

Chapter VIII

**CONSIDERATION OF QUESTIONS UNDER THE COUNCIL'S RESPONSIBILITY
FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY**

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INTRODUCTORY NOTE

The principles underlying the organization and presentation of the material presented in chapters VIII-XII of this *Supplement* are the same as for the previous volumes of the *Repertoire*. Those volumes should be consulted for a full statement of such principles.

Chapter VIII indicates the chain of proceedings on the substance of each of the questions included in the report of the Security Council to the General Assembly under the heading: "Questions considered by the Security Council under its responsibility for the maintenance of international peace and security". The range of questions covers broadly those which may be deemed to fall under chapters VI and VII of the Charter. In chapters X, XI and XII of the *Repertoire* is presented ancillary material from the Official Records bearing on relevant Articles of the Charter. References to the ancillary material are given at the appropriate points in the entries for each question in this chapter.

As an outline of the proceedings of the Council in respect of the questions included in its agenda, chapter VIII constitutes a framework within which the ancillary legal and constitutional discussion recorded in chapters X to XII may be considered. The chapter is, therefore, an aid to the examination of the deliberations of the Council expressly related to the provisions of the Charter within the context of the chain of proceedings on the agenda item.

The questions are dealt with in the chronological order of their inclusion in the agenda of the Council¹ and with regard to the Palestine question,² the India-Pakistan question,³ the question of race conflict in South Africa,⁴ the situation in Southern Rhodesia,⁵ the situation in Territories in Africa under Portuguese administration,⁶ the complaint by the Government of Cyprus,⁷ which were included in the Council's agenda before the period under review, in the order of

¹ For a tabulation of the data on submission, see chapter X, part III, as indicated in the editorial note, the questions included in the agenda of the Council during the years 1964 and 1965 appear under conventional short titles.

² *Repertoire of the Practice of the Security Council, 1946-1951*, pp. 325-344; *ibid.*, *Supplement 1952-1955*, pp. 110-118; *ibid.*, *Supplement 1956-1958*, pp. 93-105; *ibid.*, *Supplement 1959-1963*, pp. 150-154.

³ *Repertoire of the Practice of the Security Council, 1946-1951*, pp. 344-352; *ibid.*, *Supplement 1952-1955*, pp. 107-109; *ibid.*, *Supplement 1956-1958*, pp. 112-115; *ibid.*, *Supplement 1959-1963*, pp. 197-199.

⁴ *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, pp. 213-217.

⁵ *Ibid.*, pp. 217-219.

⁶ *Ibid.*, pp. 209-213.

⁷ *Ibid.*, pp. 219-220.

resumption of their consideration by the Council. In respect of each question, there is given at the outset a summary of the case presented to the Council, together with a summary of the contentions made in rebuttal.

The framework of the material for each question is provided by the succession of affirmative and negative decisions within the purview of this chapter. Decisions related to the subject matter of chapters I-VI of the *Repertoire* are, with certain exceptions, omitted as not relevant to the purpose of this chapter or of the ancillary chapters X-XII. The decisions are entered in uniform manner. Affirmative decisions are entered under a heading indicative of the content of the decision, and negative decisions are entered under a heading indicative solely of the origin of the proposal or draft resolution. Affirmative decisions have been reproduced in full as constitutive of the practice of the Council, while negative decisions are indicated in summarized form. Where the negative decision relates to a draft resolution in connexion with which discussion has taken place concerning the application of the Charter, the text of the relevant parts of the draft resolution will in most instances be found in chapters X-XII.

As in the previous volumes of the *Repertoire*, an analytical table of measures adopted by the Council arranged broadly by type of measure has been included as part I of chapter VIII. This table should be regarded as one of the nature of an index to chapter VIII; and no constitutional significance should be attached to the headings adopted in the compilation of this table nor to the inclusion of particular measures under the individual headings. Although the main headings are the same as those appearing in the *Repertoire, Supplement 1959-1963*, the subheadings have been considerably expanded to include types of measures not previously adopted by the Council. In certain instances subheadings have been modified with a view to broadening its scope so as to include thereunder measures which although slightly varying in their formulation are substantially similar.

Much of the activity of the Council in connexion with Chapters VI and VII of the Charter has taken place through the instrumentality of subsidiary organs established to operate in the area of the dispute. As previously, no attempt has been made to reproduce within the *Repertoire* material relating to the organization and procedures of such subsidiary bodies save where questions relating to their organization and procedure have constituted an aspect of the proceedings of the Council itself.

Part I

ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL

NOTE

As in the previous volumes of the *Repertoire*, the entries in this tabulation are restricted to a reference

to the question, the date of the decision and the serial number of the decision. As has been explained in the editorial note, beginning in the present Supplement

resolutions are numbered in the order of their adoption and the symbol S/RES... has been substituted for previously used S/

- I. Preliminary measures for the elucidation of fact**
- A. Hearing of interested Governments and authorities**
(For invitations extended to interested Governments and authorities, see chapter III).
- ** B. Request to parties for information relating to question under consideration.**
Complaint by the United States (Tonkin Gulf incident):
Decision: President's statement of 7 August 1964.
- II. Determination of the nature of the question**
- A. Determination of the existence of a dispute or situation the continuance of which is likely to endanger the maintenance of international peace and security.**
- (i) Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), preamble.
- (ii) The question of race conflict in South Africa:
Decision of 18 June 1964 (S/RES/191 (1964)), preamble.
- (iii) Situation in Southern Rhodesia:
Decision of 20 November 1965 (S/RES/217 (1965)), para. 1.
- (iv) Situation in Territories in Africa under Portuguese administration:
Decision of 23 November 1965 (S/RES/218 (1965)), para. 1.
- III. Injunctions to Governments and authorities involved in hostilities**
- A. Precautionary action.**
Complaint by Senegal:
Decision of 19 May 1965 (S/RES/204 (1965)), para. 3.
- B. Cessation of hostilities.**
- (i) Complaint by Panama:
Decision: Appeal by the President of 10 January 1964.
- (ii) Complaint by the Government of Cyprus:
Decision: Appeal by the President of 9 August 1964.
Decision of 9 August 1964 (S/RES/193 (1964)), para. 2.
- (iii) Situation in the Democratic Republic of the Congo:
Decision of 30 December 1964 (S/RES/199 (1964)), para. 2.
- (iv) Situation in the Dominican Republic:
Decision of 14 May 1965 (S/RES/203 (1965)), para. 1.
Decision of 22 May 1965 (S/RES/205 (1965)), para. 1.
- (v) The India-Pakistan question:
Decision of 4 September 1965 (S/RES/209 (1965)), paras. 1 and 2 (first part).
Decision of 6 September 1965 (S/RES/210 (1965)), para. 1 (first part).
Decision of 20 September 1965 (S/RES/211 (1965)), preamble and para. 1.
Decision: President's statement of 22 September 1965.
- Decision of 27 September 1965 (S/RES/214 (1965)), operative para.
Decision of 5 November 1965 (S/RES/215 (1965)), para. 2.
- C. Taking of measures to stop violence and bloodshed, for restoration of law and order.**
Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), paras. 2 and 3.
- IV. Measures in connexion with injunctions to be taken by the Governments and authorities directly involved in hostilities**
- A. Withdrawal of fighting personnel.**
The India-Pakistan question:
Decision of 4 September 1965 (S/RES/209 (1965)), para. 2 (second part).
Decision of 6 September 1965 (S/RES/210 (1965)), para. 1 (second part).
Decision of 20 September 1965 (S/RES/211 (1965)), para. 1 (second part).
Decision of 27 September 1965 (S/RES/214 (1965)), operative para. (second part).
Decision of 5 November 1965 (S/RES/215 (1965)), para. 3.
- B. Co-operation of the parties and other measures to prevent recurrence of incidents.**
- (i) Complaint by Panama:
Decision: Appeal by the President of 10 January 1964.
- (ii) Complaint by Cambodia:
Decision of 4 June 1964 (S/RES/189 (1964)), preamble and para. 3.
- (iii) Complaint by Yemen:
Decision of 9 April 1964 (S/RES/188 (1964)), para. 4.
- C. Cessation of flights over the territory of another State in violation of its sovereignty.**
Complaint by the Government of Cyprus:
Decision: President's statement of 11 August 1964.
- D. Co-operation of parties with Secretary-General in drawing up an agreement on withdrawal of armed personnel.**
The India-Pakistan question:
Decision of 5 November 1965 (S/RES/215 (1965)), para. 3.
- V. Measures in connexion with injunctions to be taken by other Governments and authorities**
- A. Prevention of supply of war materials or means for their manufacture.**
Situation in Territories in Africa under Portuguese administration:
Decision of 23 November 1965 (S/RES/218 (1965)), para. 6.
- B. Avoidance of actions impeding the exercise of governmental authority and undermining the territorial integrity and political independence of a State.**
- (i) Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), preamble and para. 1.
- (ii) Situation in the Democratic Republic of the Congo:
Decision of 30 December 1964 (S/RES/199 (1964)), para. 1.

⁸ See p. 93 above.

- C. Avoidance of actions likely to increase tensions between the parties or to worsen a situation.
- (i) Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), para. 1.
Decision of 9 August 1964 (S/RES/193 (1964)), para. 4.
Decision of 10 August 1965 (S/RES/207 (1965)), para. 2.
- (ii) The India-Pakistan question:
Decision of 20 September 1965 (S/RES/211 (1965)), para. 3.
- D. Withholding of assistance including supply of arms which would enable a Government or régime to continue repressive actions in a Non-Self-Governing Territory.
- (i) Situation in Southern Rhodesia:
Decision of 12 November 1965 (S/RES/216 (1965)), para. 2 (second part).
Decision of 20 November 1965 (S/RES/217 (1965)), paras. 8 and 9.
- (ii) Situation in Territories in Africa under Portuguese administration:
Decision of 23 November 1965 (S/RES/218 (1965)), para. 6.
- E. Non-recognition of a régime.
- Situation in Southern Rhodesia:
Decision of 12 November 1965 (S/RES/216 (1965)), para. 2 (first part).
Decision of 20 November 1965 (S/RES/217 (1965)), para. 6.
- F. Request for assistance to a regional organization.
- Situation in the Democratic Republic of the Congo:
Decision of 30 December 1964 (S/RES/199 (1964)), para. 5.
- VI. Measures for settlement
- A. Call upon the parties to utilize peaceful means of settlement.
- The India-Pakistan question:
Decision of 20 September 1965 (S/RES/211 (1965)), para. 4 (second part).
- B. Calling for measures to prevent the violation of human rights and fundamental freedoms.
- (i) The question of race conflict in South Africa:
Decision of 9 June 1964 (S/RES/190 (1964)), preamble and para. 1.
Decision of 18 June 1964 (S/RES/191 (1964)), preamble and paras. 2 and 4.
- (ii) Situation in Southern Rhodesia:
Decision of 6 May 1965 (S/RES/202 (1965)), preamble subparas. (a), (b) and (c).
- C. Calling for measures to promote the granting of independence to colonial countries and peoples.
- (i) Situation in Southern Rhodesia:
Decision of 6 May 1965 (S/RES/202 (1965)), paras. 1, 3, 4, 5, and 6.
- (ii) Situation in Territories in Africa under Portuguese administration:
Decision of 23 November 1965 (S/RES/218 (1965)), paras. 3, 4, and 5.
- D. Procedures of pacific settlement noted, advised or recommended.
1. Direct negotiations.
- Situation in Territories in Africa under Portuguese administration:
Decision of 23 November 1965 (S/RES/218 (1965)), para. 5 (d).
2. Resort to regional agencies or arrangements.
- (i) Situation in the Democratic Republic of the Congo:
Decision of 30 December 1964 (S/RES/199 (1964)), preamble and paras. 4, 5 and 6.
- (ii) Situation in Southern Rhodesia:
Decision of 20 November 1965 (S/RES/217 (1965)), para. 10.
3. Good offices, mediation and conciliation.
- (i) Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), para. 7.
Decision of 25 September 1964 (S/RES/194 (1964)), preamble.
- (ii) Complaint by Yemen:
Decision of 9 April 1964 (S/RES/188 (1964)), para. 5.
- E. Provisions bearing on issues of substance, including terms of settlement.
1. Request that appropriate reparation be made.
Complaint by Cambodia:
Decision of 4 June 1964 (S/RES/189 (1964)), para. 2.
2. Convening of a constitutional conference.
Situation in Southern Rhodesia:
Decision of 6 May 1965 (S/RES/202 (1965)), paras. 2 and 6.
3. Release of political prisoners.
- (i) The question of race conflict in South Africa:
Decision of 9 June 1964 (S/RES/190 (1964)), para. 1(c).
Decision of 18 June 1964 (S/RES/191 (1964)), para. 4(b).
- (ii) Situation in Southern Rhodesia:
Decision of 2 May 1965 (S/RES/202 (1965)), preamble (a).
4. Compliance with General Assembly resolutions setting forth the basis for a settlement.
- (i) The question of race conflict in South Africa:
Decision of 9 June 1964 (S/RES/190 (1964)), preamble and para. 1.
- (ii) Situation in Southern Rhodesia:
Decision of 6 May 1965 (S/RES/202 (1965)), preamble.
Decision of 20 November 1965 (S/RES/217 (1965)), para. 7.
5. Renunciation of death sentences.
- (i) The question of race conflict in South Africa:
Decision of 9 June 1964 (S/RES/190 (1964)), para. 1(a).
Decision of 18 June 1964 (S/RES/191 (1964)), para. 4(a).
6. Withdrawal of mercenaries.
Situation in the Democratic Republic of the Congo:
Decision of 30 December 1964 (S/RES/199 (1964)), para. 3.
- F. Consideration of the possibility of assistance toward settlement of political problems after implementation of cease-fire call.
- The India-Pakistan question:
Decision of 20 September 1965 (S/RES/211 (1965)), para. 4.

