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LETTER^{1/} DATED 12 SEPTEMBER 1963 FROM THE SECRETARY OF STATE FOR
FOREIGN AFFAIRS OF THE REPUBLIC OF HAITI ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a copy of the Haitian Government's Memorandum concerning the conciliation procedure undertaken by the Provisional Organ of Consultation of the Organization of American States (OAS) in the Haitian-Dominican dispute.

The views set out in it concerning the draft declaration submitted by the Committee of Inquiry of the regional organization, and the comments on the objections which this Committee saw fit to raise concerning paragraphs 2, 4 and 5 of the request made by Haiti at the aforesaid Organ's meeting at Washington on 19 August 1963, reflect - as you will not fail to note - the Haitian Government's spirit of co-operation at all stages of the procedure undertaken by the Provisional Organ of Consultation.

Reference is also made to the right of appeal to the United Nations as a higher international instance - a right that was stressed in the notes of 3 September 1963 addressed to you and to U Thant, the Secretary-General, respectively, copies of which are annexed to the above-mentioned Memorandum.

I have the honour to be, etc.

(Signed) René CHALMERS
Secretary of State for Foreign Affairs
of the Republic of Haiti

^{1/} Circulated in accordance with the request made by the Permanent Representative of Haiti in his letter of 20 September 1963.

MEMORANDUM OF THE HAITIAN FOREIGN MINISTRY CONCERNING THE CONCILIATION
PROCEDURE UNDERTAKEN BY THE PROVISIONAL ORGAN OF CONSULTATION IN THE
HAITIAN - DOMINICAN DISPUTE

Status of the question: On 5 August 1963, the Haitian Government, in a cable of that date from its Foreign Ministry addressed to Ambassador Gonzalo Facio, Chairman of the Council of the Organization of American States, requested the Council, convened as a Provisional Organ of Consultation, to consider as a matter of urgency "a situation whose aggressive nature and scope are such as to affect the collective security of the States of the hemisphere and constitute a threat to international peace".

The Haitian complaint was prompted by an invasion of northeastern Haiti originating from the Dominican Republic.

A. The Haitian Government specified that:

1. The armed gangs were commanded by former officers of the Haitian Armed Forces who had fled to the Dominican Republic;
2. These officers had - in disregard of the principle of territorial asylum, respect for which should have been imposed by the Dominican authorities - received all the support they needed for their venture against Haiti's integrity and sovereignty;
3. As a result, not only were the invasion columns recruited from among the agricultural workers living in the batey of the Dominican sugar refineries but they were also joined by the Dominican nationals;
4. Moreover, the aid in weapons, ammunition and equipment, both at the preparatory stage when these columns were being trained in Dominican territory and at the operational stage, went hand in hand with subversive propaganda by all the media - the Dominican Press, radio and television - directed against internal law and order in Haiti; this propaganda clearly showed the Dominican Government's hostility and served a strategy of which these exiles were only the tools.

B. At the same time, the Haitian Government stressed the urgent need to convene the Provisional Organ of Consultation, which was obligated to intervene and, indeed, take immediate steps, regardless of the stage reached in the traditional procedures, in view of:

1. The repetitive nature of the Dominican Republic's hostile acts;
2. The deterioration in the already explosive situation between the two neighbouring republics resulting from the perpetration of new acts, as was borne out by the invasion of northeastern Haiti on 5 August following upon the threat of aggression which had been the subject of the Haitian complaint to the Security Council on 5 May last.

C. Wishing, however, to show continued confidence in the authority of the OAS and to demonstrate its spirit of co-operation, the Haitian Government relied on the peaceful procedures of the regional organization.

The Council, convened as a Provisional Organ of Consultation, unfortunately failed to grasp the imminence of the danger threatening the continent:

1. Adopting a long-drawn-out procedure which would have caused the Haitian-Dominican situation to deteriorate, the Organ of Consultation hoped to achieve success with a policy of waiting and temporizing, as well as with recommendations that have been treated with contempt by the Dominican Government, which all too often fails to honour its commitments.

