

Was The Grenada Invasion Legal?

October 19th to 25th 1983

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Committee for Human Rights in Grenada

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Introduction

This pamphlet looks at unfolding events over a specific period to examine the legality of the US military intervention in Grenada on October 25, 1983, which was presented as a 'Rescue Mission' but largely described as an invasion.

The information contained herein is mainly based on two sources of information: a document written in Grenada in October 1985 describing the period October 19th to 25th 1983; and documents released in the UK from the British National Archive, under the statutory 30-year rule, which requires that documents held secret from the public domain be published after 30 years.

The objectives of this pamphlet are twofold: First, to show the rationale for the forming of the Revolutionary Military Council (RMC) after a national political tragedy unexpectedly unfolded on Fort George [also known as Fort Rupert] and outline the attempts made to form a civilian government and re-establish order in the country; and secondly, to challenge the justifications given at the time by the US Government for the military intervention and question whether it was legal under international law.

Formation of the Revolutionary Military Council (RMC)

After the tragic events of Fort George in which the Leader of the Revolution Prime Minister Maurice Bishop died, Grenada was left with a Cabinet of just three members - only two of whom were on the island - and no Head of Government.

In effect, a power vacuum had developed and it was in these circumstances that Selwyn Strachan, the most senior of the three Cabinet members on hand, in consultation with leaders of the Army and the National Security and Defence Committee, invited the Armed Forces to form a Council to fill the power vacuum, until a Civilian Government was formed. There was some major concern that the Americans would use the power vacuum to justify an invasion of Grenada.

It was impossible to select a meaningful Civilian Government at such short notice and The Armed Forces was the only institution that remained united in the face of the crisis. Naming a Council comprising three to five people was considered, but in the final analysis it was decided to form a 16-member Council selected from all branches of the Armed Forces, including former officers who had moved over to civilian duties in the previous years and still enjoyed enough respect among sections of the population.

At 2100 hours on October 19th 1983, the RMC issued its first public statement, explaining its formation and indicating that it would only exist for 14 days, by the end of which a broad-based Civilian Government would be established, and the country would be returned to civilian rule. It was thought that the establishment of the RMC would ameliorate any concerns about a power vacuum and potential breakdown of law and order, and prevent the Americans using the internal situation as an excuse to invade a four-day curfew was announced. With the valuable benefit of hindsight, we can conclude that the curfew, in the form that it was imposed, was one of the most serious errors made by the RMC in its short lifetime. It was announced as a 24-hour dusk-to-dawn lockdown curfew and anyone violating it would be shot on sight.

However, the curfew was necessary for two interconnected reasons:-

Firstly, it was considered important that there should be no further internal disturbances, whether involving crowds or individuals, small-group sabotage and counter-revolutionary or terrorist activities.

Secondly, it was felt that the Americans would be determined to invade and, as a prelude, would aim to encourage, generate or create further internal disturbances.

However, far from bringing a sense of relaxation and normality, the announcement of the curfew incensed the people and alienated the RMC from the population. Further, it provided a ready-made audience for the hostile propaganda being beamed into Grenada from outside. It played into the hands of the American propaganda line that the RMC was a bunch of 'ruthless and radical communists' who had seized power.

The irony is that the 'shoot on sight' order was never really meant to be implemented - and this was made very clear to the soldiers. In fact, throughout the days of the curfew, people in many areas were allowed to move around, like in Grand Anse, where people were on the beach and youth teams were playing football at the Queens Park playing field in the town of St. Georges. Despite the very adverse propaganda, the curfew was effective in bringing the situation under the type of control required or intended.

Up to the morning of October 25th calm prevailed in the country; there was not a single act of violence or disturbance and no looting reported anywhere in the entire country. Instead, all looting commenced only after the Americans had effective control of the country.