G. Expression of concern over aggravation of situation.

- (i) Situation in the Democratic Republic of the Congo:

Decision of 30 December 1964 (S/RES/199 (1964)), preamble.

- (ii) Situation in Southern Rhodesia:

Decision of 6 May 1965 (S/RES/202 (1965)), preamble.

- (iii) Situation in the Dominican Republic:

Decision of 22 May 1965 (S/RES/205 (1965)), preamble.

- (iv) The India-Pakistan question:

Decision of 4 September 1965 (S/RES/209 (1965)), preamble.

H. Denunciation of declaration of independence by a minority régime in a Non-Self-Governing Territory.

Situation in Southern Rhodesia:

Decision of 12 November 1965 (S/RES/216 (1965)), para. 1.

Decision of 20 November 1965 (S/RES/217 (1965)), preamble and para. 3.

I. Request to all States and authorities for recognition and respect of neutrality and territorial integrity of a State.

Complaint by Cambodia:

Decision of 4 June 1964 (S/RES/189 (1964)), para. 4.

J. Deprecation of actions incompatible with the purposes and principles of the Charter.

- (i) Complaint by Yemen:

Decision of 9 April, 1964 (S/RES/188 (1964)), preamble and para. 1.

- (ii) The question of race conflict in South Africa:

Decision of 18 June 1964 (S/RES/191 (1964)), preamble and para. 1.

K. Deprecation of events affecting a situation.

- (i) Situation in the Democratic Republic of the Congo:

Decision of 30 December 1964 (S/RES/199 (1964)), preamble.

- (ii) Situation in the Dominican Republic:

Decision of 14 May 1965 (S/RES/203 (1965)), preamble.

VII. Measures to promote the implementation of resolutions of the Security Council

A. Establishment or employment of subsidiary organs.

1. For prevention of recurrence of hostilities and contribution to the maintenance and restoration of law and order.

Complaint by the Government of Cyprus:

Decision of 4 March 1964 (S/RES/186 (1964)), paras. 4 and 5.

2. For mediation between the parties to promote a peaceful solution and an agreed settlement.

Complaint by the Government of Cyprus:

Decision of 4 March 1964 (S/RES/186 (1964)), para. 7.

3. For observation or supervision in connexion with the ending of hostilities.

- (i) Complaint by the Government of Cyprus:

Decision: President's statement of 11 August 1964.

- (ii) The India-Pakistan question:

Decision of 20 September 1965 (S/RES/211 (1965)), para. 2.⁹

4. For consideration of measures to prevent recurrence of incidents in the territory of a Member State.

Complaint by Cambodia:

Decision of 4 June 1964 (S/RES/189 (1964)), para. 5.

5. For study of feasibility, effectiveness and implications of measures to be taken by the Council.

The question of race conflict in South Africa:

Decision of 18 June 1964 (S/RES/191 (1964)), paras. 8, 9 and 10.

6. For reporting to the Security Council on the situation in the territory of a Member State.

Situation in the Dominican Republic:

Decision of 14 May 1965 (S/RES/203 (1965)), para. 2.

B. Endorsement of decisions of subsidiary organs:

The question of race conflict in South Africa:

Decision of 18 June 1964 (S/RES/191 (1964)), preamble, paras. 3 and 5.

C. Call upon the parties to co-operate fully with subsidiary organs.

- (i) Complaint by the Government of Cyprus:

Decision of 9 August 1964 (S/RES/193 (1964)), para. 3.

Decision of 19 March 1965 (S/RES/201 (1965)), para. 3 (second part).

Decision of 15 June 1965 (S/RES/206 (1965)), para. 3 (second part).

Decision: President's statement of 11 August 1964 (second part).

- (ii) Situation in the Dominican Republic:

Decision of 14 May 1965 (S/RES/203 (1965)), para. 3.

- (iii) The India-Pakistan question:

Decision of 4 September 1965 (S/RES/209 (1965)), para. 3.

D. Determination of duration of stationing of United Nations Force and the mode of its financing.

1. Duration of stationing of the Force.

Complaint by the Government of Cyprus:

Decision of 4 March 1964 (S/RES/186 (1964)), para. 6 (first part).

Decision of 20 June 1964 (S/RES/192 (1964)), para. 4.

Decision of 25 September 1964 (S/RES/194 (1964)), para. 3.

Decision of 18 December 1964 (S/RES/198 (1964)), para. 4.

Decision of 19 March 1965 (S/RES/201 (1965)), para. 5.

Decision of 15 June 1965 (S/RES/206 (1965)), para. 5.

Decision of 17 December 1965 (S/RES/219 (1965)), para. 2.

2. Financing of United Nations Force.

Complaint by the Government of Cyprus:

Decision of 4 March 1964 (S/RES/186 (1964)), para. 6 (second part).

⁹ In reporting to the Council on his efforts to give effect to this part of the resolution the Secretary-General explained that he had taken steps "to provide a group of observers for the supervision of the cease-fire which was accepted by both governments" (S/6699/Add.1-3, O.R., 2th yr., Suppl. for July-Sept. 1965, pp. 329-336). See also chapter V, Case 6.

- E. Invitation to the Government of a Member State to avail itself of the assistance of a subsidiary organ.
The question of race conflict in South Africa:
Decision of 18 June 1964 (S/RES/191 (1964)), para. 7 (second part).
- F. Authorizations to the Secretary-General.
1. To establish peace-keeping force and to appoint its commander.
Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), para. 4.
 2. To appoint a mediator.
Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), para. 7.
 3. To provide for expenses of mediation.
Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), para. 8.
 4. To use his good offices for settlement of outstanding issues.
Complaint by Yemen:
Decision of 9 April 1964 (S/RES/188 (1964)), para. 5.
 5. To consider possible United Nations assistance in implementing the Council's recommendation.
The question of race conflict in South Africa:
Decision of 18 June 1964 (S/RES/191 (1964)), para. 6.
 6. To establish an educational and training programme.
The question of race conflict in South Africa:
Decision of 18 June 1964 (S/RES/191 (1964)), para. 11.
 7. To a representative to a Member State to report on the situation.
Situation in the Dominican Republic:
Decision of 14 May 1965 (S/RES/203 (1965)), para. 2.
 8. To assist in the supervision of cease-fire and withdrawal of armed personnel.
The India-Pakistan question:
Decision of 20 September 1965 (S/RES/211 (1965)), para. 2.
 9. To strengthen a subsidiary body.
The India-Pakistan question:
Decision of 6 September 1965 (S/RES/210 (1965)), para. 2 (second part).
 10. To request for concentration of efforts by representative on securing immediate suspension of hostilities.
Situation in the Dominican Republic:
Decision: President's statement of 19 May 1965.
 11. To exert efforts to ensure implementation.
 - (i) The India-Pakistan question:
Decision of 6 September 1965 (S/RES/210 (1965)), para. 2.
Decision of 20 September 1965 (S/RES/211 (1965)), para. 5.
 - (ii) Situation in Territories in Africa under Portuguese administration:
Decision of 23 November 1965 (S/RES/218 (1965)), para. 8.
- G. Taking note of reports of the Secretary-General.
- (i) Complaint by the Government of Cyprus:
Decision of 13 March 1964 (S/RES/187 (1964)), preamble.
 - Decision of 20 June 1964 (S/RES/192 (1964)), preamble and para. 3.
 - Decision of 25 September 1964 (S/RES/194 (1964)), preamble.
 - Decision of 18 December 1964 (S/RES/198 (1964)), preamble and para. 3.
 - Decision of 19 March 1965 (S/RES/201 (1965)), preamble and para. 4.
 - Decision of 15 June 1965 (S/RES/206 (1965)), preamble and para. 4.
 - Decision of 10 August 1965 (S/RES/207 (1965)), preamble.
 - Decision of 17 December 1965 (S/RES/219 (1965)), preamble.
 - (ii) The India-Pakistan question:
Decision of 4 September 1965 (S/RES/209 (1965)), preamble.
Decision of 6 September 1965 (S/RES/210 (1965)), preamble.
Decision of 27 September 1965 (S/RES/214 (1965)), preamble.
- H. Appreciation of Secretary-General's efforts in implementing resolutions.
- (i) Complaint by the Government of Cyprus:
Decision of 20 June 1964 (S/RES/192 (1964)), preamble.
Decision of 25 September 1964 (S/RES/194 (1964)), preamble.
Decision of 18 December 1964 (S/RES/198 (1964)), preamble.
Decision of 19 March 1965 (S/RES/201 (1965)), preamble.
Decision of 15 June 1965 (S/RES/206 (1965)), preamble.
 - (ii) The India-Pakistan question:
Decision of 20 September 1965 (S/RES/211 (1965)), preamble.
- I. Expression of concern over military actions and incursions into foreign territories.
- (i) Complaint by Yemen:
Decision of 9 April 1964 (S/RES/188 (1964)), preamble paras. 2 and 3.
 - (ii) Complaint by Senegal:
Decision of 19 May 1965 (S/RES/204 (1965)), para. 1.
 - (iii) Complaint by Cambodia:
Decision of 4 June 1964 (S/RES/189 (1964)), preamble and para. 1.
- J. Expression of concern over breakdown of cease-fire.
The India-Pakistan question:
Decision of 27 September 1965 (S/RES/214 (1965)), preamble.
- K. Deprecation of continued refusal to implement the resolutions of the Security Council.
Situation in Territories in Africa under Portuguese administration:
Decision of 23 November 1965 (S/RES/218 (1965)), preamble and para. 2.
- L. Measures to obtain compliance.
1. Reaffirmation of previous decisions.
 - (a) Of the Security Council:
 - (i) Complaint by the Government of Cyprus:
Decision of 13 March 1964 (S/RES/187 (1964)), preamble and para. 1.
Decision of 20 June 1964 (S/RES/192 (1964)), para. 1.