2. In support of the foregoing, the Haitian Foreign Ministry recalls that:
 - (a) The Haitian Government, wishing to avail itself of the right of review granted to the higher instance under Article 54 of the United Nations Charter to guard against possible weakness on the part of regional organizations, communicated the cable of 5 August to the President of the Security Council under cover of a cable of the same date, in which the Haitian Foreign Ministry specified that:

"In making this communication the Haitian Government entirely reserves its position in law regarding its right, in accordance with the provisions of the United Nations Charter in the event that the regional organization is unable to do so for lack of adequate means, to intervene in this situation in the Caribbean, which is a threat to the peace of the continent."

- (b) In a cable of 8 August 1963, the Haitian Government reiterated "its firm hope that the regional organization ... will employ appropriate procedures with a view to limiting the dangers of an already acute situation in the Caribbean area" and invited the Peace Committee set up by the OAS Organ "to conduct an on-the-spot investigation of the acts of which the Dominican Government is accused and which are described by the Government of Haiti as armed aggression".

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(c) Despite the urging of the Haitian Government, however, the Provisional Organ of Consultation continued to assess the scope of a conflict which was sufficiently alarming on the evidence of Dominican propaganda and the United States Press alone.

Less than two weeks after the complaint of 5 August, a new invasion column from the Dominican Republic launched an attack on the frontier district of Mont-Organisé, while a twenty-one-gun salvo in the Dominican town of Capotillo across the frontier and flights by Dominican Air Force squadrons were better suited to an infamous, thoroughly prepared invasion scheme than to displays allegedly commemorating the restoration of the Republic.

D. In order to prod the excessively dilatory OAS into action, the Haitian Government caused the Council, convened as a Provisional Organ of Consultation, to hold a meeting on Monday, 19 August 1963, at which Mr. René Chalmers, the Minister for Foreign Affairs, at the end of a lengthy memorandum on the Haitian complaint, submitted a request calling inter alia for the taking of immediate steps.

The Provisional Organ of Consultation decided not to take such measures; instead, it ordered a further investigation by a Special Committee which finally decided to set out on Wednesday, 20 August, i.e. fifteen days after the presentation of the Haitian complaint.

It should be noted that the Haitian Government's resort to the good offices of Secretary-General U Thant and of the Security Council, while respecting the principle of the procedure already initiated by the OAS, at no time ruled out either the possibility of recourse to the higher instance of the United Nations against the unfair decisions and ineffective measures of the Organ of Consultation or the right to bring the complaint directly before the Security Council in the event of a new act of aggression.

The notes from Foreign Minister Chalmers to Secretary-General U Thant, and the President of the Security Council - which are annexed to this document - bear eloquent witness to the Haitian Government's determination.

In the meantime, the members of the OAS Peace Committee visited Haiti and the Dominican Republic and, after approximately a week, returned to Washington, which is now awaiting their findings.

What sort of document should have emerged from the Committee's work as the most effective means of strengthening the authority of the Provisional Organ of Consultation at this advanced stage in the conciliation procedure?

As far as the form of such a document is concerned, neither the Charter of the OAS nor the Inter-American Treaty of Reciprocal Assistance nor any other treaty provisions contain any rule whose non-observance would result in invalidity or nullity, as is the case in certain fields of private and public law.

Jurisprudence, defined as the body of precedent established on a subject, although it is not formally binding, has nevertheless acquired greater authority; the concurrence and agreement of several minds on a particular matter indicate the proper interpretation and practical application of the positive rules which govern legal relations.

Thus, the decisions of the Provisional Organ of Consultation, as the second highest body of the regional organization, have often taken the form of a resolution, or of a final act gathering together a series of resolutions on the different aspects of the more general work of the Meeting of Consultation of Ministers for Foreign Affairs of which it is a provisional organ, as its title indicates, or of a declaration.

1. The first form, generally the simplest, consists in endorsement, or rather approval, of the work of the committee established by the Provisional Organ of Consultation.

The report on the Committee's work concludes with a series of recommendations, and it is precisely when these recommendations are considered to be consistent with the spirit of conciliation that they are given legal force through a resolution.

2. The second form, the final act, gathers together a number of resolutions corresponding to the various aspects of the work of the Meeting of Consultation of Ministers for Foreign Affairs. It indicates a more profound concern

on the part of the States of the continent with respect to a problem affecting the inter-American system. It has on occasion decided a point of law and determined the conduct of Governments in a programme of collective importance. It has also provided for sanctions, such as those taken against the Republic in Costa Rica and the decision taken at Punta del Este to exclude the Cuban regime from the Council of the OAS. The final act includes summary statements by member States confirming their general adherence, formulating reservations or explaining their votes.