Consulting the Governor General

After the events of October 19th and throughout the period up to October 25th, HM Governor General, Sir Paul Scoon, was kept abreast of developments and was consulted on all major decisions by the RMC. The first meeting between the Governor General and General Hudson Austin took place on 22nd October. General Austin gave a thorough appraisal of the situation leading up to October 19th and the events that occurred that day, and then explained the reasoning behind the formation of the RMC. General Austin made clear that the armed forces had no interest in holding power, and that the RMC was only a holding operation until a broad based civilian Government could be formed within 14 days. He then named the individuals being proposed by the Council to form the Interim Government: It was suggested that Mario Bullen could be the interim Prime Minister. Other members would include Andre Cherman, Richard Jacobs, Ashley Taylor, Michael Kirton, Nazim Burke, Christopher De Riggs and Lyden Ramdhanny. Both Bernard Coard and Selwyn Strachan had made it clear that they did not wish to be part of a new Government. The Council was in the process of contacting these individuals and the assistance of the Governor general was requested.

General Austin raised with the Governor General the question of funeral arrangements for Maurice Bishop and other former ministers who had died. He pointed out the Council's concern about large mass gatherings at this time and sought the Governor General's advice. He also raised the concern of the possibility of a US invasion as well-placed sources has confirmed such plans, and he asked the Governor General to give whatever assistance that he could through diplomatic efforts to ensure that such an invasion did not take place.

General Austin made it clear that the RMC was willing to allow into the country representatives from any Government, international or regional organisation to observe the situation in the country for themselves. The safety of all foreigners was guaranteed, and in particular, they were happy to open discussions with the Americans to discuss the situation in the country and to give them guarantees on the safety of their citizens.

In reply the Governor General said that although the incident on Fort George was extremely tragic, these things happen all over the world so there was no need to be fearful. He agreed with the need to form a broad-based Civilian Government and promised to speak to Cherman and Ramdhanny regarding their acceptance of membership in such a Government.

The Governor General also suggested that a private funeral be held for the Prime Minister and the others, with burials in unmarked graves and that only close relatives should be present. When the situation was brought back to a state of normality, a proper funeral ceremony could be held. He promised to contact Roman Catholic Bishop Charles and Anglican Archdeacon Huggins for them to handle the private burials. He then advised that although things were being brought under control, and that the curfew was due to be lifted the coming Monday, schools should however be closed for two weeks to give the children more time to settle down.

The Governor then indicated that he saw no need for an invasion and promised to contact all Heads of State in the Region to point out that the situation was under control, that the RMC was willing to receive representatives from their Governments to observe the situation and that the RMC was going to actively seek discussions with the Americans on the situation on the island.

Finally, on a personal note worth noting, the outgoing Governor General pointed out to General Austin that although his contract was due to expire in one year, he wanted the RMC to know that he was willing to serve for a further five years.

Later that day there was a further meeting with the Governor General at which the RMC was represented by Major Leon Cornwall. This time the Governor General spoke first. He indicated that he had now personally picked-up talk about a possible invasion, and was extremely concerned about it, since he found it unnecessary and would lead to senseless loss of life.

The Governor General stated he wished to avert an invasion and made two suggestions: First, that the RMC should announce an immediate return to Civilian Government; and second, that the new Civilian Government should immediately announce the setting up of a Commission of Inquiry to carry out an investigation into the events of October 19th, recommending that the Commonwealth Secretariat be requested to set up such a Commission. The Governor said he felt that these two measures would go a long way to averting the invasion. In reply Major Cornwall indicated that the RMC had already announced the intention to return to Civilian Rule within 14 days and such a Government was in the process of being set up.

Major Cornwall indicated that he was sure that the RMC would agree with the idea of a Commission and asking the Commonwealth Secretariat to handle it, and he asked the Governor General to contact the Commonwealth Secretary General on the matter, although he would also be contacting him on behalf of the RMC.

Major Cornwall then showed the Governor General a copy of a diplomatic note from the RMC, addressed to the US Government but which would also be copied to the United Nations (UN), the Organisation of East Caribbean States (OECS), and all countries that Grenada had diplomatic relations with.

The note pointed out that the RMC was a temporary phenomenon and that a broad-based Civilian Government representing all classes and interests would be established within 14 days, to replace it. The Governor General expressed his total agreement with the diplomatic note and advised that it be sent out urgently and he promised to do all that he could to prevent an invasion.

Discussions with US Government Representatives and American Citizens

On the night of October 19th, the BBC World Service announced that part of a US fleet destined for Lebanon was redirected to Grenada to be on standby in case it became necessary to evacuate US citizens.