- Decision of 9 August 1964 (S/RES/193 (1964)), preamble and para. 1.
- Decision of 25 September 1964 (S/RES/194 (1964)), para. 1.
- Decision of 18 December 1964 (S/RES/198 (1964)), para. 1.
- Decision of 19 March 1965 (S/RES/201 (1965)), para. 1.
- Decision of 15 June 1965 (S/RES/206 (1965)), para. 1.
- Decision of 10 August 1965 (S/RES/207 (1965)), para. 1.
- Decision of 17 December 1965 (S/RES/219 (1965)), para. 1.
- (ii) The question of race conflict in South Africa:
- Decision of 9 June 1964 (S/RES/190 (1964)), preamble.
- Decision of 18 June 1964 (S/RES/191 (1964)), preamble and para. 12.
- (iii) Situation in the Democratic Republic of the Congo:
- Decision of 30 December 1964 (S/RES/199 (1964)), preamble.
- (iv) Complaint by Senegal:
- Decision of 19 May 1965 (S/RES/204 (1965)), para. 2.
- (v) Situation in the Dominican Republic:
- Decision of 22 May 1965 (S/RES/205 (1965)), preamble.
- (vi) The India-Pakistan question:
- Decision of 27 September 1965 (S/RES/214 (1965)), preamble.
- Decision of 5 November 1965 (S/RES/215 (1965)), para. 1.
- (vii) Situation in Southern Rhodesia:
- Decision of 20 November 1965 (S/RES/217 (1965)), para. 2.
- (viii) Situation in Territories in Africa under Portuguese administration:
- Decision of 23 November 1965 (S/RES/218 (1965)), preamble.
- (b) Of the General Assembly:
- (i) The question of race conflict in South Africa:
- Decision of 9 June 1964 (S/RES/190 (1964)), preamble.
- (ii) Situation in the Democratic Republic of the Congo:
- Decision of 30 December 1964 (S/RES/199 (1964)), preamble.
- (iii) Situation in Southern Rhodesia:
- Decision of 6 May 1965 (S/RES/202 (1965)), preamble.
- Decision of 20 November 1965 (S/RES/217 (1965)), para. 2.
- (iv) Situation in Territories in Africa under Portuguese administration:
- Decision of 23 November 1965 (S/RES/218 (1965)), preamble.
2. Request for compliance with previous resolutions.
- (i) Complaint by the Government of Cyprus:
- Decision of 20 June 1964 (S/RES/192 (1964)), para. 2.
- Decision: President's statement of 11 August 1964.
- Decision of 25 September 1964 (S/RES/194 (1964)), para. 2.
- Decision of 18 December 1964 (S/RES/198 (1964)), para. 2.
- Decision of 19 March 1965 (S/RES/201 (1965)), para. 2.
- Decision of 15 June 1965 (S/RES/206 (1965)), para. 2.
- (ii) The India-Pakistan question:
- Decision of 27 September 1965 (S/RES/214 (1965)), operative para.
- Decision of 5 November 1965 (S/RES/215 (1965)), para. 2 (first part).
3. Expression of concern over non-implementation of specific measures requested by the Security Council.
- The question of race conflict in South Africa:
- Decision of 18 June 1964 (S/RES/191 (1964)), preamble.
4. Request to Member States to co-operate with the Secretary-General.
- Complaint by the Government of Cyprus:
- Decision of 13 March 1964 (S/RES/187 (1964)), para. 2 (second part).
5. Request to Member States or to all States to exert influence to induce compliance.
- The question of race conflict in South Africa:
- Decision of 9 June 1964 (S/RES/190 (1964)), para. 2.
- Decision of 18 June 1964 (S/RES/191 (1964)), para. 13.
6. Request to the Secretary-General to exert efforts toward implementation of previous resolutions.
- (i) Complaint by the Government of Cyprus:
- Decision of 13 March 1964 (S/RES/187 (1964)), preamble and para. 2 (first part).
- (ii) The India-Pakistan question:
- Decision of 6 September 1965 (S/RES/210 (1965)), para. 2.
- M. Request for assistance from specialized agencies.
- The question of race conflict in South Africa:
- Decision of 18 June 1964 (S/RES/191 (1964)), para. 11.
- N. Call for measures by administering authority to end rebellion in a Non-Self-Governing Territory.
- Situation in Southern Rhodesia:
- Decision of 20 November 1965 (S/RES/217 (1965)), preamble, paras. 4, 5 and 9.
- O. Request for acceptance of recommendation by subsidiary body.
- The question of race conflict in South Africa:
- Decision of 18 June 1964 (S/RES/191 (1964)), para. 7 (first part).
- VIII. Measures to ensure further consideration and to ascertain compliance
- A. Request for information on implementation of resolutions or developments in a situation.
1. From all States on measures for implementation.
- Situation in Territories in Africa under Portuguese administration:
- Decision of 22 November 1965 (S/RES/218 (1965)), para. 7.
2. From the Secretary-General.
- (i) Complaint by the Government of Cyprus:
- Decision of 4 March 1964 (S/RES/186 (1964)), para. 4.

- Decision of 9 August 1964 (S/RES/193 (1964)), preamble.
- Decision of 25 September 1964 (S/RES/194 (1964)), para. 4.
- (ii) The question of race conflict in South Africa:
Decision of 9 June 1964 (S/RES/190 (1964)), para. 3.
- (iii) Situation in the Democratic Republic of the Congo:
Decision of 30 December 1964 (S/RES/199 (1964)), para. 7.
- (iv) Complaint by Senegal:
Decision of 19 May 1965 (S/RES/204 (1965)), para. 4.
- (v) Situation in the Dominican Republic:
Decision of 22 May 1965 (S/RES/205 (1965)), para. 2.
- (vi) The India-Pakistan question:
Decision of 4 September 1965 (S/RES/209 (1965)), para. 4.
Decision of 6 September 1965 (S/RES/210 (1965)), para. 2 (third part).
Decision of 20 September 1965 (S/RES/211 (1965)), para. 5.
Decision of 5 November 1965 (S/RES/215 (1965)), paras. 3 and 4.
- (vii) Situation in Territories in Africa under Portuguese administration:
Decision of 22 November 1965 (S/RES/218 (1965)), para. 8 (second part).
3. From regional agencies or arrangements.
Situation in the Democratic Republic of the Congo:
Decision of 30 December 1964 (S/RES/199 (1964)), para. 6.
- B. Provision by express decision to consider the matter further.
- (i) Situation in Southern Rhodesia:
Decision of 6 May 1965 (S/RES/202 (1965)), para. 7.
Decision of 20 November 1965 (S/RES/217 (1965)), para. 11.
- (ii) The India-Pakistan question:
Decision of 6 September 1965 (S/RES/210 (1965)), para. 3.
- C. Statement by the President that the Council would remain seized of the question.
- (i) Complaint by Panama:
Decision: President's statement of 10 January 1964.
- (ii) Situation in the Dominican Republic:
Decision: President's statement of 26 July 1965.

Part II

COMPLAINT BY PANAMA

INITIAL PROCEEDINGS

By letter¹⁰ dated 10 January 1964, the permanent representative of Panama requested the President of the Security Council, in accordance with Articles 34 and 35, paragraph 1 of the Charter of the United Nations, to convene an early meeting of the Council to consider "urgent matters connected with the grave situation that exists between Panama and the United States of America because of the Canal enclave in our territory". The situation with which Panama was confronted had been brought about by the "repeated threats and acts of aggression committed by the Government of the United States" in Panama, which infringed its territorial sovereignty, violated its territorial integrity and constituted in practice "a serious danger to international peace and security". In addition to other "serious acts" committed as a result of the intolerance of United States troops stationed in the Canal Zone on 3 November 1959, and which had resulted in a total of eighty wounded, Panama had been the victim of aggression since 9 January 1964, with a total of twenty dead and over 300 wounded persons. Should the situation continue to deteriorate, the state of alarm fraught with insecurity and violence was bound to persist. Panama accordingly requested that the United Nations should intervene, so that "these acts of aggression may be considered by the Security Council".

At the 1086th meeting on 10 January 1964, the Council included the item in its agenda¹¹ and considered it at that meeting. The representative of Panama was invited to take part in the discussion.¹²

Decisions of 10 January 1964 (1086th meeting):
Statement by the President expressing the consensus of the Council to the effect (1) that its President would address an appeal to the parties for an immediate end to the exchange of fire and bloodshed and (2) that the matter remained on the Council's agenda

At the 1086th meeting on 10 January 1964, the representative of Panama* stated that Panama was the victim of an unprovoked armed attack against its territory and its civilian population, committed by the armed forces of the United States garrisoned in the Panama Canal Zone, "while neither its Government, its population nor its citizens have committed any hostile act of any kind". After describing certain "provocations" which had been committed by United States citizens and students he recalled an agreement between Panama and the United States, under which the flags of both countries were to fly together at certain places in the Canal Zone. However, the "Zonians" as United States citizens living in the Zone were called, had done all they could to prevent the agreement from being implemented, and in an arbitrary gesture, the United States Governor in the Canal Zone decided that in some places in the Canal Zone neither the Panamanian nor the United States flag should be hoisted. Despite that ban, United States students attending schools in the Canal Zone decided on their own initiative to hoist only the United States flag at those schools. Such an act of disrespect for an international agreement and challenge to the Panamanian nation caused considerable annoyance to the community of Panama. Consequently on the previous day, 9 January 1964, a number of Panamanian citizens and students decided to hoist their flag at those places where it legally should be hoisted. The police of the Canal Zone and the military forces garrisoned there then opened fire with machine-guns on the peaceful demonstrators, taking a high toll in lives and injuring people. After

¹⁰ S/5509, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 18-19.

¹¹ 1086th meeting: para. 19.

¹² 1086th meeting: para. 20.

giving a detailed account of the legal situation and of the claims of Panama concerning the Canal Zone, he stated that the Zone should "not continue under its present status, which is and will remain a cause of permanent discord". In his view, it was imperative that the status of the Panama Canal be changed, either by nationalization or by internationalization. The Panamanian representative was requesting the intervention of the Security Council in the hope that peace and tranquillity would be restored in the Canal Zone, and that lasting solutions would be sought for Panama.

The representative of the United States stated that the riots and violence in Panama were of special regret to the United States Government and people since they blotted the record of the long and friendly and improving relationship between both countries. The United States Government was doing everything humanly possible to restore the situation. The United States President had telephoned the President of Panama to discuss the situation, and the two Presidents had agreed that violence in the Canal Zone had to be stopped. The United States President had also given instructions to United States authorities to do everything within their power to restore and maintain peace and order in the Canal Zone. It was to be hoped that the Panamanian authorities were being equally vigorous in their efforts to restrain lawlessness and to maintain order and prevent further incidents of violence and bloodshed.