3. The declaration is another matter altogether, having all the characteristics of a bilateral or multilateral treaty instrument.

It is true that in the case with which we are concerned declarations have always been the result of a resolution which was an expression of the will of the Organ of Consultation: States parties to a dispute are invited to adopt a joint declaration which, in a spirit of co-operation and understanding, they have agreed to sign.

The provisions of the declaration, which take the form of articles, express an undertaking and a determination on the part of the signatory States to prevent any repetition of the events which have led to an abnormal situation between them.

In order to be fully effective, such an undertaking must be entered into freely by the parties concerned and, above all, on equal terms.

It is therefore inconceivable that the OAS, which traditionally has the right to initiate certain conciliation procedures, should have proposed a formula contrary to the generally established procedure and to the fundamental principles of any treaty instrument.

Faced with the refusal of the Dominican Government, whose agreement to the signature of a joint declaration the OAS Peace Committee had sought to obtain on its last visit to Santo Domingo, and possibly assuming that Dominican acceptance would have led to Haiti's agreement - which, although the declaration was supposed to be a joint one, was not sought, the Provisional Organ of Consultation thinks it can compensate for the failure of its efforts by obtaining two separate declarations, one signed by the Haitian Government and the other by the Government of the Dominican Republic.

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The Haitian Government is firmly opposed to this procedure.

1. The draft declarations, which have already been submitted, are not of equal weight.
2. The procedure is contrary to precedent, which has acquired authority in such matters in the absence of any formal rules under the inter-American legal system.
3. It is contrary to the fundamental principle that the effectiveness of any contractual agreement is dependent on acceptance by the parties of a single instrument.
4. This compromise formula affects the legal personality of States, which have to deal with other States on an equal footing in their capacity as sovereign States and with the prerogatives pertaining thereto.
5. Although it may involve compromise, this formula certainly does not amount to conciliation, since even at this stage in the proceedings it has been met with hostility by Mr. Juan Bosch's Government.

For these reasons the Haitian Government rejects this solution and does not intend to be a party to any more of these joint declarations, which are no more binding on the Dominican Republic than international agreements.

FOLLOWING IS THE DRAFT DECLARATION PROPOSED BY THE OAS COMMITTEE OF INQUIRY:

The Government of Haiti desires:

1. To reaffirm its adherence to the basic Charter of the OAS, the Convention on Territorial Asylum and the Convention on the Rights and Duties of States in the Event of Civil Strife;
2. To declare that it will continue to issue safe-conducts with the utmost dispatch to persons who have found asylum in the various embassies;
3. To state that as long as diplomatic relations between itself and the Dominican Government remain severed, it will in each particular case request through the OAS the application of the relevant provisions of the Convention on Territorial Asylum;
4. To state that it is prepared to agree to the surveillance of the Haitian-Dominican frontier by whatever adequate technical means are

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available to the OAS as long as the above-mentioned circumstances prevail and that it undertakes to support the above-mentioned principles and rules.

OBSERVATIONS BY THE HAITIAN GOVERNMENT ON THE SUBSTANCE OF THE DECLARATION

Besides rejecting the form of the declaration, the Haitian Government rejects its contents.

1. The first paragraph is merely a statement of principle which the countries of the continent make a point of reiterating in all international instruments, but in the case of the Haitian-Dominican dispute it cannot be valid or have effective force unless the Government of the Dominican Republic ceases to show blatant contempt for the principles and purposes of the OAS Charter and disregard of the undertakings it has freely entered into in treaty instruments.

2. The second paragraph shows that the Committee did not concern itself with the Haitian complaint against the Dominican Republic. Under the terms of reference given it by the Provisional Organ of Consultation, its task was limited to an investigation of the evidence, which was to provide a basis for its conclusions and recommendations.

However, there is no mention of the invasions of 5 August and 15 August, or of the participation of the Dominican authorities, and no disapproval of the conduct of the Dominican Republic in the situation which led to the request for an urgent meeting of the Organ of Consultation of the OAS.

