexico now fears that they may be employed as means of pressure to judge or destroy governments of states which do not have the approval of the majority of the American republics. For this reason, Mexico firmly opposed the adoption of Resolution XCIII of the Tenth Inter-American Conference at Caracas in March, 1954, which was aimed against the encroachment of international communism in the hemisphere.

Referring to the Caracas Conference in 1954, President Ruiz Cortines originally stressed the importance of continental solidarity. With this spirit in mind, Mexico attended the conference. Taking into account her traditional principles and ideals, Mexico expressed her rejection of any act of interference by international communism into the hemisphere. Nevertheless, she affirmed her belief that one

of the best means for assuring democracy in America should be found in economic progress and in social justice, not in intervention by anyone. 28

The issue raised at Caracas was that of a possible intervention by the whole inter-American community into the domestic affairs of a particular state, seemingly prohibited under Article 15 of the Charter of the Organization of American States. 29 The exception to this lies with the case in which the problem might fall under Article 19 of the Charter, making exception of measures adopted for the maintenance of peace and security in accordance with existing treaties. 30

The objection raised by the Mexican delegation was that the terms of the Resolution left it open to an interpretation which would permit intervention by the American states in the domestic affairs of a state on the alleged ground that it was letting itself be controlled by a foreign government, when in fact it was merely reorganizing its economic system. It felt that collective intervention of any kind was repugnant. It also raised the political question of whether


29 Article 15 states, "No state or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements."

30 Article 19 states, "Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 15 and 17."

the O.A.S., acting in accordance with existing treaties, could come to a decision that would lead it to intervene in the domestic affairs of a state under the pretense of a threat to the peace that did not exist. It further raised the question of whether the dominance of a state by the international Communist movement would actually constitute a threat to the independence of the American states as a group.  

It might be mentioned that the Mexican delegation, and others as well, pointed out that the "existing treaties" referred to in the Dulles resolution do not say a thing about collective action in support of democracy or human rights.

Somewhat reluctantly, the Mexican delegation signed the recommendations condemning extension of Communism in the Americas. As Dr. Howard F. Cline has pointed out, the final version differed considerably from the one the United States delegation, headed by Secretary of State, John Foster Dulles, had hoped to have passed.

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32 Ibid.; see also Cline, p. 313.
33 Ronning, p. 74.
Foreign Policy Under President Adolfo López Mateos (1958-1964)

New Intensity

The administration of President Adolfo López Mateos intensified Mexico's activity in international matters. The word "intensified" is very important in this respect, for although Mexico changed none of her principles, the effect was a very new outlook on her part, and a new character in the eyes of others. The new aim was to accelerate the economic development of the country through the use of international cooperation on an appreciable scale. Naturally, with the intensification of international activities in general, some phases would perhaps be affected more than others. In this case, international cooperation was stressed more, by comparison with its former role, than was any other policy.

Arturo González Cosío, presidential assistant under President López Mateos and professor of law and politics at the National University of Mexico, has said that the advent of the López Mateos administration brought with it evidence of the need for Mexico to project herself externally. The new government exhibited a rising interest in establishing closer cultural and economic ties with other countries of the world, especially with the rest of Latin America.¹

¹Arturo González Cosío, "International Policy in Mexico," from speech given in India in February, 1964. From copy of the author's manuscript, privately printed, p. 2.
Previously, Mexico's Latin American policy had developed mostly within the concepts of Pan Americanism. Some authorities imply, however, that Mexico seems to have decided that this may not have been sufficient.

Reality begins to impose itself in the face of a superstructure little suited and somewhat artificial. The Latin American Free Trade Association, created in 1960, on the periphery of the Organization of American States, translates the existence of economic interests common to and exclusively for the Latin American countries. It may be converted with time into the first step toward an economic community of Latin America.

Thirty years of internal peace made the new, stronger, and more active bilateral and multilateral links with other countries possible. Before that, Mexico's basic international principles of non-intervention and self-determination, resulting in a modified political isolation for the country, had remained unaltered since 1910.5

Under López Mateos, treaties were negotiated directly between him and the leaders of other countries, diplomatic missions were given embassy status everywhere, and diplomatic relations were established with many new countries. He visited sixteen nations, something which would have been unheard of for previous post-revolutionary presidents. With the exception of short visits of a few days, none of them had set foot outside of Mexico during their term of office.4 "Thus," claims Arturo González Cosío, "Mexico has increased her interest in

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2 Castañeda, México: 50 años . . ., p. 312.
3 There was the brief and unsuccessful exception in her internationalist position at the San Francisco Conference, as indicated above, p. 138.
the problems of the world and has doubled her participation in international organizations."^5

Mexico took part in the Fifth Meeting of Consultation of Ministers of Foreign Affairs in Santiago, Chile, in 1959. The meeting was convoked due to tensions among some of the Latin American countries. Mexico approved of several proposals tending to secure peace and continental friendship through the strict observance of the non-intervention principle and the exercise of representative democracy.

The Guatemalan Dispute. Mexico and Guatemala had a serious dispute in 1959 over an attack made by Guatemalan airplanes on Mexican fishing boats, ostensibly fishing in Guatemalan waters. Relations between the two countries were broken and nationalist sentiment was vigorously stimulated on both sides. Mexico stood steadfastly by her "irreproachable international position."^6 Guatemala reacted in a similar vein.

In such cases, Mexico often insists upon a judicial solution, even where there may be doubt as to jurisdiction. One might ask whether a court per se always offers the best or the only solution.

Nevertheless, efforts were made for achieving a peaceful and moderate solution. This was accomplished six months later.^7

Sanctions against the Dominican Republic. In 1960, Mexico

^5 Arturo González Cosío, p. 1.


^7 Ibid., pp. 19–21.
voted to apply sanctions to the Dominican Republic after it was agreed in the Organization of American States that the government of Rafael Leonidas Trujillo had interfered in Venezuelan affairs, due to its participation in an attempted assassination of President Betancourt. This will be discussed later, as it must be differentiated from Mexico's actions in 1964 in refusing to apply sanctions against Cuba after another alleged violation of Venezuelan sovereignty. If such a differentiation cannot be made, then Mexico's policies are not at all stable on the point of when and when not to apply sanctions and break relations.

The rupture of relations with the Dominican Republic came in the Sixth Meeting of Consultation called by Venezuela at San José, Costa Rica.

The Assembly at Costa Rica had accepted the facts gathered by an O.A.S. investigating team, and had collectively convicted the Trujillo government of complicity in the assassination attempt. All delegations agreed that the immediate embargo of arms and other war implements was requisite. This, in effect, had already been done. Therefore, the sanctions consisted of adding other items to the prohibited list. The Conference also recommended that member states break diplomatic relations with the Dominican Republic, thus isolating it diplomatically until it should cease to be a threat to the peace and security of the continent.

Mexico, which had long opposed the Trujillo dictatorship on ideological grounds, nevertheless took the lead in opposing a proposal by the U.S. delegation that the O.A.S. supervise free elections in the
Dominican Republic to establish democracy. This would have given unprecedented authority to collective intervention. Although ostensibly aimed at Trujillo, it could also be applied to Cuba or any other nation. The United States suggestion was dropped, reflecting the almost universal sentiment of the Latin American nations.

Mexico broke relations with the Dominican Republic on August 21, 1960. At the same time, all arms shipments were suspended. Mexico concurred. While signaling the responsibility of the Dominican government, she opposed, in support of the principle of non-intervention, any other measures that might be taken which could have implied interfering in the internal affairs of the Dominican Republic, or which could have affected its vital interests. Nevertheless, Mexico broke relations in deference to her responsibilities in the inter-American community. Furthermore, she recognized the validity of the accusations against the Trujillo government.

The Seventh Meeting of Consultation. The Seventh Meeting of Consultation was also held in 1960 at San José. Its object was to examine situations relative to the maintenance of the peace, security, and prosperity of the continent. "Mexico's actions in this conference were inspired exclusively by the traditional principles of our foreign policy and with the firm proposition of seeking the unity and harmony

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8 See: Cline, pp. 314-315.

9 López Mateos, Informe (1960), p. 94. See also: Cline, pp. 314-315.
of the American republics."¹⁰

The meeting produced the "Declaration of San José de Costa Rica." Mexico voted in favor of it because she believed the declaration fortified two cardinal principles on which Mexico has always based her international position: those of non-intervention and of self-determination of peoples. This document condemns the intervention or threat thereof by extracontinental powers into the affairs of the American republics, actions to which Mexico has always been firmly opposed.¹¹

MEXICO'S POSITION ON THE INTERNATIONAL CODIFICATION OF THE NON-INTERVENTION PRINCIPLE

In September of 1964, before a United Nations Commission, Mexico had an opportunity to reiterate her position on non-intervention. The commission met in Mexico City to discuss the codification of international law regarding four points: the prohibition of the use of force, the peaceful solution of conflicts, the sovereign equality of states, and non-intervention. Mexico was naturally very pleased to see these principles, all of which form important parts of her foreign policy, recognized by the United Nations in such a way. She felt that their importance was thereby underscored.¹²

¹¹Ibid., p. 95.
As head of his delegation, Jorge Castañeda delivered a speech in the name of Mexico to the Commission on September 22, 1964. It dealt with the "obligation of non-intervention in the internal affairs of states." In it, Dr. Castañeda said that intervention is the same as the denial of the fundamental rights of a state, of its independence, and its sovereignty. "In America," he said, "there are no distinctions between licit and illicit interventions."\(^\text{15}\)

The Mexican delegation implied that the right of legitimate defense represents an exception to the basic principle of international relations which prohibits the use of force. The only cause for its employment is defense from an armed attack, nothing else. In this respect, Dr. Castañeda said that the Charter totally substituted previous international law.\(^\text{14}\)

He continues with the observation that the term "force" can, in the opinion of the delegation of Mexico, include certain forms of economic and political pressure. It must be noted, however, that the San Francisco Conference rejected a proposal that Article 2, paragraph 4, of the Charter should include economic aggression.\(^\text{15}\)

Mexico's main concern at the meeting of the Codification Commission was to preserve the contents of Article 51 of the United Nations Charter in its strictest sense—that is, that legitimate defense cannot be justified after any act other than armed attack. She

\(^{13}\) Ibid.
\(^{14}\) Ibid.
\(^{15}\) See Appendix A, U.N. Charter.
would like to see the absolute principle of non-intervention expanded to cover many situations which previously were not considered to be within the scope of the non-intervention question. She opposes any attempt to amplify or expand the list of acceptable cases in which a state may act concerning the affairs of other states or exercise "self-defense" without it being considered as intervention. Mexico supported U.N. Resolution 2131 (XX).

The speech of Jorge Castañeda serves to illustrate just where Mexico stood under López Mateos in any such meeting concerning international law. Her position has not altered since. Her concept of international law is very restrictive as to a nation's right of individual self-protection. She is sometimes willing to admit that, to date, her interpretation of the law is not universally accepted, even in international bodies.

**Conclusion.** Under President López Mateos, therefore, Mexico increased her activities in the field of international cooperation. She became more active both in bilateral relations and in international organizations. Nevertheless, she had reservations about resolutions made through these international organizations. López Mateos stated in 1961,

The postures of countries like Mexico which desire to maintain their liberty of judgement, have been made more delicate and hazardous, exposed to being badly interpreted or badly treated with regard to their very foundations. . . . Mexico . . . seeks conciliatory solutions which make international friendship possible, . . . consecrated by the very Charter of the United Nations. Mexico sees a danger that the United Nations will move away from the principles of the Charter and not complete its goals: collective security is in danger here. Mexico will maintain
unalterable her . . . fidelity to this principle which is basic to modern international organization, since it is the very goal of the United Nations and the Organization of American States.¹⁶

López Mateos worked to increase the "solidarity" among Latin American countries. In doing so, he maintained a firm anti-colonial position, "championing law against political interests based unilaterally on force or on the necessities of the moment."¹⁷ The government intensified the establishment of special missions for more direct contact with groups from other countries and stressed the values of cultural exchange, something scarcely emphasized previously. "The Mexican Revolution has made possible national stability through important transformations which have created a social ideology directed toward goals which encourage our personal progress."¹⁸ The López Mateos administration continued these transformations which affected Mexico's progress. In 1961, President López stated,

... States, above all those medium or small ones which, like Mexico, need peace to be able to decide the solutions for their problems, find themselves ... subject to pressures and opposing currents, in the midst of which the necessity of pacifying the spirit and turning to the strict application of the law and of the laws of humanity is called for. . . . Mexico has worked hard toward this end, . . . encouraging respect for the dignity of man as a subject of social justice, for the liberty and independence of peoples, and for the . . . sovereignty of states in all attributes, especially that of deciding their own internal and external affairs. . . . When we strive for absolute respect for the principle of self-determination of peoples, . . . we don't pretend that nations should convert themselves into islands, foreign to the realities of our world; on the contrary, we are

¹⁸ Ibid.
convinced that this principle doesn't impede, but rather, helps the states to collaborate in facilitating spiritual and material conquests for humanity.