The representative of the United States further denied the Panamanian representative's allegations of aggression and stated that when the Canal Zone police appeared unable to restore order, United States Army forces had been requested to assume responsibility for the protection of the Zone. They had acted with the greatest restraint. There was no evidence that either the police of the Zone or the United States Army ever went outside the Zone. Their only use of firearms had been within the Zone, to protect United States citizens residing there against an onrushing crowd of several thousand and against snipers. That act of self-defence within the Canal Zone boundaries he asserted, could not be called an act of aggression.

Furthermore, the Organization of American States had moved into action with great rapidity. The Inter-American Peace Commission had met at the request of Panama and the United States to consider the situation, and had agreed to go to Panama immediately to ascertain the facts. He suggested that the Council, bearing in mind the fact that the Inter-American Peace Commission was about to leave for Panama, should agree that "the problem should continue to be pursued in the regional forum which was established precisely to deal with situations arising among States in the Western Hemisphere". The United Nations Charter, both in Articles 33 and 52, provided for pacific settlement of local disputes through regional agencies. In accordance with the provisions of those articles, and without derogating from the responsibilities of the Security Council, he believed that such local disputes could most effectively be dealt with through regional procedures.

The representative of Brazil suggested that the President of the Council be authorized to address an appeal to both parties to bring to an immediate end the exchange of fire, and to request them to impose restraint over the military forces under their command and the civilian population under their control.

The Brazilian representative's initiative was supported by the representatives of the United Kingdom, Morocco, Ivory Coast, the United States and China. The representative of Panama also stated that his reaction to the suggestion was favourable.

At the end of the discussion the President (Bolivia) noted that many of the members of the Council had supported the proposal of the representative of Brazil to the effect that the President of the Council would be authorized to address an appeal¹³ to the Governments of the United States and of Panama so that they should immediately take the most appropriate measures to bring to an end the exchange of fire and the bloodshed. There being no objection he declared the proposal as adopted. The President also stated that the question would remain on the agenda of the Council.¹⁴

THE INDIA-PAKISTAN QUESTION

STATEMENT BY THE PRESIDENT (1117TH MEETING)

By letter¹⁵ dated 16 January 1964, the representative of Pakistan requested the President of the Council to convene an immediate meeting of the Council to consider "the grave situation that has arisen in the State of Jammu and Kashmir" which, he contended, was "the direct consequence of the unlawful steps that the Government of India is continuing to take in order to destroy the special status of the State" in disregard of the resolutions of the Security Council and of the United Nations Commission for India and Pakistan (UNCIP). References were made to two earlier letters from the President of Pakistan to the President of the Council, dated 9 October 1963¹⁶ and 3 January 1964¹⁷ drawing the attention of the Council to the measures contemplated by the Government of India "to consolidate India's hold over the bulk of Jammu and Kashmir, to demoralize its people and to interpose further obstacles in the establishment of conditions for the exercise of their free choice in regard to their future". It was further stated in the letter that as a result of those acts and the occurrence of sacrilegious acts disrespectful to the Muslim population as well as communal strife in Calcutta and other districts of West Bengal, "an extremely tense and explosive situation in *Azad* Kashmir and throughout Pakistan" had been created as a consequence of which "Indian-Pakistan relations had been dangerously strained".

By letter¹⁸ dated 24 January 1964, the representative of India denied the allegations of the representative of Pakistan concerning "the existence of a tense situation and an atmosphere of crisis". He asserted that the Pakistani request was "a propaganda move" intended to exploit certain recent incidents and to divert attention from the disturbances in East Pakistan affecting the minority community there. The attacks on the Hindu minorities in that area continued and, in

¹³ The appeal addressed on 11 January 1964 was circulated as S/5519, and the replies appeared in S/5519, and S/5519/Add.1, *O.R.*, 19th yr., *Suppl. for Jan.-Mar. 1964*, pp. 35-36.

¹⁴ 1086th meeting: para. 108. For texts of relevant statements, see: 1086th meeting: President (Bolivia), paras. 104-105; Brazil, paras. 58-59; China para. 197; Ivory Coast, para. 91; Morocco, para. 84; Panama,* paras. 21-36; United Kingdom, para. 78; United States, paras. 37-53.

¹⁵ S/5517, *O.R.*, 19th yr., *Suppl. for Jan.-Mar. 1964*, pp. 26-34.

¹⁶ S/5437, *O.R.*, 18th yr., *Suppl. for Oct.-Dec. 1963*, pp. 5-7.

¹⁷ S/5504, *O.R.*, 19th yr., *Suppl. for Jan.-Mar. 1964*, pp. 12-15.

¹⁸ S/5522, *O.R.*, 19th yr., *Suppl. for Jan.-Mar. 1964*, pp. 38-47.

fact, were being intensified. Hundreds of people had been killed and many thousands had been made homeless. The immediate preoccupation of the Government of India was to control those communal disturbances and give full protection to the life and property of all its citizens, to whatever religious or minority group they might belong. In a recent exchange of correspondence between the Presidents of India and Pakistan the text of which was included in the letter, the President of India had proposed that they join in "an immediate appeal to the people" of both countries "for communal peace and harmony". Unfortunately the response had been negative. Instead, the Government of Pakistan had chosen to adopt "an agitational approach". In the context of the prevailing situation, the discussions in the Council wherein charges and countercharges were likely to be exchanged "could only lead to exacerbation of feelings and to a worsening of the communal situation".

At the 1087th meeting on 3 February 1964, the Security Council agreed¹⁹ without objection to include the item in its agenda. The representatives of India and Pakistan were invited to participate in the discussion.

The Council considered the question at the 1087th to 1093rd meetings held between 3 and 17 February 1964, the 1104th to 1105th meetings, between 17 and 20 March 1964, and the 1112th to 1117th meetings between 5 and 18 May 1964.

In his initial statement at the 1087th meeting on 3 February 1964, the representative of Pakistan* requested an impartial examination of the existing situation in the relations between India and Pakistan. He asserted that Pakistan was committed to the cause of the liberation of the Kashmir people, and that it would persevere in the struggle until the right of self-determination, as pledged to them in the resolutions of the Security Council and the United Nations Commission for India and Pakistan (UNCIP), had been implemented. In waging that peaceful struggle, they were striving to uphold the purposes and principles of the United Nations Charter to avert the danger to international peace in Asia, and to promote respect for human rights. The people of the State of Jammu and Kashmir were living an "incredible drama of religious passions and political rebellion" against Indian rule. They were no longer prepared to tolerate India's hold over the State which had begun when it marched into Kashmir in October 1947. The Government of Pakistan had protested to the Government of India against its "unlawful and outrageous measures" which contravened the international legal obligations that India had accepted in respect of Kashmir. Among those were the provisions of the UNCIP resolution, to which India was a party, to the effect that the future of that State could be determined only by the people through a free and impartial plebiscite conducted under United Nations auspices. At the outset, the Government of India had made it clear through its own declarations and statements that the accession of Kashmir to India was not final and that a plebiscite was to be held to decide its future. However, on 27 October 1950, the so-called "All-Jammu and Kashmir National Conference" had adopted a resolution to convene a constituent assembly for the State to determine its "future shape and affiliation". Through that manoeuvre the Government of India had planned "to bypass the United Nations" and to have the so-called accession approved by a "compliant agency". Pakistan had

protested and brought the situation to the attention of the Security Council. Undeterred by the adverse resolutions of the Council, and despite Pakistan's repeated protests, the Government of India had continued to adopt measures usurping increasing power and authority over Kashmir. The latest measures showed that India was determined to continue to flout the Security Council by reducing the State to the level of a mere administrative unit of India. Those policies of India had led to upheavals in Kashmir and as a consequence of the denial of the right of self-determination to the people of that State, relations between Pakistan and India had been further aggravated, and a serious threat to peace and security in South-East Asia had developed. Pakistan had come before the Security Council to request that appropriate action be taken to ensure that the Kashmir dispute would move rapidly toward an honourable and just solution in the interest of the well-being of the people of the India-Pakistan subcontinent and of peace in Asia.²⁰

At the 1088th meeting on 5 February 1964, the representative of India* stated that there was no justification whatsoever for Pakistan to have taken up the time of the Council since no new situation had arisen to worsen the existing conditions in Kashmir. The complaint by Pakistan that a grave situation had arisen in that State as a consequence of steps taken by the Government of India in order to integrate Kashmir into the Indian Union was unfounded since legally or constitutionally the whole of Kashmir had become an integral part of India when the Ruler of Kashmir had executed the Instrument of Accession to India, and the Governor-General of India had accepted the Instrument. It was clear that international law did not require that the party to an agreement should look behind a recognized Government with whom it contracted to see that the agreement had been arrived at by prior consultation with the people. Besides, the accession of Kashmir had also been supported by the largest political party in the State. The Security Council resolutions dealing with the plebiscite were conditional and contingent on Pakistan vacating its aggression. Moreover, due to the passage of time and other factors those resolutions had become obsolete. The possibility of a plebiscite had been envisaged because at that time no elections had been held in Kashmir. However, since then the wishes of the people of Kashmir had been ascertained not once but in three elections held there. Under no circumstances, therefore, could India agree to the holding of a plebiscite in Kashmir. The representative of India then denied that the principle of self-determination was applicable in the case of Kashmir, explaining that it was operative only in dealing with a nation as a whole, and in situations of conquest, of foreign domination or of colonial exploitation. As in other parts of India, the policy of communal harmony prevailed in that State. The riots concerning which Pakistan had complained had come about because of the communal policy of Pakistan, and because of the incitement to communal passion of which that country's Government was guilty. With regard to the steps that the Council should take in connexion with the India-Pakistan controversy, the representative of India suggested that the passing of resolutions would not be helpful, and was most likely only to aggravate feelings. No resolution, however well drafted, would satisfy both the parties. What was

¹⁹ 1087th meeting: paras. 9, 12-13, 18, 42, 52, 59, 66, 74, 76, 95.

¹⁹ 1087th meeting: para. 2.

necessary was action to the effect of: (1) restoring normal conditions in the disturbed area of India and Pakistan and bringing about intercommunal unity and harmony in both countries; and (2) ascertaining that threats of violence which had emanated from Pakistan from time to time should ease, and that Pakistan unequivocally would declare along with India that the two countries would never resort to war and would settle all their outstanding differences by peaceful means.²¹

In a further statement at the 1089th meeting on 7 February 1964, the representative of Pakistan* suggested that if the information given by his delegation was considered insufficient, the Council should employ whatever machinery was feasible for a thorough and impartial fact finding in regard to the situation in the Indian-occupied area of Kashmir. Such an inquiry should include taking the evidence of all political prisoners in the area. In fact, the Council could only prevent a danger to international peace and security by keeping the situation in Indian-occupied Kashmir under its constant and independent scrutiny.²²

In his reply at the 1090th meeting on 10 February 1964, the representative of India,* asserting that decisions concerning the nationality of individuals was a domestic matter within the sovereign right of India, rejected Pakistan's suggestion, that there should be an inquiry by an impartial tribunal to decide whether certain Muslims who had been evicted were Indians or Pakistani nationals. Recalling Pakistan's allegation before the Council, that India was trying to integrate Kashmir further into India, that there existed a grave situation in Kashmir which called for some action by the Security Council, the representative observed that neither of those allegations had been substantiated and therefore there was nothing before the Council on which action needed to be taken.²³

At the 1090th meeting on 10 February 1964, the representative of Ivory Coast proposed²⁴ that at the conclusion of the Council's discussion, its President should formulate an appeal which would call upon India and Pakistan: (1) to re-establish a climate of understanding between themselves and to restore peace and harmony between the communities, and (2) to prevent a recurrence of acts of violence and to ensure communal security. The Council should request the two countries to resume their negotiations with a view to working out a peaceful solution of all their differences, including the question of Kashmir, and the Council should suggest to them to have recourse to the good offices of a country or a person of their choice, should they so desire.