Notwithstanding its terms of reference, the OAS Committee of Inquiry shows in this draft declaration that its sole endeavour has been to canvass all aspects of the problem of the persons who have found asylum in foreign embassies - a problem dealt with twice in a practical manner and at some length by the Haitian Government, in its observations on the recommendations accompanying the second report of the OAS Peace Committee, dated 1 July, and in the memorandum submitted by Foreign Minister René Chalmers at the meeting of the Provisional Organ of Consultation at Washington on 19 August.

It is, moreover, a problem to which the Haitian Government intends to produce its own solution.

3. The Haitian Government has no intention of renouncing its right to bring this matter before the United Nations.

This right which it possesses, over and above the Security Council's right of review over regional agreements and organizations under Article 54 of the United Nations Charter, provides it with a means of recourse in case the decisions of the OAS prove to be biased or its means of action ineffective.

This right is a safeguard for the peace and security of the continent, which are too often threatened by events whose complexity and gravity escape the regional organization because of its shortsightedness, the stagnation of its institutional structure and the primitive nature of its traditional procedures, which are unfortunately outmoded.

The lack of technical means accounts for the failures with which we have reproached the OAS, although most often it has served as a pretext for the intervention of certain Powers which adhere less to the principle of co-operation for peace than to a plan for the subjection, or even occupation of other countries.

The Government categorically rejects the proposal for its frontiers to be visited by Latin American military observers.

As regards the substance of the question, it should be noted that:

1. The Haitian Government is opposed to any kind of joint declaration;
2. It disagrees with the contents of the draft declaration proposed by the OAS Committee;
3. Remaining faithful to the traditional procedure, it intends to go no further than the document issued by the Committee in the form of a report accompanied by draft recommendations.

This approach safeguards Haiti's complete freedom to exercise its right of appeal, to protest against any decision deemed to be inconsistent with the facts and the evidence, and to submit observations on any measures indicating an abuse of power by the Committee.

It also has the virtue of providing for Haiti's co-operation in the search for a method of conciliation which would be more consistent with the purposes and the principles of the Charter and the inter-American legal system.

THE HAITIAN GOVERNMENT'S POSITION IN THE HAITIAN-DOMINICAN DISPUTE

The Haitian Government thus confirms all the points in its memorandum of 19 August 1963 and maintains its request of the same date, the terms of which are as follows:

1. That the Council of the OAS, acting provisionally as Organ of Consultation because of the repeated acts of armed aggression originating from the Dominican Republic and directed against the territorial integrity of Haiti, should take immediate steps to prevent the further development of this situation.
 - (a) It is understood that the application of the Rio de Janeiro inter-American Treaty of Reciprocal Assistance is still urgently necessary in view of the attacks to which a member of the Organization has been subjected.
 - (b) The Haitian Government hereby states its willingness to discuss immediately with the Committee established for that purpose the question of what solutions would be effective and likely to limit such threats to the peace of the continent in the already tense situation in the Caribbean.
 - (c) The Haitian Government retains its confidence in all the procedures for settlement of disputes provided for under the inter-American legal system, except that it expressly reserves the right to bring the matter before the United Nations so that the latter can take immediate and adequate measures if the OAS proves impotent, with all the irrevocable de facto and de jure consequences that self-defence may entail.
2. That the Council of the OAS acting provisionally as Organ of Consultation should formally condemn the Dominican Government's attitude of duplicity and its lack of respect for the agreements concluded under the inter-American legal system.
3. That the Dominican Government should publicly and solemnly offer guarantees against a renewal of such hostile acts.

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4. That the Dominican Government should undertake, taking effective action to that end, not to tolerate the presence in its territory of groups of Haitian, Dominican or foreign nationals organized on a military basis for the obvious purpose of conspiring against the security and domestic law and order of the Republic of Haiti, which, in accordance with the recommendations contained in the second report of the OAS Special Peace Committee, compelled the members of the Trujillo family to leave its territory.

5. That, in accordance with articles 3, 7 and 8 of the inter-American Treaty of Reciprocal Assistance and with all provisions now in force, the Council of OAS acting provisionally as Organ of Consultation should appoint an inter-American committee of military experts to ensure the effectiveness of the measures taken by the Dominican Government in accordance with the guarantees and undertakings demanded by the Haitian Government in points 1, 2, 3 and 4 of its request.

The Committee's Objections

The Committee saw fit to raise certain objections against some points in the above-mentioned request.