Finally, under López Mateos, Mexico strongly emphasized three special subjects, i.e., the proscription of nuclear experiments, universal disarmament, and international cooperation for the utilization of outer space for pacific means. She also led the campaign for a treaty which would make Latin America a permanent denuclearized zone. She had stepped out of her isolationist role.

In summary, the foreign policy of the López Mateos government included the following important points: increased international cooperation; respect for self-determination; respect for non-intervention; participation in the maintenance of world peace; moral support for those desiring independence from colonialism; increased cultural, technical, and commercial relationships with other countries; encouragement of direct contact by leaders; and encouragement of closer relationships among Latin American nations.

Nevertheless, one authority does not believe that Mexico had outgrown all of her isolationist attitudes by 1962. Referring to the Mexican tendency to see good in leftist movements simply because they are leftist, and to oppose actions taken against the government of Fidel Castro, Daniel James observed:

Did all this mean that Mexico was pro-Communist or pro-Castro? . . . It did not. It simply meant that Mexico had not quite outgrown certain revolutionary prejudices and shibboleths, had not become completely attuned to the new times and their new demands, and had not yet fully grasped the meaning of the most important

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political phenomenon to appear since her revolution: modern totalitarianism. . . . Mexico, that is to say, had become conservative in the fundamental sense of the word and in the 1960's still adhered inflexibly to beliefs more apropos to the 1920's. She had also become, in the process, isolationist.

He then notes that this isolationism made Mexicans unwilling to resolve the dichotomy between professions of high ideals and conflicting realities. They are reluctant to become involved in the problems of other nations. He speculates that the Mexicans fear plunging into the complex uncertainties of the cold and alien world outside their frontiers which might affect their internal progress. He then grants that Mexico is definitely in the process of growing out of her conservatism and her isolationism.20 This is precisely what the record of the López Mateos administration demonstrates.

20 James, pp. 420–422.
CHAPTER IX

MEXICAN ATTITUDES ON THE QUESTION OF CUBA

The question of Cuba is illustrative of the problems which surround Mexico's firm adherence to the principle of non-intervention. In many cases, Mexico has stood alone in her opinions on problems which concern Cuba. As Arturo González Cosío expresses it, "In the case of Cuba, as in other cases, Mexico has maintained that other countries should practice the principle of non-intervention in the sphere of self-determination. She has, herself, chosen to favor bilateral relationships."¹

MEXICO'S ATTITUDE ON CUBA, 1959-1963

Mexico's attitude toward Cuba since the revolution has been sympathetic, although moreso at first than later. She continues to believe that Cuba has been the victim of uncalled-for interventions by other countries. Mexico does not recognize that any illegal interventions in Latin America have been committed by Cuba. She does, however, say that Cuba could have been more discreet or correct in her activities. Mexico blames the Cubans for aggravating others unnecessarily, but says that this is not cause for intervention.

In the opinion of most Mexican officials and intellectuals, ideas cannot be repressed or restricted. Consequently, if Cuba exports only ideas, then she should not be condemned for doing so.

¹Arturo González Cosío, p. 12.
Looking back, Mexico remembers adverse world reactions to her own revolution. She sees the Cubans repeating her own experiences to some extent.

THE INITIAL PERIOD OF U.S.-CUBAN ANIMOSITY

When problems began to arise between the United States and Cuba in early 1960, Mexico made attempts to bring about solutions through the use of her good offices and mediation. During June, 1960, López Mateos expressed publicly the sympathy and understanding of the Mexican people for the "legitimate aspirations of the people of Cuba for political, social, and economic betterment." He said, further, that the unity of the American states doesn't result only from their juridical and political organization. "Our Republics constitute a family of nations formed in history and for history. . . . In this family, . . . Cuba has a place of distinction in her own right."

When President López Mateos expressed sympathy for the revolutionary aspirations of the Cuban people, he clearly placed them within the sphere of inter-American solidarity. He said, "Our republics constitute a family of nations. . . . We must all try to maintain unity, peace, and concord inside of historical common causes."

President López Mateos urged the application of the principle of non-intervention with respect to Cuba. But Mexico has never

\[\text{López Mateos, Informe (1960), p. 95.}\]
\[\text{Ibid., p. 96.}\]
\[\text{López Mateos, Informe (1961), p. 228.}\]
suggested that this principle be observed by one group of states only, since she considers that the vigor of the doctrine depends upon the universality of its application. Cuba is expected to do her part. The problem is that Mexico cannot recognize Cuba's actions as constituting any sort of illegal intervention.\(^5\)

**Mexican reaction to the Cuban missile crisis.** During the so-called "Cuban Missile Crisis" of October 1962, the Ministers of Foreign Affairs were called informally to Washington. The gathering soon turned into a formal Organ of Consultation. On October 23, a resolution was adopted unanimously\(^6\), which called for the immediate dismantlement of bases, and the retirement of the projectiles and other offensive arms. This resolution recommended that the member-states take necessary individual and collective action to prevent Cuba from receiving this class of military equipment, even permitting, if necessary, the use of armed force. Mexico voted in favor of the resolution, with the express stipulation that force would be used only within constitutional limitations. Mexico approved the agreements which were forthcoming between the United States and the Soviet Union.\(^7\)

**MEXICO'S ATTITUDE REGARDING THE CUBAN ARMS CASE, 1964**

**Background.** When another crisis arose in the Organization of

\(^5\)Ibid.


American States concerning Cuba, continental unity was not forthcoming. Mexico did not concur in the opinion of the majority, and tensions ran high. This problem is good proof of the deep-seated difficulties which are still prevalent in the inter-American system concerning Cuba. It also clearly illustrates Mexico's philosophy concerning the question.

The controversy arose due to the discovery that Cuba was providing arms to Venezuelan rebels and terrorists in Venezuelan territory. On Venezuela's initiative, the Ninth Meeting of Consultation of Foreign Ministers was called on November 29, 1963, in accordance with Article 6. The acts which that country denounced were corroborated by an Investigating Committee appointed by the Meeting. This committee confirmed that a shipment of arms to Venezuela which was landed surreptitiously on the coast was, indeed, Cuban. It also confirmed the discovery of a subversive plan to prevent the elections that were ultimately held on December 1, 1963. The committee said:

... The Republic of Venezuela has been the target of a series of actions sponsored and directed by the Government of Cuba, openly intended to subvert Venezuelan institutions and to overthrow the democratic Government of Venezuela through terrorism, sabotage, assault, and guerrilla warfare.

The sanctions applied to Cuba include the following: the breaking of diplomatic and consular relations with Cuba; the suspension of trade with Cuba except in foodstuffs, medicines, and medical equipment sent for humanitarian reasons; and the suspension of air and sea transportation and of all direct communication with Cuba.

The Cuban government was "condemned emphatically for its acts of aggression and of intervention against the territorial inviolability, the sovereignty, and the political independence of Venezuela." Bolivia, Chile, Uruguay, and Mexico voted against these measures.\(^9\)

**The official Mexican position.** López Mateos delineated the problem from the Mexican point of view in his *Informe* of 1964.

In the seat of the Pan American Union in Washington . . . beginning July 21, the Ninth Meeting of Consultation took place. Its object was to consider certain accusations of the Venezuelan government concerning acts by the Cuban government, which the former considered as being injurious to the sovereignty of its country. The accusation, presented seven months before, was founded on the terms of Article 6 of the Inter-American Treaty of Reciprocal Assistance. Mexico abstained from voting for the resolutions twice; when the Council of the Organization of American States constituted itself into a Provisional Organ of Consultation, in order to do this thing, and when it resolved to call the Meeting of Consultation. The foundation for our abstentions was, in both cases, that Mexico holds serious doubts as to the legality of judging, in the light of that treaty, the acts denounced by Venezuela.

The Ninth Meeting of Consultation decided to dictate various coercive measures against Cuba, among which was that of not maintaining with its government any diplomatic relations, which, in fact, only four nations of America held at the time, anyway. The conference agreed that the right of legitimate defense, individual or collective, could be extended to the employment of armed force, even in the case that the supposed aggression did not constitute an armed attack.

In view, first, that the Treaty of Reciprocal Assistance did not foresee the application of the aforementioned coercive measures in its Article 8, in situations of the nature of those examined in the Meeting of Consultation, and second, that the enlarging of the right of legitimate defense . . . is incompatible with the dispositions of Articles 3 and 10 of the Treaty, I resolved that Mexico will continue her diplomatic relations with Cuba. The government of Mexico acts in good faith, . . . and we have declared our intention to adhere to the result of a consultative

\(^9\)Ibid., p. 1.
opinion of the Court of International Justice . . . since we consider it a matter of highly juridical character.10

Ambassador Vicente Sánchez Gavito was Mexico's special delegate to the conference. His statements are indicative of Mexico's firm position against these sanctions and her legal thinking on the subject.

[We have concluded] that it has not been shown that the inviolability or the territorial integrity or the sovereignty or the political independence of Venezuela have been affected in any of the ways described in Article 6 of the [Rio] Treaty. The latter's objective . . . is principally the maintenance of a system of collective defense against the possibility of armed attack from the outside . . . The peace in Venezuela has not been altered, and the situation that existed there six months ago was brought under control by her Government—which had the primary responsibility for it—and it at no time represented a threat to the peace of the Hemisphere . . . Therefore, it seems evident that the Organ of Consultation is not called upon to adopt measures "to assist the victim of the aggression" or for the common defense and for the maintenance of the peace and security of the Continent.

It follows even less that the breaking of diplomatic and consular relations with Cuba should figure among these measures. As is well known, only four of our countries maintain diplomatic relations with the Cuban Government. It would be completely irregular and even contrary to the concept of the juridical equality of states if measures were adopted here that affected only a minimal part of the members of the Organization.11

Mexico's basic argument, then, was as follows: The peace and internal security of Venezuela had not been altered. Proof of this is that it was the government of President Rómulo Betancourt which first denounced the act, and many months later, another government, that of Raul Leoni, continued the denunciation, after an election had been successfully held. The conclusion is that the situations previewed

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11"Ninth Meeting of Consultation," Americas, p. 10.
in Article 6 of the Río Treaty were not present in this case.

Mexico does not accept collective intervention of any sort, but only "collective self-defense", which is different. She will also not accept what she considers a false interpretation of the Río Treaty. If one or more of the contracting parties insists on violating the Treaty, Mexico will object and will not comply with the resultant violation.\(^\text{12}\)

A possible alternative resolution. On July 23, when it appeared that the necessary majority for approval of sanctions against Cuba might not be forthcoming, the United States and Brazil joined in proposing a project for a resolution which would not require sanctions to be instituted against Cuba, but which would serve as a warning to that country. It would still result in the acceptance of Venezuela's accusations, something which Mexico opposed.

The alternate resolution provided for the following: the condemnation of aggression against the sovereignty or political independence of any of the American States, and reiteration of the firm position to assure mutual defense on the basis of the O.A.S. Charter and the Río Treaty. The acts of subversion directed against the Venezuelan government by the government of Cuba, through sabotage,

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\(^\text{12}\) *El Día* (July 27, 1964), p. 5. The rather extensive use of the newspaper, *El Día*, which will be noted in this section, is due to the paper's policy of reprinting speeches and documents extensively. It must be noted, however, that the editorial slant of the paper is definitely leftist, although it is not a communist paper. It often expresses an anti-American attitude and reflects a very nationalistic point of view. Nevertheless, it does give other points of view a hearing.
arms shipments and guerrilla warfare, would be classified as an aggression which doesn't constitute an armed attack as stipulated in Article 6 of the Río Treaty.

Should the Cuban government repeat any such subversive acts in the future, the alternate resolution continued to say, the Organ of Consultation would be called upon to decide what measures to take as foreseen in Articles 6 and 13. A warning would be given to the Cuban government that if it persisted in committing acts of subversion against other American states, the member states would take the steps they considered appropriate, in accordance with paragraph 3 of the second resolution of the Eighth Meeting of Consultation, for their individual or collective defense, and would cooperate to augment their capacity to stop menaces or acts of aggression, or other dangers to the peace and security which would result from the intervention in the hemisphere by Sino-Soviet powers, in accord with the obligations established in treaties and agreements. 13

Mexico did not approve of this resolution, either. It was set aside when it became clear that a stronger measure could be passed.

Mexican public opinion. In Mexico, this controversy caused intense emotions to arise in support of Mexico's position. She was the only country which ultimately refused to comply with the decisions of the meeting. In the expressions of support for the Mexican government's stand, many of the other sentiments which are prevalent in

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Mexico regarding foreign affairs, came to the fore.

Newspapers and officials of the government instituted a massive propaganda effort to generate the support of Mexican public opinion. Official statements, as well, reflected intense emotional reactions. Among the larger periodicals, only *Excélsior* supported the position taken by the majority in the O.A.S. and urged Mexico's compliance with it.

One Mexican used the opportunity to challenge United States "interventions" in the past. Writer Angel Guerra said,

... Wasn't it an act of multilateral intervention ten years ago which John Foster Dulles managed to achieve against the legitimate government of Guatemala? Is it possible to deny, in the light of the texts which define intervention, that Cuba has been the victim of incessant acts of intervention on the part of the government of the United States? Isn't it true that other Hispanic American governments have committed similar acts, although less vigorous and numerous, against the Cuban government? The intervention of the United States in the case of Cuba has been frequently of military character; it has been economic and cultural; it has been menacing against the personality of the state. But this has not seemed bad to the Hispanic-American governments which today ask for sanctions against Cuba. ...  