At the 1117th meeting on 18 May 1964, at the conclusion of the debate during which several Council members made suggestions calling for direct negotiations, mediation, good offices, and other peaceful means of settlement, the President (France) stated that, pursuant to the Council's request on the proposal of the representative of Brazil supported by the representative of Norway, he had held consultations with all the members of the Council aimed at working out some common conclusion to be drawn from the Council's debate on that matter. However, it had been impossible to reach unanimity on an over-all conclu-

sion. He therefore had to limit himself to reporting to the Council: (1) the points where no difference of opinion appeared between the members of the Council; and (2) the different trends that were expressed on another point. In the first part of his report, after noting that the members of the Council had expressed their common concern that the Kashmir question should be settled amicably in the interests of world peace, the President remarked that there was a general feeling that recent developments might lead to a situation in which the conversations between the parties concerned would have a better chance of leading to a settlement, for which the parties were required to adopt an attitude of conciliation and moderation. Meanwhile, the members of the Council had expressed the hope that both parties would abstain from any act that might aggravate the situation, and that they would endeavour to re-establish peace and harmony among the communities. It had also been expected that, in the light of the recent debates, the parties concerned would resume their contacts as soon as possible in order to resolve their differences by negotiation. In the second part of his report, the President stated that a number of members of the Council had felt that the Secretary-General of the United Nations might eventually give useful assistance to the parties to facilitate the resumption of negotiations. On the other hand, other members of the Council had expressed the view that the negotiations between India and Pakistan might be complicated by the intervention of any outside elements, and that the parties should be left to come to agreement on the very principle of having recourse to the Secretary-General. The President also stated that the India-Pakistan question remained on the agenda of the Security Council.²⁵

Decision of 4 September 1965 (1237th meeting):

- (i) *Calling upon the Governments of India and Pakistan for an immediate cease-fire;*
- (ii) *Calling upon the two Governments to respect the cease-fire line, and have all armed personnel of each party withdrawn to its own side of the line;*
- (iii) *Calling upon the two Governments to co-operate fully with the UNMOGIP in its task concerning the cease-fire;*
- (iv) *Requesting the Secretary-General to report to the Council within three days on the implementation of this resolution*

At its 1237th meeting on 4 September 1965, when the Security Council resumed its consideration of the India-Pakistan question in connexion with the situation in Kashmir, the Council had before it telegrams²⁶ dated 1 September 1965 from the Secretary-General addressed to the Prime Minister of India and the President of Pakistan, and the report²⁷ by the Secretary-General dated 3 September 1965 on the current situation in Kashmir with particular reference to the cease-fire agreement, the cease-fire line and the functioning of the United Nations Military Observers Group in India and Pakistan (UNMOGIP).

In his identical telegrams concerning "the current grave situation in Kashmir", the Secretary-General stated that the cease-fire agreement of July 1949, observance of which had been assisted by the

²¹ 1088th meeting: paras. 3, 10-11, 15-16, 26, 31, 33, 70-71, 86-87.

²² 1089th meeting: paras. 26, 115.

²³ 1090th meeting: paras. 4-5, 11, 27, 52, 56.

²⁴ 1090th meeting: paras. 90-91.

²⁵ 1117th meeting: paras. 2-6.

²⁶ S/6647, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 233-234.

²⁷ S/6651, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 239-253.

UNMOGIP, was "now being so widely disregarded as to be reduced to little consequence". He added that "an outright military confrontation between the armed forces of India and Pakistan is threatened and may be imminent, which can have only the gravest implications for the peace of the world, and for the lives and well-being of the inhabitants of Kashmir and the peoples of India and Pakistan". In addressing himself directly, in that urgent way to the Prime Minister of India and the President of Pakistan, the Secretary-General further stated that since he believed firmly that they and their two Governments wished a peaceful solution of the problem of Kashmir, he appealed "in the interests of peace in your area and in the world, to indicate immediately your intention henceforth to respect the cease-fire agreement. Essential, of course, to the restoration of the cease-fire would be a cessation of crossings of the cease-fire line by armed personnel from one side of the line to the other, the withdrawal of armed personnel of each side that have occupied positions on the other party's side of the line, and a halt to all firing across the cease-fire line, from either side of it".

The report by the Secretary-General "on the current situation in Kashmir" was submitted in order to provide information for the use of the Security Council concerning the "grave situation that has developed in Kashmir", the deep concern which the Secretary-General felt about it, and the steps he had taken in the past weeks in seeking to avert further deterioration of that situation and to restore normal conditions in the area. For the same purpose, he had presented to the Council members individually on 31 August 1965 an informal and confidential paper, which had also been made available to India and Pakistan. The Secretary-General further reported that the current serious trouble affecting the cease-fire and the cease-fire line in Kashmir dated from 5 August 1965, and as a part of his report to the Council he included an annotated list of incidents since that date which had been investigated by United Nations Observers prior to 3 September 1965.

The Council considered the question at the 1237th to 1242nd meetings held between 4 and 20 September 1965, the 1244th to 1245th meetings between 22 and 27 September 1965, the 1247th to 1249th meetings between 25 and 28 October 1965, and the 1251st meeting on 5 November 1965.

At the 1237th meeting on 4 September 1965, after a preliminary discussion concerning the circumstances under which the meeting had been convened,²⁸ the Council adopted²⁹ a provisional agenda which included under the item "India-Pakistan question", the subitems telegrams dated 1 September 1965, from the Secretary-General, and the report of 3 September 1965 by the Secretary-General, referred to above. The President (United States) invited the representatives of India and Pakistan to participate in the Council's consideration of the question before it.³⁰

At the same meeting, the representative of India* stated that he wished to draw the attention of the members of the Council to "the second massive aggression against Kashmir" by Pakistan, after the "Pakistani aggression on the Indian State of Jammu and Kashmir in 1947-1948". The cease-fire agreement between India

and Pakistan, which had become effective since 1 January 1949, and the cease-fire line had been throughout the years, the subject of numerous violations by Pakistan which had perfected the technique of sending armed troops across the cease-fire line in civilian disguise. On 5 August 1965, large bodies of Pakistani troops in civilian disguise fully armed with automatic weapons, supplied with rations and large amounts of Indian currency, carrying transistor radios and propaganda literature, had begun to infiltrate across the cease-fire line and the international border into Kashmir. The strength of the Pakistani troops who had infiltrated across the cease-fire line in several carefully selected sectors was estimated at about 5,000. Their immediate objectives, according to documents captured from them and from statements made by prisoners, had been to destroy bridges, police stations and other important installations and also to cut roads. Further, they were to capture the summer capital of the State, Srinagar, and especially the adjacent airfield. There were also attempts to cut the Srinagar-Leh road, which was India's vital line of communication with the north-east portion of the State. Large groups of those armed troops clashed with Indian Security Forces within a depth of five to ten miles of the cease-fire line, from Punch to Naoshera on the western sector of the line. Heavy casualties had been inflicted on those troops and large numbers of them had surrendered. Large quantities of arms and equipment had also been captured. There was evidence of the complete involvement of the Pakistan Government in that armed infiltration. The weapons seized from the infiltrators, considering their range and the quantities of ammunition, could be supplied only by the Government of Pakistan. From the accounts given by the captured prisoners, it had been confirmed that the majority of the raiders belonged to the regular *Azad* Kashmir battalions of the Pakistan Army. During the course of the current invasion of Kashmir, Indian forces had occupied, purely as a defensive measure, strategic points across the cease-fire line, in the Tithwal and Uri sectors of the line. That had been the military action by India which Pakistan claimed had led it to cross the cease-fire line. When the Pakistani troops in civilian disguise began to be killed or captured or even to surrender, in large numbers, to the Indian Security Forces on 1 September 1965, Pakistan took the ultimate step. Pakistani troops in regular attack formation and in brigade strength supported by armoured regiments with Patton tanks had crossed the cease-fire line, and even the international boundary, in the south-western part of the Indian State of Jammu and Kashmir. The strength of those Pakistani troops, and the support provided by the armoured regiments and by fast modern aircraft, left no doubt that the attack was premeditated, well planned and in utter violation of the United Nations Charter, the principles of international law and the cease-fire agreement. There was overwhelming evidence which clearly proved that the invasion had been organized, directly controlled and conducted by Pakistan. Through such deliberate aggression, Pakistan had torn the cease-fire agreement to shreds and reduced the cease-fire line to a shambles. It was necessary for the Security Council to condemn Pakistan as an aggressor, and instruct it to withdraw from all parts of the Indian State of Jammu and Kashmir. The Council should likewise inculcate in Pakistan a sense of justice and a desire and willingness to live in peace and harmony with India.³¹

²⁸ For the procedural discussion concerning the authority of the President of the Council to call the meeting, see above, chapter I, part I, Case 6.

²⁹ 1237th meeting: paras. 1-61 and 74.

³⁰ 1237th meeting: para. 75.

³¹ 1237th meeting: paras. 80-83, 91-100, 120.

The representative of Pakistan * stated at the same meeting that he had not yet received any instructions from his Government, and that he reserved his right to express the viewpoint of his Government on the matter at a subsequent meeting of the Council. He wished, however, strongly and totally to repudiate the allegations made by the representative of India.³²

The representative of Malaysia introduced³³ a draft resolution jointly sponsored by Bolivia, Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay. He emphasized that the draft resolution made no findings; it produced no judgements in the tragic situation that had suddenly developed along and beyond the cease-fire line in Kashmir. Faced with an objective situation which called for the intervention of the Council which was solely concerned with and responsible for the peace and security of the world, it was the duty of the Council to call a halt to the escalation undertaken by the two States, and ask them to desist from pursuing their objectives through the dangerous paths of violence, in deference to the United Nations Charter.

At the same meeting, the Council adopted³⁴ unanimously the joint draft resolution.

The resolution³⁵ read:

"The Security Council,

"Noting the report of the Secretary-General of 3 September 1965,

"Having heard the statements of the representatives of India and Pakistan,

"Concerned at the deteriorating situation along the cease-fire line in Kashmir,

"1. Calls upon the Governments of India and Pakistan to take forthwith all steps for an immediate cease-fire;

"2. Calls upon the two Governments to respect the cease-fire line and have all armed personnel of each party withdrawn to its own side of the line;

"3. Calls upon the two Governments to cooperate fully with the United Nations Military Observer Group in India and Pakistan (UNMOGIP) in its task of supervising the observance of the cease-fire;

"4. Requests the Secretary-General to report to the Council within three days on the implementation of the present resolution."

Decision of 6 September 1965 (1238th meeting):

- (i) *Calling upon the parties to cease hostilities immediately in the entire area of conflict, and promptly withdraw all armed personnel to the positions held by them before 5 August 1965;*
- (ii) *Requesting the Secretary-General to exert every possible effort to give effect to the resolution and that of 4 September 1965, to take all measures possible to strengthen the UNMOGIP, and to keep the Council promptly and currently informed on the implementation of the resolutions and on the situation in the area;*
- (iii) *Deciding to keep the issue under urgent and continuous review so that the Council may determine what further steps may be necessary to secure peace and security in the area*

At the 1238th meeting on 6 September 1965, the Council had before it a report³⁶ of the same date by the Secretary-General on developments in the situation in Kashmir since the adoption of the Security Council cease-fire resolution on 4 September 1965. The resolution had been transmitted to the Governments of India and Pakistan immediately after its adoption. No official response to that call for a cease-fire had been received from either Government. Reports received from the Chief United Nations Military Observer in Kashmir, on 5 and 6 September however, indicated that the fighting continued on both sides of the cease-fire line. It was thus clear that the conflict between India and Pakistan was broadening and intensifying.