However, that same evening the RMC learnt from usually reliable and informed sources that the redirected forces were to form part of an invasion force, and they realised that the US intended to use the issue of safety of its citizens as a basis for actually invading. In an attempt to make every effort to demonstrate there was no danger to US citizens on the island, it was arranged for members of the RMC to meet with Dr Jeffery Bourne, the head of the St. Georges University School of Medicine and the students, as well as with representatives of the US Government, if possible.

On behalf of the RMC, Major Chris Stroude, sought a meeting with Dr Bourne and the students to explain the situation, address any concerns they had and guarantee their safety. Dr Bourne raised with the issue of a telex he'd received from the US Embassy in Barbados asking him to request permission for an Embassy delegation to come to Grenada and meet with the students and assess the situation. It was made clear that the RMC had no problems allowing the US delegation to visit.

When Major Stroude met the students, he explained that the RMC had only been set up to fill a power vacuum and that its duration would be limited to two weeks. He promised assistance with food and water if the need arose, and later that day a request for water was promptly responded to. In reply to a question about the procedure for leaving the island, Major Stroude made it clear that anyone was free to leave but would need to use normal civilian channels. The students at the meeting expressed their satisfaction with the presentation; the majority expressed fear of a possible invasion and raised the hope that their Government would act with restraint. The

assurances given by Major Stroude were yet again repeated by General Austin when he met with Dr Bourne on 22nd October.

Major Cornwall was assigned the task to meet with visiting American and British officials, and to discuss the situation in the country and the safety of their citizens with them. There were four meetings with American representatives in the period from 23rd– 24th October. The first meeting took place on October 23rd with an official from the US Embassy in Barbados, Dr Bourne, Mr Montgomery from the British High Commission in Barbados and Mr Kelley, British representative in Grenada. At this meeting Major Cornwall indicated that the RMC had learnt that the US was seriously considering an invasion of Grenada and that American battleships and marines were heading to the island for this purpose.

The invasion was not sanctioned by the Caribbean Community (CARICOM). The decision to invade Grenada, this Commonwealth country, was taken by Barbados and Jamaica, along with a small number of states from the Organisation of Eastern Caribbean States (OECS) but they did not have the ability to invade without the assistance of an extra-regional power.

Major Cornwall sought a guarantee that US would not support an invasion, and would use its influence to make the Barbados, Jamaica and the OECS countries desist from the path of invasion. In response, the US official indicated the US had no intention of invading Grenada and was not part of any decision to invade, but declined to give an undertaking on the US using its influence to stop the invasion decision from being implemented. The diplomat then said that Americans would be unable to leave the island as the LIAT airline had suspended flights to Grenada indefinitely. He then stated that other US Embassy officials would be coming to Grenada by private plane later that day and needed permission to land and move around the country to check on American citizens.

In response, Major Cornwall indicated that no foreigner was in any danger in Grenada and since October 19th there had not been a single incident of violence or crime. He pointed out that LIAT, the only commercial airline with daily flights to and from the island, had not informed Grenada of the decision to suspend flights and this action was unnecessary as there was no chaos or violence in the country.

He further pointed out that any law-abiding foreign citizen could leave Grenada whenever they desired and any foreigner wishing to enter Grenada was always welcome. In addition to this, he said permission to land and move around would be granted to the US Embassy officials expected later that day and he would be available to meet with them.

On October 23rd Major Cornwall met with the visiting US officials – Mr Budheit, Mrs Flahr and Mr Chaplin. On the issue of the safety of American citizens, the officials indicated that the American Government wished to immediately evacuate all its citizens from Grenada by use of helicopters and battleships. Mr Budheit boasted of his experience in this from other countries and described a scenario of military launches from US battleship steaming into shores with helicopters and planes overhead providing security as their citizens were evacuated. Major Cornwall's response was this was totally unacceptable but offered, as alternatives, chartered commercial flights or a tourist liner. The American side then stated that they would give serious consideration to this, but they would have to check to ascertain exactly how many Americans wanted to leave.

On the issue of the proposed invasion, Major Cornwall once again stated Grenada's concern, and in particular, the possibility of US involvement. He made it clear that Grenada's foreign policy remained committed to good neighbourly relations with all Caribbean countries on the basis of non-interference in each other's internal affairs, respect for sovereignty and territorial integrity and that Grenada was not a threat to any of its neighbours.