Ramón Beteta, editor and publisher of the newspaper *Novedades*, speculated that had an O.A.S. been able to collect a sufficient number of votes against Mexico's own revolution fifty years earlier, the revolution might have been destroyed. He said that it was not that Mexico did not want to comply with a treaty, but rather that said treaty was not applicable in the case in question, and that questions of law are not decided by votes. "The O.A.S. is not a judge. That which is wanted now is to destroy Castro, and to that

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end Mexico cannot follow her Latin American brothers, nor her cousin, the United States.\textsuperscript{15}

An editorial in \textit{El Día} relates directly to a question discussed in Part I, concerning the nature of the Organization of American States.\textsuperscript{16}

It is clear . . . that the O.A.S., as an association of free states, not only cannot weaken the particular sovereignties, but it erects over its foundation a solid guarantee of the independence of its components. . . . No human grouping nor any alliance among nations can suppose the renunciation of personality. Its foundation is cooperation to achieve common objectives, and this is perverted and denied when any faction tries to impose a particular orientation upon the group. It is with this understanding that Mexico forms a part of the O.A.S. . . . \textsuperscript{17}

Note that Mexico appears to adhere firmly to the concept that the O.A.S. is a mere grouping of states, not an individual legal entity in itself, and that it is, therefore, subject to Article 15 of the O.A.S. Charter.

Dr. Javier Rondero, noted Mexican professor of international law, and former Secretary of Foreign Affairs, reveals a curious conception of the legislative workings of the Organization of American States when he says,

Mexico respects and complies with her given word, but she has to reject the contention that the varying theses of a reduced group of individuals from the Council of the O.A.S. can arbitrarily


\textsuperscript{16} See Chapter II for discussion of the subject.

\textsuperscript{17} \textit{El Día}, Editorial (July 22, 1964), p. 5. This is the same reasoning as that given to the author concerning the same subject, by Lic. Arturo González Cosío in a private conversation in September, 1964, in Mexico City.
dispose of her sovereignty, direct her foreign relations, and . . . dispose . . . of her army how and when they please, pretending to interpret, thereby, an international treaty in a way which perverts its nature. It is a recognized principle of international law that treaties are obligatory only under the terms that are stipulated, and that they are not obligatory when the parties . . . pervert the meaning, the goals, and the very nature of the pact. . . . Mexico's posture is that of defense of the basic principles of its foreign policy: non-intervention and self determination of peoples . . .

Juan Jerónomo Beltrán, a leftist writer for El Día, views the semantical problem of the difference between aggression and subversion, as they relate to the problem, as follows:

That which was done at Punta del Este and ultimately in Washington, has been to expand the Charter and the Río Treaty. Mexico has not approved these expansions through the necessary organs as required in our Constitution-- . . . Aggression is an act or series of acts whose end is that of domination of a state, its territory, and its population against its will, by another state for the latter's benefit. It is the illegitimate use of force by one state against another.

Subversion, on the contrary, is activity against the authorities of a determined state, aided by the very nationals of that state; it is an activity aimed at subverting the constituted order and installing another. It is punishable by the public law and penal codes of each country. . . . by domestic legislation.

. . . As they have identified aggression with subversion, so will all "castrocommunist" discontent be labeled subversion, and automatically be transformed into aggression . . . The Council of the O.A.S. may be called upon to repress it in every case . . . The exclusion of Cuba is an evident violation of the (Río) Treaty, since such a sanction does not exist in this instrument. . . . It is an alteration and violation of the O.A.S. Charter and the Río Treaty. . . .

Another Mexican writer, Elías Tarqui, complains that United States diplomats make an art of using semantical tricks to justify

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unjustifiable acts. He also accuses the United States of indifference toward international law and treaties. 20

In November 1964, President López Mateos gave a speech to a Meeting of the Mexican Academy of International Law. Concerning the topic under discussion, he said,

... Our traditional policy, which sustains that only within the norms of law can international coexistence be built, and which is based on mutual respect, justice, and the rule of reason, has guided the acts of my government ... In every international tribunal, we have defended the right of peoples to signal their own road. ... We have also defended the belief that non-intervention and self-determination are eminent juridical forms which could conduce us to peace. If there is inequality among men and states, there will never be a just peace ... 

There is no reason to doubt the sincerity of Mexico's stand. It is its correctness and reasonableness which is under question.

The United States point of view concerning Mexico's position.

Secretary of State Dean Rusk explained the North American point of view at the opening of the Meeting of Consultation.

Our governments acted firmly against a right-wing dictator [i.e. Trujillo] which projected the assassination of President Betancourt in 1960. It accorded the sanctions in a unanimous vote. Now, I ask, can we do less against a left-wing dictator, who tried to assassinate democracy in Venezuela? 

In the opinion of my government ... there is no doubt that the Río Treaty clearly recognizes multiple forms of aggression


21 Adolfo López Mateos, Speech to Mexican Academy of International Law, reported in El Día (November 17, 1964), p. 3.

22 No doubt the use of "assassinate" above would be included under the "semantical trick" classification to which one Mexican writer objected earlier.
and provides the effective machinery for defense against them. . . . Terror, sabotage, and guerrilla action, as practiced by the international communist movement, constitute forms of aggression as dangerous as an armed attack. . . .

. . . Our central task in this hemisphere is that of promoting progress and liberty. This is the goal of the Alliance for Progress. . . . Doubt means destruction. Our Charter obliges each country . . . to seek and to reinforce representative democracy, without which . . . material progress is a blind undertaking, . . . without spiritual dignity.

Faced with Mexico's intransigence and with the resulting strained emotions, Under Secretary of State for Latin American Affairs, Thomas C. Mann, tried to smooth matters over in a dinner speech.

. . . Whatever be the problems which separate us, the ties that bind are much firmer . . . Mexico sees communism as the simple conjunction of Marxist theories, while the North American State Department sees communism as a menacing military force which we see at the very doors of our country.

Ambassador Adlai Stevenson declared on November 6, 1964, that in his opinion,

. . . the family of American nations will accept Cuba's return to the O.A.S., only if that country ceases the foreign domination of its territory, and also if Cuba stops intervening in the internal affairs of other states . . .

He said, however, that although lamentable, Mexico's decision was an exercise of her own sovereignty.

Opinions on Mexico's position from other Latin American states.

Recognizing Mexico's importance in the hemisphere, El Tiempo of Bogotá said, "Mexico is a factor of harmony in the Continent. . . . The

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position of Mexico is deplorable in that it will alter the harmony of
the continent. . ."26

La Prensa of Lima criticized the position taken by Mexico in
the following words:

The Mexican "record" of the invariable doctrine of non-interven-
tion is spent and broken and America knows it perfectly well.
. . .It is contrary to the alleged devotion of Mexico to the
principle of non-intervention, carried to an almost absurd ex-
treme. In its eagerness to disregard an agreement overwhelmingly
approved by the majority of the countries of the hemisphere, the
Mexican chancellory suggests recourse to the International Court
of Justice, where judges would "intervene" in the matter—largely
extracontinental judges, among them the enemies of America—and
. . .where a simple majority is enough to pass whatever resolu-
tion.27

What La Prensa was saying, in effect, was that Mexico was re-
fusing to recognize the realities and exigencies of power politics
which determine the relationships among states to such a large extent.
Mexico would like to believe that the International Court of Justice
is a strong and objective body which is above politics. That most
other nations do not agree with this position is indicated by the
fact that few matters of truly great political significance or of
national security are brought before the court. They consider the
court to be very weak and pusillanimous.

All the nations of the hemisphere, with the exception of Mexico,
Chile, Uruguay, and Bolivia, voted in favor of the resolutions. Many
of these countries were critical of Mexico's refusal to comply with

the majority decision. 28

Dr. Alberto Herrera, the Foreign Minister of Guatemala, pinpointed the crux of the problem regarding Mexico's position on the O.A.S. resolution against Cuba.

Mexico will violate the Río Treaty if she does not act upon the resolutions accorded by the O.A.S. regarding Cuba. All the member states of the O.A.S. are obliged to comply with the majority decisions. The resolutions decided upon in no way interfere with Mexico's sovereignty because they are based upon a treaty freely ratified by the Mexican government. The International Court of Justice does not have jurisdiction for interpretation of the Río Treaty. 29

Therefore, while it may be a matter of interpretation of the Río Treaty, that interpretation was not for Mexico to make, but rather for the majority under the conditions specified. The majority made the decision and Mexico refused to comply.

The Chilean government, for example, disagreed with the intent of the sanctions and it voted against the resolution. Nevertheless, when the vote was taken, Chile recognized the authority of the majority in this case and complied. That she would continue to do so was uncertain, but she did comply on this occasion.

Chile's opinions coincided with those of Mexico, to a great extent, regarding the resolution and its employment in the case in question. Foreign Minister Julio Philippe Izquierdo expressed Chilean sentiments as follows:

28 See: El Siglo, Bogotá, Colombia (August 1, 1964); El Espectador, Quito, Ecuador (August 1, 1964); El Día (August 9, 1964), p. 9; Americas (August, 1964), pp. 7-10.

The Chilean government believes that the group of measures in Article 8 of the Treaty are not the suitable ones. Already many American countries, exercising their sovereign faculty, have unilaterally adopted measures that are now proposed as collective ones. It would seem just that those countries which, like Chile, have not taken them, should continue to have the necessary freedom to determine the convenience of adopting them.

Radomiro Tómic, Chilean Ambassador to the United States, explained that Chile would not unilaterally initiate a movement to re-establish diplomatic relations with Cuba, but that in his opinion, the issue did need to be examined. He said further that the Chilean government would have to establish diplomatic and commercial relations with the "socialist countries".

Relations are from state to state, not from state to doctrine. Chile does not help anyone by mutilating her relations and by denying that communist governments exist. We will have relations with countries, without ideological discrimination.

This appears to be both a partial affirmation of the Mexican Estrada Doctrine and of Mexico's position on the Cuban issue under discussion.

**OBSERVATIONS**

It is this writer's opinion that many of Mexico's protestations concerning the O.A.S. decision to apply sanctions to Cuba and to require that all members of the O.A.S. break relations with that country, appear in part to be rationalizations. "She doth try too hard, and she doth protest too loudly." It is like the child explaining all the

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reasons why he did not make up his bed, when the truth is simply that he did not want to.

Several questions come to mind when pondering Mexico's reactions on this subject. First, how can legalistically-minded Mexico accept such a unilateral interpretation of the law, just because she disagrees with the result? In doing so, she opposed the legal decisions of an organization which she joined freely and in good faith. Secondly, even granting that "that which happened in Venezuela occurs every few days" in Latin America, what can the objection be to doing something about one of the causes?

Furthermore, some of the charges made by Mexicans need to be answered, to clear up misconceptions. On page 171, Javier Rondero questions the right of "a reduced group of individuals from the Council of the O.A.S." to "arbitrarily" decide questions relating to Mexican sovereignty and foreign relations. In fact, the representatives from each state have the authority to act in the name of their constituents. In doing so, they follow the dictates of the Charter. Mexico is either a party to the O.A.S. Charter and the Río Treaty or she is not. It is a simple matter.

It does not seem to occur to the Mexicans who so sharply criticized the honest intentions of the representatives of other Latin American countries at the meetings, that perhaps these other nations felt a real fear of Castro.\(^{32}\) In a voting system, the purpose of discussion prior to a ballot is precisely to try to convince

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those opposing one's own point of view to change their minds. If such persuasion is used, there is no reason to charge sinister implications. The O.A.S. operates under such a voting system. Granted, pressures were no doubt applied to urge delegates to change their votes, but this is an inevitable preliminary to a voting process.

The observation by La Prensa of Lima, that the International Court of Justice could "intervene" by a simple majority in matters of vital importance to hemispheric security, is a very important point, one which Mexicans, in general, have ignored.

By deriding the O.A.S. decision and the United States government which led the fight for its adoption, Mexico's refusal to do what she did not want to do appeared more justified in the eyes of many who became influenced emotionally. Nevertheless, it would seem that a treaty commitment by the Mexican government is subject to its own interpretation and convenience, even after the treaty is signed. If the government does not agree with the interpretation of the majority, even if such interpretations are legally binding in the statute and the Mexican government agreed to such beforehand, it will interpret the meaning out of it, if necessary.

Such a tactic is always a possibility when treaties are signed. But the Mexicans appear to particularly adept at such rationalizations, basing their arguments on what they consider or claim to be legal considerations.

In this case, carrying Mexico's traditional reasoning and general international legal logic through to their obvious conclusions, Mexico's refusal to comply with the majority in this case signified
breaking her bonds to the Río Treaty. Furthermore, the correct step would have been for Mexico to withdraw from the O.A.S. since she did refuse to comply with what a two-thirds majority legally decided was necessary to implement the collective security provisions of the Charter and the Río Treaty. Since no one wanted Mexico's withdrawal, however, the matter was not pressed.