At the same meeting, the representative of Pakistan * stated that the invasion of Pakistan by India was not only a most "brazen aggression" on the territory of a Member State but a deliberate transgression of the very purposes and principles of the United Nations. Pakistan being conscious of the fact that it was one fifth of India's size and immeasurably smaller in military capacity and economic potential, could not even secretly harbour aggressive designs upon India. However, Pakistan had not been prepared to countenance India's usurpation of Kashmir, and had never hesitated to challenge India's annexation of that State against the wishes of its people and in contempt of the international agreement, made in January 1949, concerning the determination of the accession of that State to India or to Pakistan, by a free and impartial plebiscite conducted and controlled by the United Nations. The aggressive policy of the Government of India had been manifest when on 4 December 1965, the Home Minister of India announced that his Government had decided to annex Kashmir to India, thus making it impossible for the people of Kashmir ever to exercise their right of self-determination. India had later committed a "blatant act of aggression" when on 17 May 1965 it had seized three posts on the Pakistan side of the cease-fire line, in the Kargil area of Kashmir. Thus, with the alibi of the so-called infiltration of armed men into Indian-occupied Kashmir, India was the first to cross the cease-fire line into Kashmir, as had been announced in the Indian Parliament, on 23 August 1965, by the Defence Minister of India. That same day, Indian forces seized two posts in the Tithwal sector and, later, overran the Haji Pir Pass. Pakistan had first remained patient in the face of that clear aggression, but when it became evident that India disregarded the controlled reaction of Pakistan defensive action had to be taken by it in the Chhamb area of Kashmir. India was then the first to bring aircraft into the fighting, and thus enlarge the conflict. Those outstanding events had been later exceeded by an attack launched by the Indian Army on 6 September 1965, on the Lahore front, in Pakistan territory. In the gravity of the hour, Pakistan appealed to all free and freedom-loving countries to extend to it their full support in the exercise of its inherent right of individual and collective self-defence recognized in the United Nations Charter. As its Foreign Minister had stated in his message³⁷ to the President of the Council, Pakistan intended to exercise that right until the Security Council had taken effective measures to restore international peace and security by vacating India's aggression against Pakistan and Jammu and Kashmir. The situa-

³² 1237th meeting: paras. 125-127.

³³ 1237th meeting: paras. 130-138; S/6657.

³⁴ 1237th meeting: para. 218.

³⁵ S/RES/209 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 13-14.

³⁶ S/6661, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 269-271.

³⁷ S/6669, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 282-283.

tion called for immediate action by the Council, including enforcement action to put an end to the Indian aggression, and to secure a lasting peace in the region.³⁸

At the same meeting, the representative of India* read out for the record of the Council the text of the reply³⁹ from the Minister of External Affairs of India to the communication of the Secretary-General forwarding the Council's resolution of 4 September 1965. The Government of India stated that an immediate cease-fire and the implementation of paragraph 2 of Security Council resolution 209 (1965) could be brought about only when Pakistan took effective steps to stop further crossings of the cease-fire line by armed and unarmed personnel and also immediately removed from the Indian side all such personnel who had already crossed the cease-fire line. Pakistan must also vacate aggression in the Chhamb area, forcibly occupied by Pakistan since 1 September and undertake to respect in the future the international border between India and Pakistan. Furthermore, India would have to be satisfied that there would be no recurrence of such a situation before a cease-fire could be effective and peace restored.

At the same meeting, the representative of Malaysia introduced⁴⁰ a draft resolution jointly sponsored by Bolivia, Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay. He pointed out that on the basis of two undeniable facts, namely that the Security Council was still waiting for some helpful response to its appeal for a cease-fire and that the conflict was obviously expanding and spreading, the draft resolution would express the Council's anxiety that prompt effect be given to its resolution of 4 September so that the "bloody conflict" was halted and did not spread.

At the same meeting, the Council adopted⁴¹ unanimously the joint draft resolution. The resolution⁴² read:

"The Security Council,

"Noting the report by the Secretary-General on developments in the situation in Kashmir since the adoption of Security Council resolution 209 (1965) of 4 September 1965 calling for a cease-fire,

"Noting with deep concern the extension of the fighting which adds immeasurably to the seriousness of the situation;

"1. Calls upon the parties to cease hostilities in the entire area of conflict immediately, and promptly withdraw all armed personnel back to the positions held by them before 5 August 1965;

"2. Requests the Secretary-General to exert every possible effort to give effect to the present resolution and to resolution 209 (1965), to take all measures possible to strengthen the United Nations Military Observer Group in India and Pakistan (UNMOGIP), and to keep the Council promptly and currently informed on the implementation of the resolutions and on the situation in the area;

"3. Decides to keep this issue under urgent and continuous review so that the Council may determine what further steps may be necessary to secure peace and security in the area."

³⁸ 1238th meeting: paras. 7-34.

³⁹ S/6673, 1238th meeting: para. 37.

⁴⁰ S/6662, 1238th meeting: paras. 61-65.

⁴¹ 1238th meeting: para. 69.

⁴² S/RES/210 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, p. 14.

Decision of 20 September 1965 (1242nd meeting):

- (i) *Demanding that a cease-fire should take effect on Wednesday, 22 September 1965, at 0700 hours GMT, and calling upon both Governments to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel back to the positions held by them before 5 August 1965;*
- (ii) *Requesting the Secretary-General to provide the necessary assistance to ensure supervision of the cease-fire and withdrawal of all armed personnel;*
- (iii) *Calling on all States to refrain from any action which might aggravate the situation in the area;*
- (iv) *Deciding to consider as soon as operative paragraph 1 of the Council's resolution 210 of 6 September had been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calling on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter, to this end;*
- (v) *Requesting the Secretary-General to exert every possible effort to give effect to the resolution, to seek a peaceful solution and to report to the Security Council thereon*

At the 1239th meeting on 17 September 1965, the Council had before it the "Preliminary report by the Secretary-General on his mission to India and Pakistan".⁴³ In that report, dated 16 September 1965, the Secretary-General informed the Council that he had visited India and Pakistan in connexion with the resolution adopted unanimously by the Council on 6 September, and in which he had been requested to exert every effort to give effect to the Council's resolutions of 4 and 6 September relating to the conflict between India and Pakistan over Kashmir. The report included information regarding meetings held at Rawalpindi with the President and with the Foreign Minister and members of the Ministry of Foreign Affairs of Pakistan, and meetings held at New Delhi with the Prime Minister, the President and other high officials of the Government of India. The report also included the texts of messages exchanged with those Government authorities.

At the same meeting, the Council adopted⁴⁴ a provisional agenda which included under the item "India-Pakistan question", the subitem "Preliminary report by the Secretary-General on his visits to the Governments of India and Pakistan (S/6683)". In an additional report made before the Council, the Secretary-General gave an account of his impressions and conclusions formed during his mission, as well as an exposé of the views of the two Governments as expressed to him, concerning the critical situation and the Council's call and the Secretary-General's appeals for a cease-fire. In his report, the Secretary-General informed the Council of the failure so far of his efforts to secure compliance by the two sides with the Security Council's resolutions due to the fact that the current crisis had hardened previous positions since both Governments found it impossible to make concessions under the threat of force. Thus, a real danger to world

⁴³ S/6683, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 295-305.

⁴⁴ 1239th meeting: para. 3.

peace was imminent. Faced with "a situation of the greatest difficulty and complexity", the Security Council might wish to order the two Governments concerned, pursuant to Article 40 of the Charter, to desist from further hostile military actions, and to that end to issue cease-fire orders to their military forces. The Council might also declare that failure by the Governments concerned to comply with that order would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter. Among other steps that the Council might wish to take, could be a request to the two Heads of Government to meet together at the earliest possible time in a suitable country to discuss the current situation and the problems underlying it, with the aim of resolving the outstanding differences between their two countries and of reaching an honourable and equitable settlement.⁴⁵

At the 1242nd meeting on 20 September 1965, the representative of the Netherlands introduced⁴⁶ a draft resolution the contents of which, he stated, were the outcome of informal consultations with all the Council members. A wide degree of agreement had already been possible due to the fact that there was an absolute need, in view of the international situation in Asia, to stop the fighting before it could spread to other areas. The first and main object of the draft resolution was to "demand" that the cease-fire take effect on a given date and at a given hour. The second object was to facilitate negotiations by the parties about their underlying political problem. And for both those purposes, the draft resolution offered the assistance of the United Nations.

At the same meeting, the draft resolution was adopted⁴⁷ by 10 votes in favour, none against, with 1 abstention. The resolution⁴⁸ read:

"The Security Council,

"Having considered the reports of the Secretary-General on his consultations with the Governments of India and Pakistan,

"Commending the Secretary-General for his unrelenting efforts in furtherance of the objectives of Security Council's resolutions 209 (1965) and 210 (1965) of 4 and 6 September 1965,

"Having heard the statements of the representatives of India and Pakistan,

"Noting the differing replies by the parties to an appeal for a cease-fire as set out in the report of the Secretary-General, but noting further with concern that no cease-fire has yet come into being,

"Convinced that an early cessation of hostilities is essential as a first step towards a peaceful settlement of the outstanding differences between the two countries in Kashmir and other related matters,

"1. Demands that a cease-fire should take effect on Wednesday, 22 September 1965, at 0700 hours GMT and calls upon both Governments to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel back to the positions held by them before 5 August 1965;

"2. Requests the Secretary-General to provide the necessary assistance to ensure supervision of

the cease-fire and withdrawal of all armed personnel;

"3. Calls on all States to refrain from any action which might aggravate the situation in the area;

"4. Decides to consider as soon as operative paragraph 1 of the Council's resolution 210 (1965) has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calls on the two Governments to utilize all peaceful means, including those listed in Article 33 of the Charter, to this end;

"5. Requests the Secretary-General to exert every possible effort to give effect to the present resolution, to seek a peaceful solution, and to report to the Security Council thereon.

Decision of 22 September 1965 (1244th meeting):

Statement by the President

At the 1244th meeting on 22 September 1965, the Council had before it a report⁴⁹ by the Secretary-General on his efforts to give effect to Security Council resolution 211 (1965) of 20 September 1965.

In explaining the steps taken to provide the group of observers for the supervision of a cease-fire which had been accepted by both Governments the report stated that in view of the difference in origin and function between the United Nations Military Observer Group in India and Pakistan (UNMOGIP) and the new group of observers, the Secretary-General had decided to organize a separate group of observers which would be known as the United Nations India-Pakistan Observation Mission (UNIPOM).⁵⁰

At the conclusion of the meeting the President (United States) after noting the declarations made by the representative of Pakistan and the representative of India, made a statement,⁵¹ on behalf of the entire Council, expressing the Council's satisfaction that the cease-fire demanded in its resolution 211 of 20 September 1965, had been accepted by the two parties, and calling upon the Governments concerned to implement their adherence to the cease-fire call as rapidly as possible and in any case not later than 22.00 hours GMT, 22 September 1965.