A. Regarding point 2, the OAS acting provisionally as Organ of Consultation contended that it could not condemn the Dominican Republic.

The Haitian Government wishes to recall the precedent established by traditional OAS procedures and to point out the falsity of this objection.

1. From the legal point of view, the sanctions taken against the Dominican Republic at the meeting of Ministers for Foreign Affairs constituted the means of giving practical effect to the condemnation of the attitude of a State member of the regional organization.

2. The sanctions approved at Punta del Este by the same organ of the OAS, which lead, in application of the Rio Treaty, to the exclusion of the Cuban regime from the inter-American system, represent a still more severe form of condemnation of a State for failing to respect the principles of the inter-American system.

In the two cases just mentioned, of course, the practical interests of power politics could have led to the abandonment of this logic, these criteria and these objectives of peace and security, which are the same as those defended by the Republic of Haiti, whose position is less favourable, although it enjoys the attributes of sovereignty common to all States under international law.

3. The Haitian Government is willing to concede that the Committee did not accept Haiti's value judgement in this matter. The whole purpose of point 2 of the request is to express disapproval, implying blame and moral condemnation, of the Dominican Government's attitude of duplicity and to persuade it that treaties must be respected.

B. Regarding point 4, the Committee states that the departure of the political exiles from the Dominican Republic does not come within the framework of treaty provisions.

The Haitian Government would like to persuade the Committee of the contrary by making the following observations:

1. Article 35 of the Treaty of Peace, Commerce, Navigation and Extradition signed by the two countries on 9 November 1894 formally provides that:

"The Haitian Government and the Dominican Government undertake never to permit or tolerate that an individual, a gang or a party should establish itself in their respective territories with a view to disturbing in any manner whatsoever the status quo in the neighbouring State. They also undertake to remove from their territory or even to expel all persons likely by their presence to create disturbances and disorders in the neighbouring State".

2. The Haitian Government draws the attention of the OAS Special Peace Committee to its second report on the background of the Haitian-Dominican dispute, in which it invited the Haitian authorities to compel certain members of the Trujillo family to leave Haiti.

3. In making the departure of the Haitian exiles who had sought asylum in Dominican territory the subject of point 4 of its request, the Haitian Government was invoking the principle of reciprocity, for in point of fact, although members of the Trujillo family were not engaging in subversive activities, the Haitian Government complied with the recommendation in question in its customary spirit of co-operation.

C. Regarding point 5, the Committee still considers it necessary to raise a point of law regarding the provisions of the Rio Treaty which provide the basis for the request for the convening of the Organ of Consultation.

The Haitian Government considers this objection unfounded and wishes to point out:

1. That the letter of 18 August from Ambassador Fern D. Baguidy to the Chairman of the Council referred to the resolution adopted on 18 April 1963 by the Council of the Organization acting provisionally as Organ of Consultation, requesting the immediate calling of a session of that body during which His Excellency the Secretary of State for Foreign Affairs of the Republic of Haiti would submit an important communication.

2. That at that time, i.e. on 18 August, the Organ of Consultation had already had the Haitian complaint before it since 5 May and that in the course of the procedure instituted for the purpose of finding a solution to the dispute it was incumbent upon it to take account of any evidence, any statements, and in general any useful information.

3. That the withdrawal of the second letter of 19 August referring to certain articles of the Rio Treaty, which did not affect the principles invoked in point 5 of the Haitian Government's request, did not detract from the urgency of the request for a meeting made on 19 August 1963.

4. That, finally, the provisions of articles 3, 7 and 8 of the Inter-American Treaty of Reciprocal Assistance and the provisions now in force referred to in point 5 of the request do not conflict with the provisions of articles 6 and 9 of that Treaty, under which the Haitian Government brought its complaint before the Council acting provisionally as Organ of Consultation.

In conclusion, drawing the Committee's attention to the observations and arguments put forward above, the Haitian Government appeals to it to show the impartiality and objectivity which should govern the actions of the Provisional Organ of Consultation and reiterates its desire, which it has expressed on more than one occasion, to co-operate in discussing and seeking measures which, while encouraging conciliation, would safeguard the sovereign rights and dignity of States.