CONCLUSION

In this case, there was possibly more than one valid point of view. The determinant may be the ideological orientation of the nations involved and that which each desires for the hemisphere. At times, Mexico seems resigned to giving in to subversive pressures concerning the rest of the continent, rather than endure the probable long years of countering the subversive elements wherever they should decide to appear, and the implied instability and violence that inevitably will occur.

It is doubtful, however, in the opinion of Daniel Cosío Villegas, that Mexican officialdom will ever allow a pro-Castro movement to cause its ouster without a struggle, or submit Mexico to any foreign hegemony. In the name of the Revolution, it will defend itself if necessary, just as Venezuela and others have had to do. He says, in fact, that although Mexico may think that "castrocommunism" could be suitable for other parts of Latin America, she herself is very content with her own revolution and does not need Communism. He states that, should there seem to be a real threat by "castrocommunism" in Mexico, or any other movement derived from the exterior for that
matter, the Mexican government will certainly not look the other way. 33 The problem is that while Mexico might be able to prevent such a take-over in her own country, other, weaker countries cannot do so without outside help.

The Cuban arms case was more complicated, however, since in that situation differing ideologies definitely came into play. Legal rules were called upon in support of each. Finally, the issue was resolved in Mexico's favor since no one was willing to sacrifice or damage the inter-American system further over it. Sanctions were applied, but Mexico was not pressed to comply, since she obviously would have had to leave the system if that had been done.

33Cosío Villegas, p. 148.
Although Mexico is proud of her independent and unattached role in the Cold War, it may be suggested that geographical circumstances have aided her in this fortunate position. Although she has suffered interventions at the hands of the United States and European powers in the past, her proximity to the United States and her position of being somewhat set off from Europe and Asia, as is all of Latin America, have allowed her to practice her policies of non-intervention and semi-isolationism without having to suffer consequences, as would Turkey or Greece, for example.

Mexico's basic aspirations are common to most small powers. These aspirations are those of universal peace, economic progress, and the preservation of the independence of the smaller powers. To achieve these aims, Mexico seeks the application of the principle of non-intervention for individual countries and for international organizations as well. She rigidly stresses the idea of the respect for the domestic jurisdiction of nations and emphasizes the function of law as a criterion for resolving international questions. Her philosophy is that adherence to a doctrine advocating the sovereign equality of states requires a normative universal order which applies itself objectively to all states. She believes that a political solution admits the action of factors which reflect to a greater extent the
inequality among states. ¹

Mexico is to be applauded for attempting to carry on her foreign policy on the basis of firm, legal and moral principles. Many nations have claimed to do so, although usually they have not. Mexico is not always successful herself, but, like others, she is reluctant to admit it.

Mexico seems to have taken much of the diplomatic rhetoric at face value and tries to live up to the principles and legal norms which have been spoken of so often in governmental circles. That it is in her national interest to do so cannot be denied. She has been fortunate in having leaders who have seen the benefit of insisting upon independence of action in the long run, although perhaps it has meant sacrificing momentary financial or political gains. Nevertheless, there could occur conditions which might induce Mexico to sacrifice her principle of non-intervention for some other principle. She has often, however, been critical of others for following their interests instead of "accepted principles of international law."

Perhaps Mexico to date has been very fortunate in having many of her interests coincide with what she considers these principles to be. In the case of the Cuban sanctions in 1964, ² Mexico's interests did not run according to the principles as seen by the rest of the American states, so Mexico in effect changed these principles as they applied to her, as she saw fit, until they coincided with policy as

¹See: Castañeda, México y el órden . . ., p. 201.
²See: Chapter IX.
she wished to practice it. Mexicans would deny this, but this writer believes the contention to be valid.

It is doubtful that Mexico could easily change her traditional foreign policy. It would be an extremely difficult transition. Very often she feels called upon to pronounce principles which allow her to stay out of world conflicts which others have felt it their responsibility to enter.

In spite of the foregoing, Mexico maintains a stringent anti-colonial position. She encourages immediate independence almost everywhere, believing that the people of a country can solve their problems better than anyone else. This policy is backed up by Mexico's "traditions and historical reasonings."

Mexico expects full respect from other nations and attempts to reciprocate in kind. She believes that no matter how powerful a nation may be, it is not capable of imposing itself on a nation which desires to be free. Therefore, no intervention for any reason is justifiable. Mexico, in her strict autonomous foreign policy, is in many ways separated from the Western European tradition in aims, principles, and policies. She does not condone the arms race or the

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3 As Jorge Castañeda has said, there is relatively little discussion in depth in Mexico on the various aspects of principles and policies relating to international affairs. Consequently, the strong, one-sided governmental propaganda effort to "educate" the Mexican people in this field might have a difficult time reversing itself. It is probable, also, that Mexican diplomats would find it difficult to make a reversal in their thought processes concerning their foreign policy. See Castañeda, México y el órden . . ., p. 15.

4 González Cosío, p. 8.
anti-communist position of the United States, which she considers unnecessarily rigid.\(^5\)

In 1961, when Guatemala accused Mexico in the Organization of American States of harboring mercenaries, Mexico called for an investigation. She denied that her territory was permitted to be utilized for the traffic of arms destined to foment subversion in other countries, or for organizing expeditions against other governments.

There is speculation, however, that indeed the Mexican territory is used for traffic in propaganda and subversive personnel. Since hers is the only Latin American country which has direct communication with Cuba, it is not unlikely that many communist agents use Mexico as a thoroughfare to the rest of Latin America.

CONCLUSIONS

**Problems.** As Dr. Francisco Cuevas Cancino has implied,\(^6\) the non-intervention principle is a negative one. He says that its use has, in effect, meant actual non-leadership on the part of Mexico in foreign affairs. Nevertheless, except in a few cases, Mexico has been firm in her adherence to the doctrine. This firmness implies a kind of leadership, even if it be negative.\(^7\)

Dr. Cuevas Cancino has stated, furthermore, that,

\(^5\)Cuevas Cancino, "Mexico", in Black and Thompson, pp. 649-650.

\(^6\)Ibid., p. 651.

\(^7\)Actually, the Mexicans have often reiterated that they do not wish to lead Latin America, but merely to participate in the system as an equal partner.
Mexico continues to depend upon a spiritual interpretation of history. Her diplomats portray a conscious and voluntary contempt for those material things which shape and influence international relations. They assume that they can separate the nation's convictions from the requirements of her development. . . . There is insistence on the necessity of speaking about peace in a world which denies coexistence, about disarmament . . . in the midst of a gigantic arms race, when even the majority of Latin American nations are heavily armed. . . .

He says that since details do not form a part of Mexico's personality, they receive relatively little attention. For this reason, the logical implementation of the principles supported by Mexico has sometimes been ignored.

According to Dr. Cuevas, furthermore, "The fixed goal of independent Mexico has been to develop as a Western country." In the meantime, outside of a few exceptions in international organizations, she has adhered rigidly to lines of foreign policy which are not very flexible. "Mexico . . . has not mixed the needs of the people with the direction of her international conduct." 10

The idea of "dignity and firmness" in foreign policy are continually alluded to in official speeches. 11 Mexican officials seem to believe that it is enough to rely on these two maxims; they recognize few demanding ties to the great struggles of the world. Mexico prefers to contribute to international affairs the benefit of

8 Cuevas Cancino, in Black and Thompson, p. 652.

9 Ibid., p. 650.

10 Ibid., p. 658.

11 See any of the presidential Informes presented to the Mexican Congress on September 1 of each year.
her good example. This scorning of material interests is one of the distinctive characteristics of Mexico's foreign policy. She separates what her ideal position should be in the eyes of the world from the benefits which a policy linked more closely to the world of today might give her. Other, less isolated, nations try constantly to solicit aid from the opposing power blocs. In Dr. Cuevas' opinion, Mexico continues to insist upon alienating her international conduct from the needs of her people.\footnote{12}{Cuevas Cancino, in Black and Thompson, p. 654.}

It is a stand determined by tradition. It is a stand which Mexico interprets as being in the best interests of her people in the long run.

Observations. Mexicans believe that their adherence to the policy of non-intervention is the most propitious method of ensuring independence, self-determination, and economic and social progress for Latin America. This is largely due to her historical experience. She dislikes hegemony on the part of any nation.

Nevertheless, neither adherence to international law alone, nor to the doctrine of absolute non-intervention, both of which Mexico encourages, seem to be enough to prevent more successful efforts at interference by foreign powers in Latin America. This is because subversive agitators and many communist governments do not conform to traditional or to inter-American international law, unless it be merely to gain some advantage.
Recognizing the fact that Mexico does not see a threat by communism per se to the independence and well-being of Latin America, it is difficult to reason with Mexico that she should oppose such influence. Isidro Fabela's statement that "No one is ever hurt by words or ideologies" has influenced many Mexicans.¹⁷ She therefore tends to give subversive elements the benefit of the doubt when faced with the possibility of counter-subversive action on the part of legitimate governments. Such actions are more easily identified and labeled than is subversion itself, and Mexico often tends to oppose the more obvious danger rather than the more serious one. Furthermore, she does not seem to recognize that these so-called "ideologies" are but tools in the hands of very powerful national states.

The United States has felt it her responsibility to try to counter Communist-bloc activities in the Americas, since she is the only country with enough power and funds to aid other countries in this problem. She has been directly involved in counter-subversive activities while aiding other governments.

This highlights two different points of view. Mexico believes that the people of a country will eventually choose the government they most want (through revolution if necessary), if left alone by other countries. The United States, on the other hand, denies the simplicity of the notion and its validity, since propaganda and subversive and terrorist techniques, have been refined to the point of preventing free choice, especially in under-developed areas; and, the

¹⁷ Isidro Fabela, Intervención, p. 94.
it is relatively strong internally, its appreciation of the necessities of counter-subversion seems to be limited. Its policy is not conducive to teaching Mexico much about this through secondary or actual experience during the last decade. Mexico must remember that the Cuban Revolution is a phenomenon of less than ten years. Policies formulated prior to that time may need to be reevaluated, although not necessarily changed.

Mexico's policies are in harmony with one of the dominant trends in the continent, namely that of trying to achieve greater exactitude and scope for the principle of non-intervention. She expresses a desire to protect the economic and social rights of man. Nevertheless, due to the third trend mentioned at the beginning of this paper, that of the refinement of subversion techniques and their intensified use by foreign powers in the Western Hemisphere, Mexico's insistence on non-intervention does seem to be affecting the achievement of the second goal, namely the protection and guarantee of human rights.
PART III

CONCLUSION
CONCLUSION

It cannot be denied that the principle of non-intervention has had great import on the American continent, whether in theory, in practice, or as a moral force. To most Latin Americans, non-intervention is a law which must not be violated. They also consider it a moral standard which prevails even in cases of violations of the democratic principle or of human rights.

The matter is not clear-cut, however, due to the fact that there are many definitions of intervention and no one of them is acceptable to all. Furthermore, there is also a question as to the legality of intervention, individual or collective, under specified conditions. Nevertheless, given a broad prohibition of intervention, several questions remain.

What, for instance, are nations to do about others which do not recognize or abide by international law? Harlan Cleveland, U.S. Under-Secretary of State, has observed,

The great problem facing the world is indirect aggression. . . . Cuba, Laos, and others are the marchlands of mutual intervention. We have friends and enemies in each. . . . Yet in aiding or opposing one we too often find ourselves caught in a conceptual traffic jam created by our inherited concepts of international law, while Communist guerrillas rush past in the fast outside lane.

This is an unfortunate truth, one which many idealists refuse to

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recognize.

Adlai Stevenson noted in a General Assembly debate on Cuba, that the United Nations is designed to preserve and defend the territorial integrity and political independence of its members.

We have dealt with the problem of preventing armies from marching across borders, but what of political independence? . . . The free nations of the world cannot permit political conquest any more than they can tolerate military aggression.

Is the United Nations capable of protecting the political independence of its members? To date, this seems doubtful.

Thirdly, doesn't the continually expanding fabric of common interest among nations make interferences inevitable? Much that occurs in one nation affects other nations directly or indirectly. Where is the dividing line, in such cases, between interference and intervention? As one authority has said, "... It is often difficult to draw a precise line between 'relations' and 'conditions' in other countries." 3

In this context, a Latin American writer, Manuel López Rey, has noted, "Reality shows ... that the internal and external policies of a country are more and more influenced, even subordinated, to an internal or regional situation which affects the concept and the exercise of national sovereignty." His opinion is that the difference between the roles played by large and small powers has diminished. As a consequence, he observes that national policies

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rarely can be articulated today from a purely national point of view and secondly, that political instability, born of pure national interests, affects both national life and the formulation of effective international policies. In fact, the existence of the international community of nations imposes an interdependence on nations. ⁴

As early as 1936, during the Spanish Civil War, the Spanish Republican Foreign Minister complained to the League of Nations, "It is becoming more and more difficult to draw a clear line between what is the internal affair of a nation and what may be regarded as a matter of international concern." ⁵

Speaking of mutual involvement, another Latin American, Luis Quintanilla of Mexico, said in 1943,

Inter-Americanism implies not only feelings, . . . but specific commitments. Inter-Americanism . . . makes it impossible for any of us to ignore the fate of our neighbors . . . and gives us specific instructions on what to do if something happens to those neighbors. It is thus a continental blow to disorderly laissez faire internationalism. . . . Whether in the national or the international field, human progress may be defined as the transition from the illusion of independence to the necessity of interdependence. . . . The test of America lies in its ability to democratize life. . . .