Decision of 27 September 1965 (1245th meeting):

(i) *Expressing the grave concern of the Council that the cease-fire agreed to unconditionally by the Governments of India and Pakistan was not holding;*

(ii) *Recalling that the cease-fire demand in the Council's resolutions was unanimously endorsed by the Council and agreed to by the Governments of both India and Pakistan;*

(iii) *Demanding that the parties urgently honour their commitments to the Council to observe the cease-fire; and further calling upon the parties promptly to withdraw all armed personnel as necessary steps in the full implementation of the resolution of 20 September*

At the 1245th meeting on 27 September 1965, the Council adopted⁵² a provisional agenda which included, under the item "India-Pakistan question", the subitem "Report by the Secretary-General on the ob-

⁴⁵ S/6686, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 308-312; 1239th meeting: paras. 11-28.

⁴⁶ S/6694, 1242nd meeting: paras. 44-51.

⁴⁷ 1242nd meeting: para. 69.

⁴⁸ S/RFS/211 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council 1965, pp. 14-15.

⁴⁹ S/6699 and Add.1-5, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 329-338.

⁵⁰ See also chapter V, Case 6.

⁵¹ 1244th meeting (PV): paras. 49-50.

⁵² 1245th meeting (PV): p. 2.

servance of the cease-fire under Security Council resolution 211 of 20 September 1965 (S/6710 and Add.1-2).” The Council also had before it an additional report⁵³ by the Secretary-General on compliance with the withdrawal provision in Security Council resolution 211 (1965) of 20 September 1965.

The President (United States) read out a draft resolution⁵⁴ regarding the withdrawal of armed personnel which, he stated, reflected the consensus of the members of the Council.

At the same meeting, the draft resolution was adopted.⁵⁵ The resolution⁵⁶ read:

“The Security Council,

“Noting the reports of the Secretary-General,

“Reaffirming its resolutions 209 (1965) of 4 September, 210 (1965) of 6 September and 211 (1965) of 20 September 1965,

“Expressing its grave concern that the cease-fire agreed to unconditionally by the Governments of India and Pakistan is not holding,

“Recalling that the cease-fire demand in the Council’s resolutions was unanimously endorsed by the Council and agreed to by the Governments of both India and Pakistan,

“Demands that the parties urgently honour their commitments to the Council to observe the cease-fire, and further calls upon the parties promptly to withdraw all armed personnel as necessary steps in the full implementation of resolution 211 (1965).”

Decision of 5 November 1965 (1251st meeting):

- (i) *Reaffirming the Council’s resolution 211 of 20 September 1965 in all its parts;*
- (ii) *Requesting the Governments of India and Pakistan to co-operate towards a full implementation of paragraph 1 of resolution 211; calling upon them to instruct their armed personnel to co-operate with the United Nations and cease all military activity; and insisting that there be an end to violations of the cease-fire;*
- (iii) *Demanding the prompt and unconditional execution of the proposal already agreed to in principle by the Governments of India and Pakistan that their representatives meet with a suitable representative of the Secretary-General, to be appointed without delay after consultation with both parties, for the purpose of formulating an agreed plan and schedule for the withdrawals by both parties; urging that such a meeting take place as soon as possible and that such a plan contain a time-limit on its implementation; and requesting the Secretary-General to report on the progress achieved, in this respect within three weeks of the adoption of the present resolution;*
- (iv) *Requesting the Secretary-General to submit for its consideration as soon as possible a report on compliance with the present resolution*

At the 1247th meeting on 25 October 1965, the

Council adopted⁵⁷ a provisional agenda which under the item “India-Pakistan question” included the sub-items “Letter dated 22 October 1965 from the Permanent Representative of Pakistan addressed to the President of the Security Council (S/6821),” and “Reports of the Secretary-General on withdrawals (S/6719/Add.3) and on the observance of the cease-fire (S/6710/Add. 5-7)”.

At the same meeting the representative of the USSR recalled that his delegation had always supported the resolutions adopted by the Security Council on the subject of the armed conflict between India and Pakistan and considered them to be the substantive factor in the normalization of the situation. With regard to the practical implementation of those resolutions, however, particularly of the Council’s resolutions of 6 and 20 September 1965, his delegation had a question which involved “matters of principle”. It was therefore essential to draw the attention of the Council to the fact that the actions undertaken by the Secretary-General in connexion with the question of the United Nations Observers in India and Pakistan departed from the provisions of the United Nations Charter “under which only the Security Council is competent to take the necessary decisions on specific matters connected with United Nations observers, namely, their functions, number, command, the financing of their activities, and so on. Meanwhile all these questions are being settled outside the Security Council, whose members are merely informed about measures that have already been taken.”⁵⁸

At the same meeting, after a procedural discussion concerning the raising of points of order by invited representatives, the representative of India withdrew from the Council table.⁵⁹

At the 1248th meeting on 27 October 1965, the President (Uruguay) having noted that the representative of India was absent from the Council chamber, proposed, and the Council agreed, that the representative of Pakistan be invited to participate in the discussion,⁶⁰ while the representative of India remained invited to take a seat at the Council table at any moment during the meeting.

At the 1251st meeting on 5 November 1965, the representative of the Netherlands introduced⁶¹ a draft resolution jointly sponsored by Bolivia, Ivory Coast, Malaysia, the Netherlands and Uruguay. He stated that the text had been drafted in constant consultation with all the members of the Council, and was intended to concentrate on the cease-fire and withdrawal of armed personnel, those points being at that moment the most urgent.

At the same meeting, the joint draft resolution was adopted.⁶² There were 9 votes in favour, none against, with 2 abstentions. The resolution⁶³ read:

“The Security Council,

“Regretting the delay in the full achievement of

⁵⁷ 1247th meeting: para. 17.

⁵⁸ 1247th meeting: para. 243. These reservations were reiterated at the 1251st meeting on 5 November 1965. 1251st meeting: paras. 83-85.

⁵⁹ 1247th meeting: para. 109. For the procedural discussion, see chapter III, Case 12.

⁶⁰ 1248th meeting: para. 1. For procedural discussion, see chapter III, Case 17.

⁶¹ S/6876, 1251st meeting: paras. 44-51.

⁶² 1251st meeting: para. 80.

⁶³ S/RES/215 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, p. 16-17.

⁵³ S/6719, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 359-361.

⁵⁴ S/6720, 1245th meeting: para. 6.

⁵⁵ 1245th meeting: para. 6.

⁵⁶ S/RES/214 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, p. 16.

a complete and effective cease-fire and a prompt withdrawal of armed personnel to the positions held by them before 5 August 1965, as called for in its resolutions 209 (1965) of 4 September, 210 (1965) of 6 September, 211 (1965) of 20 September and 214 (1965) of 27 September 1965,

"1. *Reaffirms* its resolution 211 (1965) in all its parts;

"2. *Requests* the Governments of India and Pakistan to co-operate towards a full implementation of paragraph 1 of resolution 211 (1965); calls upon them to instruct their armed personnel to co-operate with the United Nations and cease all military activity; and insists that there be an end to violations of the cease-fire;

"3. *Demands* the prompt and unconditional execution of the proposal already agreed to in principle by the Governments of India and Pakistan that their representatives meet with a suitable representative of the Secretary-General, to be appointed without delay after consultation with both parties, for the purpose of formulating an agreed plan and schedule for the withdrawals by both parties; urges that such a meeting shall take place as soon as possible and that such a plan contain a time-limit on its implementation; and requests the Secretary-General to report on the progress achieved in this respect within three weeks of the adoption of the present resolution;

"4. *Requests* the Secretary-General to submit for its consideration as soon as possible a report on compliance with the present resolution."

COMPLAINT BY THE GOVERNMENT OF CYPRUS

Decision of 4 March 1964 (1102nd meeting):

- (i) *Calling upon all Member States to refrain from any action or threat of action likely to worsen the situation in Cyprus or to endanger international peace;*
- (ii) *Asking the Government of Cyprus, in accordance with its responsibilities to take all additional measures necessary to stop violence and bloodshed in Cyprus, and call upon the communities in Cyprus and their leaders to act with the utmost restraint;*
- (iii) *Recommending the creation of a United Nations force, to preserve international peace and security, to prevent a recurrence of fighting and to contribute to the restoration of law and order; the Commander of the force shall be appointed by the Secretary-General who should keep the contributing Governments fully informed and who should report periodically to the Security Council of its operation;*
- (iv) *Recommending that the stationing of the force shall be for a period of three months, all costs pertaining to it being met in a manner to be agreed upon by the Governments providing the contingents and by the Government of Cyprus;*
- (v) *Recommending further, that the Secretary-General designate in agreement with the Government of Cyprus and the Governments of Turkey and the United Kingdom, a mediator who should use his best endeavours with the representatives of the communities and the above-mentioned Governments for the pur-*

pose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus; and further to provide funds for the remuneration and expenses of the mediator and his staff

By letter⁶⁴ dated 15 February 1964, the representative of the United Kingdom informed the Council that internal security in Cyprus had seriously deteriorated and that tension between the Greek and Turkish Cypriot communities had risen sharply, culminating in a serious act of violence in the town of Limassol on 12 February 1964. An early meeting of the Council was therefore requested to consider the matter and to take appropriate steps to ensure that the dangerous situation which then prevailed could be resolved with a full regard to the rights and responsibilities of both of the Cypriot communities, of the Government of Cyprus and of the Governments party to the Treaty of Guarantee.

It was recalled that in a letter⁶⁵ dated 8 January 1964, the Government of the United Kingdom had informed the Council on the steps it had taken within the spirit of the Charter and in close co-operation with the Governments of Turkey and Greece to avoid bloodshed and to promote a solution of the problems arising from the outbreak of intercommunal disturbances in Cyprus. It was further recalled that in that letter, reference was also made to the holding of a conference to resolve the difficulties which had arisen and to the joint request on the part of the Governments of the United Kingdom, Greece, Turkey and Cyprus, to the Secretary-General of the United Nations to appoint a representative to act as a United Nations observer in Cyprus, whose role would be to observe the progress of the peace-making operation and to report to the Secretary-General. Noting that the Agreements leading to the establishment of Cyprus as an independent Republic provided *inter alia* for a special relationship between Cyprus and the Governments of the United Kingdom, of Greece and of Turkey and for a Treaty of Alliance between Greece, Turkey and Cyprus, the letter then called attention to the fact that after a request by the Government of Cyprus that the troops stationed there be used to assist in the preservation of the cease-fire, and the restoration of peace "had been met", it became clear that an augmented force would be required if conditions of internal security were to be restored. Although the United Kingdom Government had consulted with the Government of Cyprus and the Governments of Greece and Turkey and a number of other Governments "about the need to associate the forces of other nations in an international peace-keeping arrangement on the island", it could not be effected owing to the inability of the Government of Cyprus to agree to the proposed arrangement.

In a letter⁶⁶ dated 15 February 1964, the Government of Cyprus referred to its complaint against the Government of Turkey⁶⁷ of which the Council had been seized, and called attention to "the increasing threat from war preparations on the coast of Turkey opposite Cyprus coupled with the declared intentions of the Turkish Government to interfere by force in

⁶⁴ S/5543, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 66-67.

⁶⁵ S/5508, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 16-18.

⁶⁶ S/5545, *ibid.*, pp. 69-70.

⁶⁷ S/5488, O.R., 18th yr., Suppl. for Oct.-Dec. 1963, pp. 112-114.