New York, 22 August 1963

Sir,

On behalf of the Haitian Government and as Minister for Foreign Affairs, in view of the recurrence of blatant acts of armed aggression originating from the Dominican Republic and directed against the territorial integrity of Haiti, I have the honour to draw your attention most earnestly to the danger, more urgent than ever before, implicit in the aggravation of the tense situation existing between the two neighbouring republics, which is apt to affect the security of the continent and international peace.

On a previous occasion, in a cable dated 5 May 1963, my Government placed before the United Nations Security Council a complaint dealing with the Dominican Government's repeated attempts at interference and threats of aggression against the Republic of Haiti.

This aggression in the form of threats led to the calling of an urgent meeting of the Council, which, when it adopted provisionally the procedure for the peaceful settlement of disputes employed by the Organization of American States as a regional organization, did not thereby divest itself of further responsibility in the matter.

Yet, despite the OAS recommendations on the dispute and despite the commitments into which it has freely entered in international agreements, the Dominican Government has passed from the above-mentioned stage of threats to the following:

1. The preparatory phase of the invasion of 4 and 5 August 1963 in northeastern Haiti;
2. The operational phase of the invasion;
3. The subsequent phase, in which it continued, as in the two preceding phases, to place at the disposal of the Haitian exiles organized in its territory and led by Dominican nationals the means of conducting a systematic campaign of warlike and subversive propaganda against the Haitian Government.

His Excellency U Thant
Secretary-General of the United Nations
New York

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These repeated invasions, including the most recent one, the attack on the border district of Mont-Organisé, which seems to be the forerunner of many others, have of course resulted in the irreparable loss of human life, shameful pillaging of the surrounding countryside and the burning of our coffee crops, all of which will have an incalculable but profound effect on the economy and security of the Republic of Haiti.

The deterioration of this situation was pointed out once again on Monday, 19 August 1963, at the extraordinary meeting of the Council of the OAS acting provisionally as Organ of Consultation.

Despite the lengthy memorandum setting forth the Haitian Government's unanswerable charges against the Government of the Dominican Republic, despite the submission of testimony, material evidence and other proof, despite the state of emergency resulting from the frequent recurrence of hostile acts committed by the Dominican Government, this organ of the OAS did not consider it essential to Hemispheric peace to accede to the request which I submitted at that meeting on behalf of my Government calling for immediate action to halt the dangerous development of the invasion operations.

The Haitian Government, noting the distressing dilatoriness of the regional organization in the situation which has at present arisen in the Caribbean between two neighbouring States, and concerned with the impotence of that organization's various bodies as manifested in the lack of adequate means, has therefore deemed it necessary to place its reliance in the good offices and the authority of the United Nations.

The Haitian Government wishes to emphasize that it does not consider that the OAS Organ of Consultation has discharged its responsibility in this matter, since a committee set up for the purpose of inquiring into the dispute has still not visited Haiti.

In view of the urgency of the situation and the threatening nature of the hostilities conducted and launched by the Dominican Government against the territory of Haiti, the Haitian Government would be extremely grateful to you, who work constantly for the furtherance of harmonious relations between peoples and for the maintenance of peace, to use your good offices with the organs of

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S/5430
English
Page 16

the United Nations to bring about the dispatch of military observers to the Haitian-Dominican frontier and to take the measures necessary for this purpose.

It goes without saying that, as Minister for Foreign Affairs and in accordance with the instructions I receive from my Government, I am prepared to begin discussions as soon as you think fit on the mission to be undertaken by these military observers.

Accept, Sir, the assurances of my highest consideration.

(Signed) René CHALMERS
Minister for Foreign Affairs of
the Republic of Haiti

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New York, 3 September 1963

Sir,

In accordance with my Government's instructions and in my capacity as Minister for Foreign Affairs, and referring to my letter dated 30 August 1963 (S/5411), I have the honour to withdraw my request that the Security Council should be convened in view of the aggravation of the dispute between the Republic of Haiti and the Dominican Republic.

This decision, which does not relieve the United Nations of responsibility in the matter of Haiti's complaint, which remains on the agenda of the above-mentioned organ by decision of its members at the conclusion of the meetings of 8 and 9 May 1963, although it manifests the desire of the Haitian Government to co-operate with the regional jurisdiction in seeking a just and effective solution, gives rise to serious reservations based on the following reasons:

1. The Government, while retaining confidence in the action undertaken by the Provisional Organ of Consultation of the Organization of American States, which has not yet exhausted all the possibilities of jurisdictional procedure, relies upon the Security Council's right to be kept informed as laid down in the fundamental Charter of the United Nations, of which Article 54 of Chapter VIII on Regional Arrangements reads:

"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."