That the non-intervention doctrine may in fact be outdated is noted by Harlan Cleveland.

My concern with international organizations is their potential for action. . . . Perhaps they alone offer breakthrough possibilities


⁶ Quintanilla, A Latin American Speaks, p. 240.
in rethinking the old doctrine of non-intervention in the domestic affairs of other nations. This doctrine has been the self-denying ordinance under which the democracies have labored throughout the twentieth century, an unenforced Sullivan's Law that disarms the householder but never bothers the burgler.\(^7\)

In other words, he sees collective intervention as being a possible solution for the concern which develops due to problems arising from mutual international involvement in mutual problems. Although he favors applying the same rules to all, he notes realistically that a double standard is applied to most of the real problems in the real world.

And finally, Carlos Lacerda of Brazil emphasizes inter-American mutual involvement as follows:

\[\ldots\] within certain reasonable margins to respect ancient concepts of the sovereignty of nations, it is necessary to recognize that peace and war, prosperity and poverty, education and ignorance are phenomena to be treated on a worldwide scale, or at least in continental proportions.

At the same time, it has been generally recognized, and affirmed by the United Nations, that governments are under a legal obligation not to intervene unilaterally by engaging in propaganda, official utterances, or legal action with the intent or likelihood of inciting sedition or revolt against the government of another state. The present obligation to respect the territory of others includes the obligations to abstain from and prevent aggression,\(^9\)

\(^7\)Cleveland, p. 860.


subversive intervention, and other injurious activities. The last arises, according to Quincy Wright, from the general principle of *Sic utere tuo ut non alienum laedas* [So use your own as to not injure others].

Wright also observes that subversive intervention and aggression should be kept distinct, "because the remedies are different." [Note that Mexico and Chile have continually emphasized this point.]

Wright continues,

Subversive intervention is difficult to define because the propaganda, infiltration, and subversion which it utilizes seem to be protected by the recognized human rights of freedom of opinion and freedom of communication across national boundaries.

Furthermore, he believes, probably correctly, that the right of revolution would be impeded by a rule which forbade all outside communication, travel, trade, and financial aid to the revolutionaries. "Successful revolutions have usually depended on some outside contacts and assistance." Finally, Wright notes that if subversive intervention succeeds in bringing about a revolution and the setting up of a *de facto* government, international law permits, if it does not require, the recognition of that government after it has become firmly established through acquiescence of the people.

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10 See Appendix J, Resolution 2131 (XX).


It seems important, therefore, that international law define subversive intervention clearly. It needs to be distinguished from permissible international communication, trade, travel, and financial assistance on the one hand, and from aggression against which the use of armed force is permissible on the other.

United Nations Resolution 2131\(^{14}\) takes a big step in this direction, but that it has been entirely successful is doubtful. Propaganda, infiltration of foreign governments or organizations, commercial controls, and other actions by a government intended to incite aggression or sedition are illegal. Nevertheless, these things continue to occur, under the excuse of upholding the "right of revolution" or some other apology. Sometimes they occur with no apologies or excuses given, or with very transparent ones at best.

Again one comes to the distinction, mentioned in Chapter I, between juridical intervention and political intervention. It has been acknowledged that most types of intervention are illegal. Politically, however, foreign governments, diplomats, or their agents can incite sedition or revolution in another country and in doing so, break no actual law except the one which prohibits such incitement. Since the guilty party is usually difficult to identify categorically, or to prove guilty, the law is ineffective and may be impossible to invoke. Thus, we arrive at political intervention.

The Havana Tricontinental Conference was overtly aimed at inciting revolutions throughout Latin America and the rest of the world.

\(^{14}\)See Appendix J, Resolution 2131 (XX).
It is an example of both juridical and political intervention. It openly endorsed subversive intervention, yet little has been done by the nations of the free world to meet the Tricontinental challenge. The O.A.S. merely passed a resolution, which at the most, symbolized continental unity and recognition of the threat. Little of practical value will probably come of it. At the United Nations, the O.A.S. resolution was scornfully answered by Fidel Castro, then forgotten.

Given the determination of the Communist powers to cause the overthrow of any governments not of their system, given the fact that the United States' national interest compels her to oppose the Communist aims in whatever ways she can, and given the fact that many, if not most, Latin Americans oppose these aims, it is conceivable that the principle of non-intervention is insufficient for protecting the continent. The Communists use the principle but do not abide by it when it does not suit their interests.

It is doubtful that the United States can afford to do less for her national interest, even if this might mean intervention in certain cases. She might, of course, attempt to intervene politically before resorting to overt illegal intervention. Nonetheless, it must be kept in mind that, as was noted earlier in this paper, government officials will not only be concerned with what the law is and with its interpretation, but will be concerned equally with whether or not the law should be observed in a given instance. They will sometimes believe that it is wise or reasonable to break the law.

15 See page 18.
Morton A. Kaplan and Nicholas deB. Katzenbach have noted that, ... the present posture of world politics is scarcely favorable to the development of, or reliance upon, universal legal rules. All systems of law tend to break down in crisis situations. In such situations, there is major provocation to act politically with little deference to preexisting rules. ... 16

In many respects, the Cold War has presented the United States with just this type of crisis situation, in that her national security is severely threatened, as is the security of the non-communist parts of the continent. The problem is that even in a crisis, she must try to view her national interest from a long range as well as a short run standpoint. Where intervention fits in and how purely politically beneficial a decision is in the long run is always questionable.

The United States demonstrated such a political decision when she unilaterally sent troops into the Dominican Republic in 1965. Nevertheless, she rapidly demonstrated, as well, her preference for collective intervention under the auspices of the O.A.S. She recognized that collective intervention was more legal under American international law. In fact, the United States was largely responsible for the formation of the O.A.S. peace force in that situation.

In spite of the realities which the nations of the continent must face due to Communist ambitions and subversion, the principle of non-intervention does have importance in the Americas. In the first place, the fact that it is considered important by most Latin Americans places an inhibition upon a state which would openly and indiscriminately intervene in another's affairs. The widespread U.S.

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interventions in Central America and the Caribbean during the early part of this century probably will not, for example, be repeated.

Another connected factor is the Latin American need to adhere to some ideology, some principles, which could serve them as emotional guides. Latin Americans are very idealistically motivated. The ideology encompassing firm adherence to "self-determination and non-intervention" is one emotional diplomatic staple; that of Communism is another, as are democracy, capitalism, and others on varying levels. Some have a stronger hold during one epoch than do others. Today, Communism is a powerful challenger to democratic ideals in Latin America.

That Latin Americans often appear to adhere rigidly to the doctrine of non-intervention in the face of cold logic may be a manifestation of the strong emotional adherence by Latin Americans to a favorite principle or ideology. It is this writer's belief that, with this fact in mind, the United States should gradually but firmly make known her intention to recognize in practical terms that the principle of non-intervention may be more limited than heretofore admitted as it relates to collective intervention by the O.A.S. Since any attempt to effectively restrict subversive intervention through purely legal channels would also interfere with the right of revolution and other freedoms, another strategy for countering Communist

subversion and plans for power must be employed.

Diplomacy, military aid, economic and technical aid, educational exchanges, and many of the other classic methods for winning and aiding friends in Latin America are good but are not enough. Often, in fact, they have helped to perpetuate systems which are as oppressive as any Communist government would be. At any rate, something more is needed.

Since the Communist nations fully intend to continue their infiltration and subversion in Latin America, they must be countered on their own terms. They must be harassed as they harass others. What is needed as a very important supplement to the above is a strategy which would combine non-intervention and national and inter-regional security.

Democracy cannot be imposed or forced upon a people. The best that can be done is to provide a climate where it can be tried and where, hopefully, governments can be changed when necessary.

It is not inconceivable that the O.A.S. can be responsible for providing this climate as it has done in the Dominican Republic. Intervention occurred there, but it was to benefit the Dominican people. It was this that Mexico, Chile, and Uruguay chose to ignore. They preferred anything which might have occurred rather than see their sacred cow called "non-intervention" be compromised. But this writer believes that the collective intervention which took place by the O.A.S. Peace Force was preferable to another Communist takeover. It was also preferable to continued unilateral intervention by the U.S., which no doubt would have continued had the O.A.S. not stepped
Unilateral U.S. intervention is unpopular with all countries of Latin America. Nevertheless, it does and will occur whenever the national interest of the United States requires it. How much more agreeable that the O.A.S. take it upon itself to protect its own domain, and thereby lessen the necessity for U.S. intervention!

This may be asking too much of the O.A.S. or of any such multinational democratic assembly which is predicated on compromise or weak determination for positive action. Nevertheless, were the United States to make known the following, perhaps the O.A.S. would respond to its responsibility: (1) That subversion and civil disturbance in Latin America will be countered by the same in Cuba by U.S. (or O.A.S.) agents; (2) that political parties supported by outside Communist powers or their agents will be countered by support given to other worthy parties by the U.S. (or the O.A.S.); (3) that the U.S. (or the O.A.S.) will feel called upon to intervene to protect self-determination where it is endangered by a Communist coup d'etat or revolt, and will stay until free elections are held and after if necessary; (4) that military and economic aid will be offered through U.S. (or O.A.S.) offices with strings attached, which seek to ensure, as does the Alliance for Progress somewhat unsuccessfully, that the benefits accrue to the whole population, and that dictators receive no extra protection unless they are deemed necessary for a transitional and stabilizing period in some country; (5) that the U.S. (or the O.A.S.) will not hamper any refugee or private para-military organizations which wish to menace Cuba, until Cuba restricts her
agents from doing the same in the rest of Latin America; (6) that cheap, colorful, easily obtained periodicals and pamphlets which portray the O.A.S., the U.S., and general democratic points of view will be provided in great quantity by the U.S. (or the O.A.S.) to counter the Communist literature of the same sort which one finds in such profusion in Latin America.

In other words, the U.S. (or the O.A.S.) will commence to deal harshly with the Communists and will no longer apologize for whatever firm actions it may take. In this matter, the U.S. will announce her intention to act. It will announce that the O.A.S. may take the responsibility in these areas wherever it wishes, but that if the O.A.S. does not act, the U.S. will.

It is assumed that, generally, the O.A.S. member countries would prefer collective action to unilateral U.S. action. They might overcome their reluctance to accept this responsibility when the appreciation of the values accruing from positive action were once realized and when there was absolute certainty of U.S. action in case of O.A.S. abstention.

In whatever case, it is doubtful that the principle of non-intervention will ever be observed absolutely in the hemisphere by any side. Since it was first considered there has been debate over what it encompassed and over what exceptions to it were legal or permissible. Now, while the debate continues, there are those who either ignore the principle or skirt it, aiming to achieve the over-throw of the very legal system which encompasses the non-intervention principle. That the principle should be employed as a means for
bringing about its own demise and the demise of other principles which it was designed to protect, such as human rights and self-determination, is absurd.

Mexico's adherence to the above principles offers her apparent security in her foreign policy. It is comforting to adhere to an ideology or to principles which appear to stand firm in the face of all adverse international situations. Nevertheless, Mexico's guiding principles may be dangerous to her in the long run, if viewed as panaceas for international action, something which many Mexicans do. While Mexico castigates the United States and others for "intervention," ignoring many of the interventions of the Communist bloc nations and their agents, the wrath of international public opinion is turned against Mexico's friends in the West. Consequently, one of the Communist goals relating to world public opinion is satisfied by a member of the O.A.S. itself.

Mexico believes that the results of non-intervention would be the lesser of several known evils. The validity of her assumption is questionable, as is her foresight in ignoring the unknowns.

Just as the prohibition laws were unenforceable in the United States in the 1920's, so may the law of non-intervention be unenforceable internationally in the 1960's. As a consequence, one-sided adherence to the law puts that side in jeopardy. The free world might better recognize the impossibility of enforcing an absolute principle of non-intervention and announce its intention to intervene equally when others do if it so desires.

It is doubtful that non-intervention can ever attain absolute
practical legal acceptance in the Americas. It might be an admirable goal to strive for were the stakes not so high. The debate over the subtleties of interpretation will no doubt continue, while factual interventions occur in practice. The national security of the United States and the Latin American nations require this.

It may be speculated that the attempt to make non-intervention an absolute legal prohibition is going farther than any of the earlier adherents of non-intervention had believed necessary or beneficial, even past the limits of reality. Until there is some central international authority capable of enforcing absolute non-intervention by one state in the affairs of another, it will remain unenforceable. By the time a central authority has the power to enforce non-intervention, the states will already have given up a great deal of their sovereignty. Such a relinquishment would probably give to the central authority areas of sovereignty which interventionary actions violate today. Consequently, much of the problem will have been eliminated anyway.

