

Information Concerning the Legal Bases
for U.S. Action in Grenada
As Extracted from
Acting Secretary Dam's Statement Before the
Senate Foreign Relations Committee on
October 27, 1983

"The collapse of governmental institutions in Grenada began the evening of October 12 with an attempt by Deputy Prime Minister Bernard Coard to force out Prime Minister Maurice Bishop. .

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"On October 19, the power struggle exploded into violence. Troops opened fire on Bishop supporters who had freed him from house arrest and accompanied him to Ft. Rupert, the Army headquarters. Bishop, several cabinet ministers and union leaders were taken away, then brutally executed. Education Minister Jacqueline Creft was reportedly beaten to death. At least 18 deaths were confirmed. Many more were reported, including women and children.

"In the wake of these murders, the People's Revolutionary Army announced the dissolution of the government and the formation of a 16-member Revolutionary Military Council (RMC) of which Army Commander General Hudson Austin was the nominal head.

"I say nominal head, because it was never clear that Austin or any coherent group was in fact in charge. The RMC indicated no intention to function as a new government. RMC members indicated only that a new government would be announced in 10 days or two weeks. It cannot be said whether or when some governmental authority would have been instituted. Former Deputy Prime Minister Coard, who had resigned on October 12, was reported under army protection, whether for his own safety or as a kind of detention was not clear.

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"Against this background, the urgent appeal from the Organization of Eastern Caribbean States (OECS) took on decisive weight. The OECS is a sub-regional body created in 1981 by the Treaty Establishing the Organization of Eastern Caribbean States. Among the purposes of the Treaty are the promotion of regional cooperation and collective security.

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"The OECS determined that the collapse of government and disintegration of public order on Grenada posed a threat to the security and stability of the region. The OECS members decided to take necessary measures in response to this threat, in accordance with Article 8 of the OECS Treaty. They sought the assistance of friendly foreign states to participate in a collective security force. Barbados and Jamaica agreed with the OECS assessment of the gravity of the situation, offered to contribute forces to a collective action and joined in urging the United States to participate in the support of this regional measure.

"The Governor General of Grenada made a confidential direct appeal to the OECS to take action to restore order on the island. As the sole remaining authoritative representative of government on Grenada, his appeal for action carried exceptional moral and legal weight.

"The deteriorating events in Grenada since October 12, taken together, demonstrated the brutality of the Revolutionary Military Council and the ominous lack of cohesion within the Grenadan military. The Revolutionary Military Council had imposed a 24-hour curfew, warning that violators would be shot on sight, and closed the airport. U.S. citizens were not free to leave. Although the Military Council gave assurances that the airport would be opened on October 24 and foreigners allowed to depart, they then failed to fulfill that assurance. It became clear that delay would intensify both the risk of violence against Americans and a vacuum of authority that would imperil Grenada's neighbors.

"Collective action in response to the dangerous situation was consistent with the UN and OAS Charters. Both Charters expressly recognize the competence of regional security bodies in ensuring peace and stability. The OECS states are not parties to the Rio Treaty, and the OECS Treaty, which concerns itself in part with matters of collective security, is their regional security arrangement.

"Article 22 of the OAS Charter states that measures taken pursuant to collective security agreements do not violate the OAS Charter provisions prohibiting intervention and the use of force. Similarly, Article 52 of the UN Charter expressly permits regional arrangements for the maintenance of peace and security consistent with the purposes and principles of the United Nations. The actions and objectives of the collective security force, in the circumstances described by the President and the Secretary of State, are consistent with those purposes and principles.

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"The OECS states, in taking lawful collective action, were free to call upon other concerned states, including the United States, for assistance in their effort to maintain the peace and security of the Caribbean. Assistance given in response to their request is itself lawful. Moreover, U.S. cooperation with the collective security force permitted the safe evacuation of endangered U.S. citizens. Such humanitarian action is justified by well-established principles of international law."

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"The President's orders to the U.S. military forces are to cooperate with the OECS in entering Grenada, to facilitate the departure of all U.S. and foreign nationals who wish to leave, and to help Grenada's neighbors work with the people of Grenada to restore order. U.S. support of the OECS military action will be for these purposes only."

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"We do not at this point know just what steps the provisional government will take. This is for the Grenadians themselves to determine."

"One thing is certain: all governments participating in this collective action will withdraw their forces just as soon as circumstances permit."