Such a right, which the higher authority is called upon to exercise on its own initiative, does not exclude, within the limits of procedure, the methods to which any State which is a party to a dispute may have recourse if it considers the recommendations of the regional jurisdiction to be unfair or the steps it has taken to be ineffective.

His Excellency Mr. Jacinto Castel Borja
President of the Security Council
United Nations

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2. The Haitian Government takes the liberty of recalling, for the edification of the Security Council, that:

- (a) following the recommendations formulated in the second report of the Peace Commission of the OAS and approved by the Provisional Organ of Consultation, the Dominican Government showed a lack of respect for the authority of the Organization of American States, which, even if it could not have restored cordial relations between the two neighbouring Republics, could at least have arrested the series of hostilities which subsequently twice in less than a fortnight, by the invasions of Fort-Liberté on 5 August and of Mont Organise on 15 August, demonstrated the fact that President Juan BOSCH had not disarmed;
- (b) in a memorandum dated 1 July 1963 from the Haitian Chancery, observations were made on the subject of these same recommendations and the decisions reached by the Council, which were regarded as contrary to Haiti's rights and interests.

In this connexion His Excellency Ambassador Gonzalo FACIO, the Chairman of the Council, saw fit, despite the insistence of the Haitian Government and the importance of the said memorandum, to delay its circulation to the members of the Council, to their great surprise.

3. The Haitian Government must express surprise at the dilatoriness referred to in the preceding paragraph, and draws the attention of the Security Council to the fact that, despite the request for the immediate application of measures designed to limit the scope of the conflict and despite the verbal promise by His Excellency Ambassador Facio, the Chairman of the Council, to dispatch military observers to the Haitian-Dominican frontier, the Provisional Organ of Consultation preferred to take the easiest way and to follow the traditional procedure of sending a Commission of Inquiry, a temporary solution which did not correspond to the deterioration of an already explosive situation.

The visit of the last Commission will undoubtedly have appeared to limit the danger, just as a first visit on the day following the Haitian complaint might have seemed to show the effectiveness of such a course of action.

The hostile actions described in the report, however, and the tentative solutions adopted reveal clearly that they were regarded by the Dominican Government as a truce enabling it to prepare for fresh acts of aggression.

4. Hence the Haitian Government wishes to impress upon the Security Council that at the next manifestation of hostility by the Dominican Government, indicating a certain ineffectiveness of the action of the regional organization, whose means are inadequate, the Haitian Government will have recourse directly to the high authority of the United Nations.

I have the honour to be, etc.

(Signed) René CHALMERS
Minister for Foreign Affairs
of the Republic of Haiti

New York, 3 September 1963

Sir,

I have the honour to inform you that on Tuesday, 3 September, I left New York, where I had come in connexion with the Haitian-Dominican question which my Government had decided to raise again at the United Nations level owing to the aggravation of the dispute between the two neighbouring republics.

I should accordingly like to note that the withdrawal of my request for a meeting of the Security Council by a letter of this date does not constitute a withdrawal from this United Nations body of the complaint which Haiti lodged by cable of 5 May last and which was kept on the agenda by decision of the members of the said body after the meetings of 8 and 9 May 1963.

The withdrawal of the request for a meeting reflects, moreover, the desire for co-operation of the Government of the Republic of Haiti, which, while relying on the conciliation procedure instituted by the Organization of American States, would none the less not fail to have recourse to the right of review of the United Nations under Article 54 of its Charter, in the search for a just and effective solution of the Haitian-Dominican dispute, or to invoke its good offices directly for the application of urgent measures in the event of a new act of aggression by the Dominican Government.

On behalf of the Haitian Government and in my capacity as Minister for Foreign Affairs, I wish to thank you for the generous confidence you have inspired during my representations, and I am convinced that your untiring devotion to the welfare of peoples and the future of peace will be met with more understanding in the international community.

Accept, Sir, the assurances of my highest consideration.

(Signed) René CHALMERS
Minister for Foreign Affairs
of the Republic of Haiti

His Excellency U Thant
Secretary-General of the United Nations
New York