In response, the American side categorically denied their Government had any plans for invading Grenada, saying the talk of invasion was simply the feeling of some Caribbean countries, but the US was not involved. However, they did not reply to the request for a firm guarantee from the US Government that it would not participate in an invasion. The American side then asked if the RMC would agree to handing-over to the American Government a diplomatic note guaranteeing the safety of its citizens and the response was that the Council would definitely do so. The American diplomats were given full permission to visit all American citizens to discuss with them the situation in Grenada.

Five hours later, another meeting was convened between Major Cornwall and the American delegation. The Americans reported that they had conveyed the RMCs concerns about the invasion of Grenada to their Government, but they had received no guarantees. Even though they had been afforded access to all of their citizens, they were not able to ascertain the number who actually wanted to leave and failed to address the question of the safety of their students, despite just having met them all.

Mr Budheit stated Mr Chaplin would be returning to Barbados the next day to meet their Ambassador and all of the RMC's concerns would be raised with him. In reply, Major Cornwall stated that the diplomatic note guaranteeing the safety of

American citizens was ready and being sent out by telex and a copy was provided to the delegation. He also repeated that Grenada was ready to facilitate the departure of all Americans who wished to leave through the airport by civilian transport. The American delegation then raised the issue of Grenada's relationship with Cuba and other socialist countries and received the response that Grenada would peruse normal relations with all of the countries with which it had diplomatic relations.

On October 24th there was another brief meeting between Major Cornwall and Mr Budheit, at which Mr Budheit indicated that Washington had received the diplomatic note and was studying it with a view to replying; no reply was ever received.



Was the invasion legal?

The information outlined above, together with the content of documents released by the UK Government under the 30-year rule, show conclusively that the justifications put forward by the United States Government to justify the invasion of Grenada were false and bring into serious question whether the invasion was legal under international law.

The justifications given at the time by the US Government for the invasion were:

1. That there was a threat to US citizens and therefore the invasion was necessary to restore order,
2. That Grenada was a potential threat to other islands in the region because of the construction of a military airbase, and
3. That the request for intervention had been made by the then Governor General of the island, Paul Scoon.

Let's examine these justifications...

Justification One: Alleged 'Threat to US citizens'

Documents released under the 30-year rule by the British Government confirm the version of events as outlined above.

In one document, the UK Deputy High Commissioner reports on a meeting that he had with the Governor General, Paul Scoon, who confirmed that there was no evidence that US citizens were in any danger but went on to voice his concerns about the potential loss of life if there was an invasion.

Interestingly, though this was a private meeting with no representative of the RMC present, the Governor General made no request for UK or foreign assistance or intervention. In a report to HM Government from Giles Bullard, the UK High Commissioner to the West Indies, stated:- 'In the five days allowed to it the members of the RMC took pains to present themselves as professional soldiers who had intervened to preserve law and order and were not interested in political power. Invitations to visit Grenada and see the situation for themselves were sent to non-resident Ambassadors and High Commissioners. Announcements were made that a broad-based cabinet would soon be appointed, that the lives and property of foreign nationals in Grenada would be protected, that tourism would be encouraged and that good relations would be continued with those countries with which Grenada had diplomatic relations, including the United States. Similar assurances were given to my deputy, David Montgomery, when he met Major Leon Cornwall, one of the three Vice-Chairman of the RMC, in St George's on 23rd October to negotiate the evacuation of British Citizens wishing to leave the island. At that meeting Major Cornwall objected to the use of the word evacuation, which he said suggested that there was some crisis or natural disaster had occurred; this was not the case.'

In a private secret message to President Regan on the possible invasion, then UK

Prime Minister Mrs Margaret Thatcher advised: 'The safety of US and British citizens on Grenada is another point which would require very careful consideration before any decision were taken to launch a military operation. The reports we have received from Grenada so far suggest that the lives of British and UK citizens are not at risk, and we could not therefore justify intervention on these grounds. On the other hand, they could be put very much at risk if an attempt was made to take the island by military force. In short, I have very serious doubts about mounting a military operation. It could endanger the lives of those we wish to protect.'