Realistically, nations should perhaps recognize non-intervention as a moral law, not a legal one. Nations should leave others alone whenever possible. They certainly should not attempt to cause the overthrow of a foreign government.

Nevertheless, the reasons why these things occur are well-known and numerous. Self-interest plays a big part. Attempting to make all intervention illegal creates an impossible situation, since any law strict enough to curb all intervention (assuming it could be enforced) would necessarily curb other freedoms as well. Therefore,
seeing non-intervention as a moral invective seems to be a more realistic viewpoint.

Whether the O.A.S. will accept more actual responsibility for countering and preventing Communist subversion and terrorism is still questionable. It seems likely, however, that should the U.S. recognize, respect, and act upon the Latin American need for ideological justification in diplomacy, that a positive counter-subversion program comprising positive action could perhaps win the confidence of many Latin Americans. Throughout their early history they have tended to respect strength. Many more seem to be beginning to respect responsibility. Perhaps both could be combined in such a positive program. However, it would have to respect non-intervention in internal affairs strictly in times of internal peace while continuing to realize inter-American mutual responsibility for provision of a favorable continental environment, conducive to peaceful civil progress.

It appears that the non-intervention principle has an important place in the diplomacy of the Americas, as either a moral or a legal standard. But to expect, as Mexico does, that nations will or should follow it "to show a good example if nothing else" when others are violating it to the detriment of the security of the continent or of the nations which comprise it, is an assumption too naive to be of any but theoretical value in the practical world of international affairs.
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Appendix A

THE CHARTER OF THE UNITED NATIONS
(excerpts)

We the peoples of the United Nations determined

to save succeeding generations from the scourge of war, which twice
in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and
worth of the human person, in the equal rights of men and women and
of nations large and small, and

to establish conditions under which justice and respect for the obli­
gations arising from treaties and other sources of international law
can be maintained, and

to promote social progress and better standards of life in larger
freedom,

and for these ends

to practice tolerance and live together in peace with one another as
good neighbors, and

to unite our strength to maintain international peace and security,
and

to ensure, by the acceptance of principles and the institution of
methods, that armed force shall not be used, save in the common
interest, and

to employ international machinery for the promotion of the economic
and social advancement of all peoples,

have resolved to combining our efforts to accomplish these aims.

CHAPTER I  PURPOSES AND PRINCIPLES

Article 1

The purposes of the United Nations are:
1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of
aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

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;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all.

Article 2

The Organization and its members, in pursuit of the purposes stated in Article 1, shall act in accordance with the following principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. 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.

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 Charter, but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER IV THE GENERAL ASSEMBLY

FUNCTIONS AND POWERS
Article 11

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or the Security Council or to both.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

   a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

   b. promoting international cooperation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

CHAPTER V THE SECURITY COUNCIL

FUNCTIONS AND POWERS

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.

CHAPTER VI PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 35 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should,
as a general rule, be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense 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. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time
such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII REGIONAL ARRANGEMENTS

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 such regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state.

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.
CHAPTER IX  INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.
Appendix B

CHARTER OF THE ORGANIZATION OF AMERICAN STATES
(excerpts)

CHAPTER I: NATURE AND PURPOSES

Article 1

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity and their independence. Within the United Nations, the Organization of American States is a regional agency.

Article 4

The Organization of American States . . . proclaims the following purposes:

a. To strengthen the peace and security of the continent;

b. To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;

c. To provide for common action on the part of those States in the event of aggression;

d. To seek the solution of political, juridical and economic problems that may arise among them; and

e. To promote, by co-operative action, their economic, social and cultural development.

CHAPTER II: PRINCIPLES

The American States reaffirm the following principles:

a. International law is the standard of conduct of States in their reciprocal relations;

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d. The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;
e. The American States condemn war of aggression: victory does not give rights;
   f. An act of aggression against one American State is an act of aggression against all the other American States;
   g. Social justice and social security are bases of lasting peace;
   h. Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;
   j. The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed or sex;

CHAPTER III: FUNDAMENTAL RIGHTS AND DUTIES OF STATES

Article 6:

States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to endure the exercise thereof, but upon the mere fact of its existence as a person under international law.

Article 7:

Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law.

Article 13:

Each State has the right to develop its cultural, political and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

Article 15:

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.
Article 16:

No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Article 17:

The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Article 18:

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfilment thereof.

Article 19:

Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 15 and 17.

CHAPTER IV: PACIFIC SETTLEMENT OF DISPUTES

Article 20:

All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter, before being referred to the Security Council of the United Nations.

Article 21:

The following are peaceful procedures: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.
CHAPTER V: COLLECTIVE SECURITY

Article 24:

Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States.

Article 25:

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extra-continental conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in furtherance of the principles of continental solidarity or collective self-defense shall apply the measures and procedures established in the special treaties on the subject.

CHAPTER XVI: THE UNITED NATIONS

Article 102:

None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations.
Appendix C

INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE (RIO TREATY)

Article 1:

The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this treaty.

Article 2:

As a consequence of the principle set forth in the preceding article, the High Contracting Parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavor to settle any such controversy among themselves by means of the procedure in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations.

Article 3:

1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the Inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security.
Article 5:

The High Contracting Parties shall immediately send to the Security Council of the United Nations, in conformity with Articles 51 and 54 of the Charter of the United Nations, complete information concerning the activities undertaken or in contemplation in the exercise of the right of self-defense or for the purpose of maintaining inter-American peace and security.

Article 6:

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

Article 7:

In the case of a conflict between two or more American States, without prejudice to the right of self-defense in conformity with Article 51 of the Charter of the United Nations, the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the status quo ante bellum, and shall take in addition all other necessary measures to re-establish or maintain inter-American peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.

Article 8:

For the purposes of this Treaty, the Measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; and use of armed force.
Article 9:

In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

a. Unprovoked armed attack by a State against the territory, the people, or the land, sea, or air forces of another State;

b. Invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State.

Article 10:

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the High Contracting Parties under the Charter of the United Nations.

Article 17:

The Organ of Consultation shall take its decisions by a vote of two-thirds of Signatory States which have ratified the Treaty.

Article 20:

Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent.
Appendix D

IMPORTANT CONFERENCES AND MEETINGS CONCERNING THE AMERICAN SYSTEM

First International Conference of American States, October 2, 1889, Washington D.C. Attendance: All the American republics then extant except the Dominican Republic. Major agenda items: Discussion of problems of mutual interest, such as peace, trade, and communications. Outcomes: Formation of the International Union of American Republics and the "Bureau of the American Republics."


Fourth International Conference of American States, July 12, 1910; Buenos Aires, Argentina. Attendance: 20—all the republics except Bolivia. Agenda: Consideration of various economic and cultural matters. Outcomes: The Treaty on Arbitration was made of indefinite duration; it applied Hague Tribunal arbitration rather than regional international law. The name of the "Bureau" was changed to "Pan American Union."


Pan American Scientific Congress, 1912; Washington D.C. Outcome: President Woodrow Wilson proposed a Pan American Pact
for a mutual guaranty of the political independence and territorial integrity of all the republics of the New World.

Fifth International Conference of American States, March 25, 1923; Santiago, Chile. Attendance: 18—all republics except Bolivia, Mexico, and Peru.
Agenda: Discussion of reorganization of the Pan American Union for the purpose of reducing U.S. dominance. Discussions of possible modifications of Monroe Doctrine.
Outcomes: "Treaty to Avoid or Prevent Conflicts Between American States." (Gondra Treaty)

Inter-American Conference of Jurists, 1927; Rio de Janeiro, Brazil.
Agenda: Codification of international law, with attention to non-intervention principle.
Outcome: Recommended that 12 projects for codification be adopted at Sixth Inter-American Conference in 1928, among which was included Project II, Article 3: "No state has a right to interfere in the internal affairs of another."

Sixth International Conference of American States, January 16, 1928; Havana, Cuba; Attendance: 21—all American republics.
Agenda: Latin American delegates anxious to secure condemnation of U.S. intervention in the Caribbean.
Outcome: "Convention on Duties and Rights of States in the Event of Civil Strife." (Designed to prevent use of other American countries as bases for launching revolutionary activity.) Decision on non-intervention postponed until later, due to U.S. opposition.

Agenda: Problem of arbitration and conciliation of disputes.
Outcomes: General Convention of Inter-American Conciliation. General Treaty of Inter-American Arbitration. Was condemned as instrument of national policy, and obligatory arbitration of disputes of a justiciable nature provided for.

Seventh International Conference of American States, December 3, 1933; Montevideo, Uruguay; Attendance: 20—all republics except Costa Rica.
Agenda: Problem of U.S. dominance and intervention.
Outcomes: "Convention on Rights and Duties of States." Laid more emphasis on "rights" than on "duties". Triumph for Latin American jurisprudence on issues such as recognition, equality, non-intervention, the Calvo doctrine and others. The United States voted for the Convention, but reserved its rights "by the law of nations as generally recognized."
Inter-American Conference for the Maintenance of Peace, December 1, 1936; Buenos Aires, Argentina. Attendance: 21—all American republics.
Outcomes: "Declaration of principles of Inter-American solidarity and cooperation." Provided for joint consultation in event of a threat to the hemisphere. Also, "Additional protocol relative to non-intervention." American republics adhered to principle of non-intervention, U.S. without reservations.

Eighth International Conference of American States, December 9, 1938; Lima, Peru. Attendance: all 21 republics.
Agenda: Considerations of hemispheric security.
Outcomes: "Declaration of the principles of the solidarity of America." Provided for pacific settlement and illegality of force as instrument in national or international affairs. "Declaration of Lima," reaffirmation of continental solidarity against all outside intervention. Established the meeting of consultation of foreign ministers.

First Meeting of Consultation of Foreign Ministers, September 23, 1939; Panama City; after start of World War II.
Agenda: Consideration of means for maintenance of neutrality of the hemisphere.
Outcomes: "Declaration of Panama." General declaration of neutrality.

Second Meeting of Consultation of Foreign Ministers, July 21, 1940; Havana, Cuba; after fall of France.
Agenda: Discussion of European possessions in the hemisphere and danger of their possible transfer to other non-American powers.
Outcome: "Act of Havana" and "Convention of Havana," concerning provisional administration of European colonies. Resolution XV: any attempt by a non-American state against sovereignty or independence of an American state to be considered attack on all. Provided for mutual consultation.

Third Meeting of Consultation of Foreign Ministers; January 15, 1942; Rio de Janeiro; after Pearl Harbor.
Agenda: Determination of attitude to be adopted by American republics in the face of attack by a non-American power upon an American state and subsequent declaration of war by Germany and Italy.
Outcomes: Resolution to break relations with Axis powers. Establish Inter-American Defense Board. Spirit of continental solidarity evident. Promise that New World would not abandon the Latin American principle of non-intervention.
Inter-American Conference on Problems of War and Peace (Chapultepec Conference); February 21, 1945; Mexico City. Attendance: all republics except Argentina.

**Agenda:** Consideration of possible postwar problems.

**Outcomes:** "Act of Chapultepec." Dealt with acts or threats of aggression against any American republic.


**Agenda:** Consideration of proposals for a treaty of mutual defense of the hemisphere.


Ninth International Conference of American States, March 30, 1948; Bogota, Colombia. Attendance: All 21 republics.

**Agenda:** Discussion of means to strengthen the inter-American system, and to promote inter-American economic consideration. Consideration of juridical and political matters.

**Outcome:** Charter of the Organization of American States adopted. It is the political, juridical, and economic constitution of New World. Also adopted "American Treaty on Pacific Settlement" (Pact of Bogota), and "American Declaration of the Rights and Duties of Man."

Fourth Meeting of Consultation of Foreign Ministers, March 26, 1951; Washington D.C.; after Korea.

**Agenda:** Consideration of problems of communism and hemispheric security.

**Outcome:** Recommendation that each republic examine its resources to determine what steps it could take to contribute to collective defense of the continent. Recommendation that governments examine their laws with view to adopting changes considered necessary for prevention of subversive activities of communists.


**Agenda:** Consideration of hemispheric policy respecting the intervention of communism into the Americas. Guatemalan case.

**Outcome:** "Declaration of solidarity for the preservation of the political integrity of the Americas against the intervention of international communism." American states declare themselves openly against any Soviet aggression and censored all communist activity in the Hemisphere.
Fifth Meeting of Consultation of Foreign Ministers, August 12, 1959; Santiago, Chile; after April-June disturbances in Caribbean.

Agenda: Consideration of problems of unrest in Caribbean. Discussion of problems of democracy and human rights in Latin America.

Outcomes: "Declaration of Santiago" concerning assignment of principles of democracy and respect for human rights. Special temporary power to Inter-American Peace Committee to investigate cases of invasions by foreign based rebels.

Sixth Meeting of Consultation of Foreign Ministers, August 16, 1960; San Jose, Costa Rica.

Agenda: Action to be taken against the Dominican Republic for its acts of aggression against the government of Venezuela.