On 30th October, the UK Secretary of State, Sir Geoffrey Howe, was interviewed by Brian Walden, who put it to him that on President Regan's initial justification for this invasion, namely the saving of American life, the British Government had serious reservations as to whether this was the best way to do it. Since then he has come up with a different justification, that Grenada was a Cuban base and the Americans only just got there in time. He then suggested that he did not share this view of the need to invade. Sir Geoffrey responded, 'We did not share his view for either reason. We had a United Kingdom Royal Navy ship in the vicinity to protect British lives if necessary, we had representatives on the island on Sunday, and our judgement on the basis of the advice we then got was that intervention was not necessary for that reason. That's the first point. On the second point, what may or may not be discovered now about the presence of Cubans or Russians or anybody else in Grenada, one could discover the presence of Cubans and Russians in many other parts of the world, but if they are in those independent countries as a result of an invitation, however misguided of the Governments concerned, however unwelcome their presence, that does not in itself provide a justification.'

Justification 2: Alleged 'Construction of a military base'

American propaganda gave the entirely false impression that the airport being built at Point Salines was being constructed by Cuba and was intended as a Soviet military air base. Although there were Cubans involved in the building of the airport, it was actually being constructed by the UK firm Plessey International, who withdrew the majority of its employees following the US invasion. On the 1st November 1983 the company issued a press release which was released under the 30-year rule, presumably having been embargoed. The press release states: -

In view of the many statements which have been made, some with little basis in fact, about military potential at the Point Salines airport the following facts are relevant:

The airport was designed to facilitate the economic development of Grenada, especially with regard to tourism. It would enable direct international flights from wide-bodies jets to Grenada without transfer through other Caribbean countries. It was also designed to satisfy a diversionary airport requirement for other Caribbean countries including Trinidad.

The runway is 9000 feet long by 150m feet wide and is designed to the standards and practices of the International Civil Aviation Organisation. It would enable a Boeing 747 with full load short of 7 passengers to take off for a flight direct to London. Fully comparable runway exists in Antigua, Jamaica, St Lucia and Barbados, where the runway is 11,000 feet long. Factors governing the length of runways for civilian aircraft relate primarily to payload and range at take-off and local climatic conditions.

The terminal building was designed to accept a peak flow of 350 passengers per hour, corresponding to the arrival of one Boeing 747. Floor space is 8000 square meters against the FAA standards of 10,000 square meters, the lower figure adopted in Grenada being acceptable outside the US. It includes duty free shops, catering facilities, passenger handling facilities, baggage reclaiming facilities, flight information systems, full customs facilities, gift shops and boutiques. It is designed to luxurious standards, with landscaped surrounds.

Navigational equipment does not include radar. Prevailing climatic conditions at Grenada allow Visual Flying Rules for most of the year.,

A military airbase would require the following facilities, none of which exist at Point Salines:

- Parallel taxiway*
- Arrangements for dispersed parking*
- Radar*
- Hardened aircraft shelters for protection against bomb blast*
- Secure fuel farm (i.e. underground)*
- Underground weapons storage*
- Surface-air missile sites or other anti-air defence*
- Perimeter security*
- Operational readiness platform with rapid access*
- Aircraft engineering workshops and major stores*
- Aircraft arrest gear*

The press release shows conclusively that what was being constructed was a civil airport, not a military base. Shortly after the invasion, the decision was made to continue the construction of what is now the Maurice Bishop International airport.

Justification 3: The Governor General

It is not disputed that at some point the Governor General signed a letter requesting Barbados' Prime Minister J.M.G. 'Tom' Adams help and expressing his desire to see a peace-keeping force established in Grenada to facilitate a rapid return to peace and tranquillity and a return to democratic rule.

However, other documents also released under the 30-year rule show categorically that the letter was not signed before the invasion but after it. The letter is dated 24th October; in his television interview on 30th October, Sir Geoffrey Howe said of the Governor General: 'The last we saw of him physically was through our representative on the island on the Monday. When they consulted him, he was not seeking advice or intervention at that stage and he didn't so far as we know get in touch with us from then on to do so'.

The Monday in question is the 24th, the day the invitation is dated, so the question has to be asked, why did the Queen's representative on the island fail to communicate his concerns to the UK Government, but chose instead to communicate with the Prime Minister of Barbados?

In his confidential report on the invasion, Giles Bullard wrote on the subject of the Governor General's invitation: 'His letter to Adams, dated 24th October, is not on Government House stationery, and Adams himself says it was taken to Sir Paul for signature by Brigadier Lewis of the Barbados Defence Force, who did not land in Grenada until late on October 25th. This attempt to give the intervention a retrospective legality reflects no credit on those concerned.'

On 27th October Prime Minister Adams showed the High Commissioner the Governor General's letter and he concluded that he believes the signature to be genuine but the date is almost certainly false. The letter's wording indicates that it was not composed by the Governor General, as it lists the countries that he is seeking assistance from, which were those that participated in the invasion, but omits countries that would have been potential participants. The letter appears to have been written by someone who knew which countries were involved. The fact that the letter is the only evidence that Sir Paul sought intervention, and it was brought to him by the invading forces, also begs the question whether the letter was signed voluntarily.

Even if the initiation from the Governor general had been made before the

invasion, the invasion would still be unlawful as he had no legal authority to issue the request. At the time of the alleged request, the RMC was the functioning Government on the island. The US Government had been dealing with the RMC as the acknowledged Government of Grenada since it took power on 19th October. To make the intervention lawful, the request for intervention would have had to come from a Government in power - in this case it was clearly the RMC not the Governor General.

The appeal for assistance to the United States came from the OECS. However, there is no evidence of the Governor General appealing to that organisation. The backdated letter is to Mr Tom Adams, the Prime Minister of Barbados, which, as UK Prime Minister Margaret Thatcher explained to President Regan, is not an OECS member-state and is not a member of the OECS.

The only provision in the OECS treaty for providing military intervention in a member state is Article 8, which states: 'The Defence and Security Committee shall have responsibility for coordinating the efforts of member states for collective defence and the preservation of peace and security against external aggression...' It is 'external aggression' that is the only circumstance that can trigger military action by the OECS member-states and there is no evidence that Grenada was threatening any other country.

Restoring order in a member state or protecting the rights of the population in a member state, does not justify the intervention of the OECS. At a meeting of CARICOM on 23rd October, with Grenada not in attendance, a majority decision was taken (with a few objections) to suspend Grenada and political and economic sanctions were imposed, but there was no agreement on military intervention as a number of states, including Belize, Guyana and Trinidad & Tobago were opposed to such measures which had been strongly advocated by Barbados and Jamaica.

This report concluded with a statement that the Deputy High Commissioner in Bridgetown confirmed that British citizens in Grenada were safe and the RMC was willing to allow arrangements for them to leave if they so wished.

Conclusion

It is clear that all three of the justifications for the invasion given by the US Government are false, and bring into serious question the legality of the invasion.

1. There is no evidence that there was any threat to US citizens prior to the invasion. Indeed, the evidence seems to be that the major concern was the

potential danger from the proposed invasion rather than any threat on the island resulting from the temporary RMC Government. Not a single case of actual harm has ever been cited by the US to justify the invasion. The Grenadian Government took no foreign hostages, ensured that the students at the Medical School had food and water, and was happy to permit anyone to leave who wished to do so.

2. The airport at Port Salines was designed as civilian airport and did not have the facilities to enable it to be used as a military base. It is astonishing that the press release from the commercial company responsible for its construction has only been published after 30 years.
3. The invitation for assistance was only made by the Governor General after the event, and in any case; such an invitation had no legal validity.

**U.S. INVADES Grenada
Lebanon and Central
America:**

**WHERE
NEXT?**



**ARE YOU FRIGHTENED?
DO SOMETHING!**

→ DEMONSTRATE
FRIDAY, OCT. 28 8 PM **LIBRARY MALL
TO
FEDERAL BLDG.**

Join Friday's labor, community & student rally...
& Teach-in, Tuesday at 7, 2650 Humanities Bldg.

Was The Grenada Invasion Legal?

October 19th to 25th 1983

In the early hours of October 25th 1983, the USA invaded Grenada with a force of almost 8000 US troops, along with 353 Caribbean allied servicemen.



On November 2nd 1983, the United Nations General Assembly condemned the US-led invasion of Grenada of Grenada as “a flagrant violation of international law” and voted 108 to 9 against it.