Outcome: Resolutions—condemning acts of intervention and aggression against Venezuela and imposing sanctions in accordance with Article 8 of the Rio Treaty, i.e. severing diplomatic relations and partially severing economic relations.

Seventh Meeting of Consultation of Foreign Ministers, August 28, 1960; San Jose, Costa Rica.

Agenda: Threat of extracontinental intervention in hemisphere affairs; peace and stability in the Caribbean.

Outcome: "Declaration of San Jose" which (1) condemns ... intervention or the threat of intervention, even when conditional, by an extracontinental power in the affairs of the American Republics. ... (5) reaffirms the principle of non-intervention. ... (5) proclaims that all member states of the regional organization are under obligation to submit to the discipline of the inter-American system. ...

Eighth Meeting of Consultation of Foreign Ministers, January 22, 1962; Punta del Este, Uruguay; following missile crisis.

Agenda: Threats to the peace and to the political independence of the American states from intervention of extracontinental powers. Measures "to eradicate the profound evils of economic and social underdevelopment."

Outcome: Resolutions: I. ... principles of communism incompatible with the principles of the inter-American system. ... V. Adoption of the Alliance for Progress. ... VI. Exclusion of Cuba from participation in the inter-American system. ... Other resolutions were passed reaffirming non-intervention and recommending free elections.

Ninth Meeting of Consultation of Foreign Ministers, July 21, 1964; Washington D.C.

Agenda: Action to be taken against the Cuban government for acts of intervention and aggression affecting the territorial integrity and sovereignty of Venezuela, as well as the operation of its democratic institutions.
Outcome: Cuban government condemned for acts of aggression and intervention; adopted measures against Cuban government consisting of breaking of diplomatic relations by all American governments, suspension of trade except for humanitarian reasons, and suspension of all sea transportation except that needed for humanitarian reasons; warned the Cuban government of the right of self-defense in either individual or collective form possessed by any O.A.S. member to the extent of resorting to armed force.

Second Special Inter-American Conference, November 17, 1965; Rio de Janeiro, Brazil.
Agenda: Consider reorganization of the O.A.S. structure.
Outcomes: Proposals for modernization made, to be decided upon at future meeting.

Third Special Conference of American States, August 29, 1966; Buenos Aires, Argentina.
Agenda: Undertake specific reorganization of the structure of the O.A.S.
Appendix E

THE ORIGINAL MONROE DOCTRINE

CONTAINED IN THE PRESIDENT'S MESSAGE OF DECEMBER 2, 1823

It was stated at the commencement of the last session that a great effort was then making in Spain and Portugal to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been so far very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new Governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this Government, shall make a corresponding change on the part of the United States indispensable to their security.
The late events in Spain and Portugal shew that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government de facto as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to those continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new Governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.
Appendix F

SPEECHES IN LEAGUE OF NATIONS RELATING TO SPANISH NON-INTERVENTION POLICY


Collective security—how many illusions have in the last few years been born of that magic formula, only to be turned into bitter disappointments. The formula is in itself perfect... The complete application of the formula of collective security would thus mean an end to war.

It was too good to be true! Recent events, the bitter memory of which still darkens international life, have brought to light these obstacles to the organization of collective security envisaged on such lines...

(Will war in the future) continue to take its classic form? Reality shows that this is no longer the case and it will never again be the case. The war of the future... will, in fact, be a conflict, a collision, a clash in the drama of history, between two ideologies, two mentalitites, two different conceptions of life... p. 48.

... Obviously, a system of collective security, if it is to restore confidence to the peoples, must, before all, protect states against the risk of internal rebellions which are supported from outside... p. 49.

The policy of non-intervention!... Who among you could fail to understand why it is that we, the men responsible for the future of Apain... (and the) Spanish people,... must perforce regard so-called non-intervention as a policy of intervention detrimental to the constitutional and responsible government? Who... could fail to recognize that we cannot allow ourselves to be placed on the same footing as those who, breaking their solemn oath to the Republic, have risen in arms to destroy the constitutional liberty of our country?
... The legal monstrosity of the formula of non-intervention is manifest ... From the juridical point of view, non-intervention, as applied to Spain, represents an innovation in the traditional rules of international law, for it means withholding means of action from a lawful government.

(Is it really "non-intervention"?) Non-intervention should consist wholly in ignoring the internal situation of a country and in retaining the full juridical and practical validity of the commercial agreements previously concluded. We would accept a strict policy of non-intervention ... But when the normal commercial relations with Spain are suddenly interrupted, when the export of war material to the lawful Government suddenly stops, when contracts ... are cancelled, then we must affirm once again that this policy of non-intervention has been applied solely to the detriment of the lawful government and, consequently, to the advantage of the rebels. pp. 49-50.

League of Nations, Official Journal, Records of the Seventeenth Session; speech by Sr. Narciso Bassols, Chief Delegate of the United States of Mexico, September 26, 1936.

Mr. Bassols charges that the League of Nations is unable to carry out its first and most decisive obligation—namely to maintain the integrity and independence of all its member states. He stresses the need for the overhaul and revision of the League's principles and methods of procedure.

The refusal of legitimate means of defense to a government attacked on its own territory is called unjust. The legal abyss separating a government from a group of rebels is stressed.

"These considerations lead the Mexican delegation to point out in no vague terms the gravity of the present situation. We all agree that the progress achieved in international law comes essentially from the decision to remove from the plane of political contingency, ... certain aspects of international relations, and to transfer them to a higher and more civilized plane.

"In taking this stand upon a firm legal basis and upon its understanding of the problem confronting the Spanish government—Mexico having suffered so frequently from the scourge of unjust military dictatorships—my Government has, from the outset of the conflict, pursued a policy of material cooperation with the legitimate Spanish Government. ..."

"The policy, carried out by my Government in the full exercise of its sovereignty, needs no defense, international law provides an abundant justification for it. ..."

Notes speech by Spanish Prime Minister in Special Supplement No. 169, p. 58.

The Prime Minister made the following proposals:

1. That the German and Italian aggression be recognized as such.
2. That, consequently, the League examine . . . the means by which that aggression could be brought to an end.
3. That full rights once more be given to the Spanish Government freely to acquire all the war material it should consider necessary.
4. That the non-Spanish combatants be withdrawn from Spanish territory.
5. That the measures to be adopted for security in the Mediterranean be extended to Spain, and that Spain be granted her legitimate share in them.


Extraordinary Session held from December 10 through 12 on an appeal of the Spanish government.

Great Britain and France, holding to their non-intervention policy, were desirous that the indiscriminate supply of arms would not spread beyond Spain, or that no more would enter Spain.

"The United Kingdom held that strict application of the non-intervention policy must play an essential part in limiting and shortening the war. . . ."
Appendix G

APPLICATIONS OF THE INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE 1948-1964

1948-49 Costa Rica and Nicaragua, called by Costa Rica. **Reason:** Costa Rica alleged that its territory had been invaded by armed forces proceeding from Nicaragua. **Action taken or results:** Signature of a Pact of Amity between the two governments on February 21, 1949, in the presence of the Council of the O.A.S. The Pact entered into force on July 15, 1949.

1950 Haiti and Dominican Republic (Case A) and Haiti, Dominican Republic, and Cuba (Case B). Requested by Haiti and later Dominican Republic. **Reason:** Haiti charged that the Dominican Republic threatened to use force and the Dominican Republic cited various acts that threatened the sovereignty and political independence of the Dominican State. **Action taken or results:** Initiative by the Council of the O.A.S. acting provisionally as Organ of Consultation to perfect inter-American instruments, such as the Havana Convention of 1928 on the Duties and Rights of States in the Event of Civil Strife, and negotiations by the Investigating Committee of the Council carried out on the site.

1954 Guatemalan situation. Requested by Brazil, Costa Rica, Cuba, Dominican Republic, Honduras, Haiti, Nicaragua, Panama, Peru, and the United States. **Reason:** Intervention by the international communist movement in Guatemala. **Action:** The convocation of the Organ of Consultation was cancelled in view of the change of government that took place shortly after it had been made.

1955 Costa Rica and Nicaragua. Costa Rica requested. **Reason:** Facts similar to those which motivated the request for application of the Treaty in 1948. **Action or results:** Agreement between both countries in compliance with Article IV of the Pact of Amity of 1949, and Agreement on the functioning of the Commission of Investigation and Conciliation established in accordance with the Pact of Bogota (both signed in the presence of the Council of the O.A.S.).

1957 Honduras and Nicaragua. Requested by Honduras and later Nicaragua. **Reason:** Honduras charged violations of its territory and Nicaragua made similar charges (area in dispute). **Action or results:** Agreement of July 21, 1957, signed in
the presence of the Council of the O.A.S., by which the par-
ties agreed to take the matter before the International Court
of Justice. The border in dispute was later demarcated in
accordance with the decision of the Court and, at the request
of both parties, with the collaboration of the Inter-American
Peace Committee.

1959
Panama. Panama requested but for the first time no accusa-
tion was made against another state. Reason: Invasion of
Panama by foreign elements proceeding from Cuba. Action or
results: Initiative by the Council of the O.A.S. acting
 provisionally as Organ of Consultation and negotiations
carried out by the Investigating Committee of the Council
on the site, with the approval of the Government of Panama,
to obtain the unconditional surrender of the invaders and
the deposit of their arms.

1959
Nicaragua. Nicaragua requested, but made no accusation
against another state. Reason: Invasion of Nicaragua, by
air, by nationals of various countries proceeding from
Costa Rica and threat of invasion by land and sea. Action
or results: Initiative by the Council of the O.A.S. acting
 provisionally as Organ of Consultation and negotiations
carried out on the site by the Committee appointed by said
Organ to collect additional information regarding the situa-
tion that had motivated the complaint.

1960
Venezuela and Dominican Republic. Venezuela requested.
Reason: Attempt against the life of the Venezuelan Chief
of State, Romulo Betancourt. Action or results: Sending
of an Investigating Committee by the Council of the O.A.S.
acting provisionally as Organ of Consultation and holding
of the Sixth Meeting of Consultation in San Jose, Costa Rica.
Measures were taken against the Government of the Dominican
Republic and later were extended by the Council. Said
measures were lifted by the Council in January 1964.

1961-62
Cuban situation. Colombia requested. Reason: Considera-
tion of the threats to the peace and political independence
of the American states and the possible measures to be
adopted for the maintenance of peace and security, in case
said threats or certain acts occurred. Action or results:
Exclusion of the present Government of Cuba from participa-
tion in the Inter-American System and other measures adopted
by the Eighth Meeting of Consultation, Punta del Este, Uruguay,
1962.

1962
Cuban situation. United States requested. Reason: Estab-
lishment on Cuban territory, by extraregional powers, of
offensive weapons with nuclear capability. Action or results:
Measures taken by the Member States, based on the resolution approved by the Council of the O.A.S. acting provisionally as Organ of Consultation, to impede the delivery to Cuba of offensive weapons and to cause the withdrawal from Cuba, by the Soviet Union, of missiles and military personnel.

1963
Dominican Republic and Haiti. Costa Rica requested and later Haiti. Reason: Statement by the Dominican Republic that its Embassy in Port-au-Prince was broken into by members of the Haitian public force and denunciation by Haiti of certain facts relative to an armed invasion by a group of Haitian exiles from Dominican territory. Action or results: Recommendations to the parties by the Council of the O.A.S. acting provisionally as Organ of Consultation and negotiations carried out on the site by the Investigating Committee of the Council in order to solve the problem. The provisional action of the Council has not been cancelled.

1963-64
Venezuela and Cuba. Venezuela requested. Reason: Denunciation by the Government of Venezuela of acts of intervention and aggression by the Government of Cuba. Action and results: Sending of an Investigating Committee to the site by the Council of the O.A.S. acting provisionally as Organ of Consultation and report by the Committee. This report was submitted to the Ninth Meeting of Consultation, Washington D.C., July 1964, and on that basis the said Meeting decided to apply certain measures to the present Government of Cuba and made a Declaration to the Cuban people.

1964
Panama and United States. Panama requested. Reason: Denunciation by the Government of Panama of acts of aggression by the United States in connection with the events that occurred in Panama on January 9, 10, and 11, 1964. Action or results: Establishment of a General Committee by the Council of the O.A.S. acting provisionally as Organ of Consultation and sending of a five-member Delegation by the Committee to investigate and conciliate. On April 3, 1964, the Representatives of both parties signed a Joint Declaration that established the basis of an agreement between them.

This material was taken from Inter-American Treaty of Reciprocal Assistance: Applications. Vol. I and II. Washington D.C., Pan American Union, 1964-65. For further information which is much more complete, refer to the above document.
Appendix G-1

DECLARATION TO THE PEOPLE OF CUBA (pp. 186-188)

WHEREAS:

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The Preamble to the Charter of the Organization of American States declares that, "the historic mission of America is to offer to man a land of liberty, and a favorable environment for the development of his personality and the realization of his just aspirations"; and that "the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man";

p. 187

The Charter of the Organization declares that the solidarity of the American States and the high purposes toward which it is dedicated demand that the political organization of these states be based on the effective exercise of representative democracy;

The Charter also proclaims "the fundamental rights of the individual" and reaffirms that the "education of peoples should be directed toward justice, freedom, and peace";

The Declaration of Santiago, Chile, adopted by the Fifth Meeting of Consultation of Ministers of Foreign Affairs and signed by the present Cuban Government, proclaimed that the faith of peoples of America in the effective exercise of representative democracy is the best vehicle for the promotion of their social and political progress (Resolution XCV of the Tenth Inter-American Conference), while well planned and intensive development of the economies of the American countries and improvement in the standard of living of their peoples represent the best and firmest foundation on which the practical exercise of democracy and the stabilization of their institutions can be established;

The Ninth International Conference of American States condemned "the methods of every system tending to suppress political and civil rights and liberties, and in particular the action of international communism or any other totalitarian doctrine";

The present Government of Cuba, identifying itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system alien to the democratic and Christian traditions of the American family of nations and contrary to the
principles of juridical organization upon which rest the security and peaceful harmonious relations of the peoples of the hemisphere; and

The exclusion of the present Government of Cuba from participation in the inter-American system, by virtue of the provisions of Resolution VI of the Eighth Meeting of Consultation of Ministers of Foreign Affairs, by no means signifies any intention to deny the Cuban people their rightful place in the community of American peoples;

The Ninth Meeting of Consultation of Ministers of Foreign Affairs, Serving as Organ of Consultation, in Application of the Inter-American Treaty of Reciprocal Assistance,

DECLARES:

That the free peoples of the Americas are convinced that the inter-American system offers to the Cuban people unequaled conditions for the realization of their ideals of peace, liberty, and social and economic progress;

That the peoples belonging to the inter-American system are in complete sympathy with the Cuban people in all their sufferings, in the face of the total loss of their liberty both in the spiritual domain and in the social and economic field, the denial of their most elementary human rights, the burden of their persecutions, and the destruction of a legal system that was open to improvement and that offered the possibility of stability; and

That, within this spirit of solidarity, the free peoples of America cannot and must not remain indifferent to or uninterested in the fate of the noble Cuban people, which is oppressed by a dictatorship that renounces the Christian and democratic traditions of the American peoples; and in consequence

EXPRESSES:

1. Its profound concern for the fate of the brother people of Cuba.
2. Its deepest hope that the Cuban people, strengthened by confidence in the solidarity with them of the other American peoples and governments, will be able, by their own endeavor, very soon to liberate themselves from the tyranny of the communist regime that oppresses them and to establish in that country a government freely elected by the will of the people that will assure respect for fundamental human rights.
3. Its firm conviction that the emphatic condemnation of the policy of the present Cuban Government of aggression and intervention against Venezuela will be taken by the people of Cuba as a renewed stimulus for its hope there will come to prevail in that country a climate of freedom that will offer to man in Cuba a favorable environment for the development of his personality and the realization of his just aspirations.
Appendix H

TENTH INTER-AMERICAN CONFERENCE

Caracas, Venezuela, March 1-28, 1954

RESOLUTIONS

XCIII

DECLARATION OF SOLIDARITY FOR THE PRESERVATION OF THE POLITICAL INTEGRITY OF THE AMERICAN STATES AGAINST THE INTERVENTION OF INTERNATIONAL COMMUNISM

WHEREAS:

The American Republics at the Ninth International Conference of American States declared that international communism, by its antidemocratic nature and its interventionist tendency, is incompatible with the concept of American freedom, and resolved to adopt within their respective territories the measures necessary to eradicate and prevent subversive activities;

The Fourth Meeting of Consultation of Ministers of Foreign Affairs recognized that, in addition to adequate internal measures in each state, a high degree of international cooperation is required to eradicate the danger which the subversive activities of international communism pose for the American states; and

The aggressive character of the international communist movement continues to constitute, in the context of world affairs, a special and immediate threat to the national institutions and the peace and security of the American states, and to the right of each state to develop its cultural, political, and economic life freely and naturally without intervention in its internal or external affairs by other states,

The Tenth Inter-American Conference

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CONDEMNS:

The activities of the international communist movement as constituting intervention in American affairs;

EXPRESSES:

The determination of the American states to take the necessary measures to protect their political independence against the intervention of international communism, acting in the interests of an alien despotism;

REITERATES:

The faith of the peoples of America in the effective exercise of representative democracy as the best means to promote their social and political progress; and

DECLARES:

That the domination or control of the political institutions of any American state by the international communist movement, extending to this Hemisphere the political system of an extra-continental power, would constitute a threat to the sovereignty and political independence of the American states, endangering the peace of America, and would call for a Meeting of Consultation to consider the adoption of appropriate action in accordance with existing treaties.

RECOMMENDS:

That, without prejudice to such other measures as they may consider desirable, special attention be given by each of the American governments to the following steps for the purpose of countering the subversive activities of the international communist movement within their respective jurisdictions:

1. Measures to require disclosure of the identity, activities, and sources of funds of those who are spreading propaganda of the international communist movement or who travel in the interests of that movement, and of those who act as its agents or in its behalf; and
2. The exchange of information among governments to assist in fulfilling the purpose of the resolutions adopted by the Inter-American Conferences and Meetings of Ministers of Foreign Affairs regarding international communism.

3

This declaration of foreign policy made by the American Republics in relation to dangers originating outside this Hemisphere is designed to protect and not to impair the inalienable right of each American state freely to choose its own form of government and economic system and to live its own social and cultural life.

XCV

DECLARATION OF CARACAS

The Tenth Inter-American Conference

REAFFIRMS:

The fundamental principles and aims of the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man, the Universal Declaration of Human Rights, and the resolutions of the Organization that refer to those principles and aims;

REITERATES:

Recognition of the inalienable right of each American state to choose freely its own institutions in the effective exercise of representative democracy, as a means of preserving its political sovereignty, achieving its economic independence, and living its own social and cultural life, without intervention on the part of any state or group of states, either directly or indirectly, in its domestic or external affairs, and, particularly, without the intrusion of any form of totalitarianism;

RENEWS:

The conviction of the American states that one of the most effective means of strengthening their democratic institutions is to increase respect for the individual and social rights of man, without any discrimination, and to maintain and promote an effective policy
of economic well-being and social justice to raise the standard of living of their peoples;

RESOLVES:

To unite the efforts of all the American states to apply, develop, and perfect the above-mentioned principles, so that they will form the basis of firm and solidary action designed to attain, within a short time, the effective realization of the representative democratic system, the rule of social justice and security, and the economic and cultural cooperation essential to the mutual well-being and prosperity of the peoples of the Continent; and

DECLARRES:

That this resolution shall be known as the "Declaration of Caracas."
The General Assembly,

Deeply concerned at the gravity of the international situation and the increasing threat to universal peace due to armed intervention and other direct or indirect forms of interference threatening the sovereign personality and the political independence of States,

Considering that the United Nations, in accordance with their aim to eliminate war, threats to the peace and acts of aggression, created an Organization, based on the sovereign equality of States, whose friendly relations would be based on respect for the principle of equal rights and self-determination of peoples and on the obligation of its Members to refrain from the threat or use of force against the territorial integrity or political independence of any State,

Recognizing that, in fulfilment of the principle of self-determination, the General Assembly, in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV) of 14 December 1960, stated its conviction that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory, and that, by virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development,

Recalling that in the Universal Declaration of Human Rights the General Assembly proclaimed that recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, without distinction of any kind.

Reaffirming the principle of non-intervention, proclaimed in the charters of the Organization of American States, the League of Arab States and the Organization of African Unity and affirmed at the conferences held at Montevideo, Buenos Aires, Chapultepec and Bogota, as well as in the decisions of the Asian-African Conference at Bandung, the First Conference of Heads of State or Government of Non-Aligned Countries at Belgrade, in the Programme for Peace and International Co-operation adopted at the end of the Second Conference of Heads of State or Government of Non-Aligned Countries at Cairo, and in the
declaration on subversion adopted at Accra by the Heads of State and Government of the African States,

Recognizing that full observance of the principle of the non-intervention of States in the internal and external affairs of other States is essential to the fulfilment of the purposes and principles of the United Nations,

Considering that armed intervention is synonymous with aggression and, as such, is contrary to the basic principles on which peaceful international co-operation between States should be built,

Considering further that direct intervention, subversion and all forms of indirect intervention are contrary to these principles and, consequently, constitute a violation of the Charter of the United Nations,

Mindful that violation of the principle of non-intervention poses a threat to the independence, freedom and normal political, economic, social and cultural development of countries, particularly those which have freed themselves from colonialism, and can pose a serious threat to the maintenance of peace,

Fully aware of the imperative need to create appropriate conditions which would enable all States, and in particular the developing countries, to choose without duress or coercion their own political, economic and social institutions,

In the light of the foregoing considerations, solemnly declares:

1. No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned.

2. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

3. The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.
Appendix J


WHEREAS:

The Ambassador, Representative of Peru, in the note of January 19, 1966, addressed to the Vice Chairman of the Council, in his capacity as Acting Chairman requested on behalf of his government, . . . the convocation of a special meeting of the Council of the Organization, to formulate a denunciation on violation of the principle of nonintervention, set forth in the Charter of the United Nations and ratified by the General Assembly of the United Nations in its Resolution 2131 (XX), adopted at the session held last December 21;

The aforementioned convocation was seconded by the Ambassadors, Representative of Colombia and Venezuela, in notes dated January 23 and 24, respectively;

At this special meeting, the Council heard statements by the Representatives of Peru, Venezuela, Colombia, Bolivia, the Dominican Republic, the United States, Costa Rica, Haiti, El Salvador, Ecuador, Argentina, Panama, Nicaragua, Honduras, Paraguay, Guatemala, Brazil, Mexico, Uruguay, and Chile, who expressed unanimous support of the denunciation by the Government of Peru;

In the city of Havana, during the first half of this past January, and under the official sponsorship of the Government of Cuba, a so-called conference of solidarity among the peoples of Asia, Africa, and Latin America was held, with the participation of delegates from the Soviet Union, Communist China, Cuba, and other states, as well as communist parties and groups from other countries, the final resolutions of which proclaimed a pledge by the participants to give financial, political, and military aid to communist subversive movements in this hemisphere, the same as in other parts of the world;

This policy of intervention and aggression in the Western Hemisphere by some of the communist states constitutes a violation of the principle of nonintervention by one state in the internal and external affairs of another and of the self-determination of peoples, which were the object of Resolution 2131 (XX) adopted December 21, 1965, by the General Assembly of the United Nations, principles laid down in the Charter of the Organization of American States;
As a result of the so-called conference of solidarity among the peoples of Asia, Africa, and Latin America, a permanent committee of twelve members was established in Havana consisting of representatives of communist countries and groups of those three continents, as well as a special organization for the promotion of subversion and civil war in Latin America;

This policy of intervention and aggression endangers the peace and security of the Western Hemisphere; and

The Eighth Meeting of Consultation of Ministers of Foreign Affairs, held at Punta del Este, Uruguay, in 1962, in paragraph 1 of Resolution II requested the Council of the Organization of American States

... to maintain all necessary vigilance, for the purpose of warning against any acts of aggression, subversion, or other danger to peace and security, or the preparation of such acts, resulting from the continued intervention of Sino-Soviet powers in this hemisphere, and to make recommendations to the governments of the member states with regard thereto,

THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

RESOLVES:

1. To condemn emphatically the policy of intervention and aggression of the communist states and other participating countries and groups, manifested in the discussions and decisions of the so-called conference of solidarity among the peoples of Asia, Africa, and Latin America, held in Havana during the first two weeks of January.

2. To denounce especially, as an act contrary to the peace and security of the hemisphere and in violation of the principles of the Charter of the United Nations and of Resolution 2131 (XX), of December 21, 1965, the open participation at the aforesaid Havana Conference of official or officially sponsored delegations of member states of the United Nations that also voted in favor of the aforementioned resolution.

3. To declare, in accordance with the Charter of the United Nations and Resolution 2131 (XX), of December 21, 1965, adopted by the General Assembly of the United Nations, and also in conformity with the Charter of the Organization of American States and resolutions of the Inter-American Conferences and Meetings of Consultation of Ministers of Foreign Affairs, that a state is responsible not only for the open use of force against another but also for giving support to any of the indirect forms of aggression, such as the promotion of
civil strife in another state, or the organization of armed bands and the furnishing of war material or elements of combat and of money with offensive intentions against another.

4. To proclaim the American states' reiterated adherence to the principles of nonintervention and self-determination of peoples set forth in the Charter of the Organization and in Resolution 2151 (XX), of December 21, 1965, of the United Nations General Assembly.

5. To call upon the "Special Committee to Study Resolutions I.1 and VIII of the Eighth Meeting of Consultation of Ministers of Foreign Affairs" to make an urgent study and investigation of the deliberations, conclusions, and projections of the so-called conference of solidarity among the peoples of Asia, Africa, and Latin America, held in Havana, and to submit a report to the Council of the Organization along with such recommendations as it deems pertinent.

6. To request the Secretary General of the Organization of American States to transmit this resolution to the Secretary-General of the United Nations, with a request that he distribute it among the member states.