Cyprus" which had made the danger of the invasion of the island both obvious and imminent. It further called attention to the continuing deployment of the Turkish unit within Cyprus in violation of the Treaty of Alliance and the sovereignty of that country as well as to the new dangers posed by the collapse of the London Conference. In the light of those developments and in the vital interest of the people of Cyprus as a whole, an urgent meeting of the Security Council was requested under rule 3 of the provisional rules of procedure in order to consider the matter and to take appropriate measures under the relevant articles of the Charter.

At the 1094th meeting on 17 February 1964, the Council decided⁶⁸ without vote to include as sub-items⁶⁹ (a) and (b) respectively in its agenda.

"(a) Letter dated 15 February 1964 from the Permanent Representative of the United Kingdom addressed to the President of the Security Council (S/5543);

"(b) Letter dated 15 February 1964 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/5545).

The question was considered by the Council at the 1094th to 1103rd meetings from 17 February to 4 March 1964.

At the 1094th meeting on 17 February 1964, after the Council decided⁷⁰ to invite the representatives of Cyprus, Turkey and Greece to participate in the discussion, the representative of Norway proposed under rule 33 of the rules of procedure that the meeting be adjourned until three o'clock the following afternoon in order to allow an opportunity for contact between the parties directly concerned and other members of the Council.⁷¹

At the 1095th meeting on 18 February 1964, the representative of the USSR, noting that the President (Brazil) had called upon the representative of the United Kingdom as the first speaker on his list, drew attention to the formulation of the item on the agenda and to the fact that the Council had simply "resumed consideration of a matter which it had already discussed at its 1085th meeting in December 1963", and suggested that the "right to speak first should naturally be given to the country which appealed to the Security Council" to protect it from threats to its independence, territorial integrity and sovereignty.⁷²

After an extended procedural discussion on the criterion for determination of the order in which representatives might address the Council, the President, in accordance with rule 27⁷³ of the provisional rules of procedure called upon the representative of the United Kingdom as the first speaker.⁷⁴

In his statement before the Council, the representative of the United Kingdom explained the circumstances through which his Government had come to be so closely involved in the recent developments in

Cyprus and why it had undertaken such a major role in a matter "which, on the surface appears to lie solely between the two Cypriot communities". Continuing, he gave the historical and legal background to the United Kingdom's intervention described as the events and incidents leading up to the present deterioration of the situation. He further outlined the position of his Government regarding a solution of the situation and suggested that, while it might be somewhat premature to introduce a draft resolution at that stage, any draft resolution that eventually might be submitted "should contain endorsement by the Council of the appeal which the Secretary-General has already made; it should call on the parties concerned, including the guarantor Powers and in consultation with the Secretary-General, to secure the establishment of an effective peace-keeping force as soon as possible;⁷⁵ it should also provide in appropriate form for agreement to be reached on the designation of an impartial mediator who may assist the parties in achieving an agreed settlement".⁷⁶

In his opening remarks, the representative of Cyprus* suggested that the sudden intercommunal fighting and other recent events in which the territorial integrity and sovereignty of Cyprus had been violated were but "symptoms of other causes". Before appealing to the Council, however, his Government, in accordance with its Charter obligations, had explored other possibilities for a solution of the problem and had even agreed to participate in the London Conference in an effort to negotiate a new political settlement. But even while the Conference was in progress the threat of aggression continued and, on more than one occasion, Cyprus was made to understand that if it did not give way on particular points, the talks might break down with a Turkish invasion of Cyprus as the result. That Conference had failed, however, either to bring about a political settlement or to secure agreements on the question of an international force which Cyprus felt should be under the control of the Security Council, as "the only appropriate international organ for the purpose". Moreover, Cyprus had even offered to agree with the other parties both on the composition as well as on the other terms of reference of the force prior to putting the question before the Security Council, in order to facilitate the task of the Council and to expedite the procedure. The representative further stated that his Government's position on the matter was that the terms of reference of the force should include not only internal peace-keeping and the restoration of law and order, but also the protection of the independence and territorial integrity of the State from any outside aggression. With the breakdown of the London Conference on this issue, Cyprus then decided to request the Council to proceed with the examination of its complaint, particularly in the light of the renewed threats of aggression. Having submitted the matter to the Council, his Government stood ready for discussions both on the political solution of the problem and its peace-keeping aspects within the framework of the United Nations. He emphasized, however, that the sovereignty and complete independence of Cyprus was not negotiable: "These are the very things we call upon the Security Council to safeguard and to protect."⁷⁷

⁷⁵ For discussion concerning the establishment of a United Nations Peace-keeping force in Cyprus, see chapter V, Case 1.

⁷⁶ 1095th meeting, paras. 33-94. See also chapter V, Case 2, and chapter X, Case 8.

⁷⁷ 1095th meeting: paras. 97-145.

⁶⁸ 1094th meeting: p. 1.

⁶⁹ These fell under the item:

"Letter dated 26 December 1963 from the Permanent Representative of Cyprus, addressed to the President of the Security Council (S/5488):

⁷⁰ 1094th meeting, para. 1.

⁷¹ 1094th meeting: paras. 4-5.

⁷² 1095th meeting: paras. 4-12.

⁷³ For discussion concerning this rule see chapter 1, Case 37. See also chapter II, part III, Case 1.

⁷⁴ 1095th meeting: para. 32.

At the same meeting, the representative of Turkey * drew the attention of the members of the Council to the views of Dr. Fazil Küçük, Vice-President of the Republic of Cyprus,⁷⁸ concerning the constitutionality of the request by the Government of Cyprus for a meeting of the Council, and the composition of the delegation which was claiming to represent Cyprus and requesting "that a representative of the Turkish community of Cyprus should equally be given the right to present its case to this Council at an appropriate time during the debate".⁷⁹ The representative then reminded the Council of previous allegations made by Cyprus concerning the threat of imminent attack from Turkey which never materialized and were never substantiated. He recalled also that the Council on previous occasions "did not even discuss the allegations of the Cypriot delegation because there was nothing to discuss; no proposals were made and no decisions were taken". He then contended that the principal reason why an urgent meeting of the Council was requested by Cyprus in December 1963 was to divert world attention from the atrocities committed by "Greek Cypriot terrorist bands" against Turkish Cypriots. After drawing attention to recent activities against the Turkish community, he suggested that the root of the problem lay in the fact that the Government of Cyprus not only sought to repudiate international treaties by which it was bound, but also refused to implement fundamental provisions of the Constitution and even implied in a number of statements that Archbishop Makarios "was looking for the first opportunity . . . to do away with the basic articles". When a memorandum putting forward thirteen proposals to this effect had been rejected by the Turkish Cypriot community and by Turkey, a campaign to terrorize the Turkish community and subjugate it by violent means was mounted by the Greek Cypriot press and radio broadcasts. This culminated in the clashes of 21 December 1963. From the outset, the Turkish Government did all in its power to put an end to the intercommunal fighting but that did not prevent the continued campaign against the Turkish Cypriots. Turkey had therefore come to the Council with full confidence in its sense of equity and responsibility. It felt that the Council could be most useful if members would avoid injecting into the debate inflammatory or extraneous matter or making a "cold-war issue" of the situation. At the same time since the Council was bound by the principles of the Charter which demanded respect for obligations arising from treaties and other sources of international law, it should show scrupulous care in respecting treaty rights and obligations.⁸⁰

The representative of Greece * asserted that his Government had from the beginning taken a firm stand in favour of moderation and peaceful action and had deplored all acts of violence and excesses that gave rise to further violence. While his Government had favoured the establishment of an international force and had entered into negotiations to that effect, nevertheless, it had maintained that such a force should be placed under the auspices of the United Nations. Turning to the right of intervention claimed by certain powers he expressed the view that the exercise of such

a right did not serve the interest it professed to defend or the wider interest of the international community. It was therefore understandable that Cyprus "having thus been threatened and disappointed" should turn to the United Nations and the Security Council in search of assistance.⁸¹

At the same meeting the representative of Cyprus * drew the attention of the Council to a statement made by a member of the Turkish Government that the only long term solution to the problem was the separation of the two communities in a federal state and that if the Council was unable to find a solution the result would " 'almost certainly' be a full-scale intercommunal war in which Turkey would be 'forced to intervene' ".⁸²

At the 1096th meeting on 19 February 1964, the representative of the USSR observed that the tension which had arisen in Cyprus had been fostered from the outside and was being used for interference in its internal affairs by certain Powers. Such interference had in turn created a threat to the freedom, integrity and independence of Cyprus. He asserted that the events relating to Cyprus did not concern Cyprus alone, but impinged upon the interest of all peace-loving peoples and the basic principles of international relations. That meant that it was therefore the responsibility of the Council to take urgent measures to protect the Republic of Cyprus from aggression, prohibit any foreign intervention in its internal affairs and assure respect for its sovereignty, freedom and independence in accordance with the purpose and basic provisions of the Charter of the United Nations.⁸³

At the same meeting the representative of the United States reminded the Council that its most urgent business was the restoration of order and communal tranquillity in Cyprus before new violence broke out. He reiterated his Government's willingness to participate in a peace-keeping force, but only on the request of all interested parties and urged the Council to come to an agreement on the establishment of such a force. "This may require that we introduce into these consultations an expert in the peace-keeping field of recognized impartiality and stature. No one better fills such a requirement than the Secretary-General of the United Nations. We therefore recommend that the Council appeal to the parties concerned, in consultation with the Secretary-General, to move ahead quickly in working out such arrangements."⁸⁴

At the 1097th meeting of 25 February 1964 the Secretary-General made a statement in which he offered certain points of clarification particularly with regard to his own role in the situation under consideration.⁸⁵ After the Secretary-General had spoken the President called attention to a letter⁸⁶ dated 19 February 1964 from the Acting Permanent Representative of Turkey and suggested that since there were already a number of speakers on the list, consideration of that letter be deferred until a later stage.⁸⁷

⁸¹ 1095th meeting: paras. 236-242.

⁸² 1095th meeting: para. 259.

⁸³ 1096th meeting: paras. 12-20, 44-56. For discussion of this question in terms of Article 2, paragraph 4 of the Charter, see chapter XII, Case 2.

⁸⁴ 1096th meeting, paras. 66-81. See also chapter X, Case 8.

⁸⁵ 1097th meeting: paras. 3-9. For the statement of the Secretary-General see chapter I, Case 22.

⁸⁶ S/5556, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 76-77.

⁸⁷ 1097th meeting: para. 8.

⁷⁸ S/5491, O.R., 18th yr., Suppl. for Oct.-Dec. 1963, pp. 114-115. S/5551, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 72-73.

⁷⁹ 1095th meeting: para. 157. See discussion at 1099th meeting, p. 111 below.

⁸⁰ 1095th meeting: paras. 157-221.

The representative of Norway observed that it was not for the Council to pronounce upon the Constitution of a Member State nor pass judgement on a set of treaties which were negotiated as an integral part of the whole process of granting independence to that State. At the same time he maintained that the immediate objective of the Council should be to prevent the situation in Cyprus from deteriorating and to restore peaceful conditions in that country and he felt that a peace force would have a very important effect in that connexion. His delegation also favoured the appointment of an impartial mediator and endorsed the proposal that the parties avail themselves of the assistance of the Secretary-General to work out the necessary arrangements.⁸⁸

At the same meeting the representative of the Ivory Coast commented that the situation in Cyprus was not without analogy to the problems of "the Congo" where decisions taken in a certain state of confusion had led to a complication internally and internationally of a situation of strife and mutiny, which doubtless would otherwise have been less disastrous and tragic. He urged that the Council immediately put an end to the "massacre" and supported the appeal for peace launched by the Secretary-General, and the establishment of a peace force as requested by certain members. He felt, however, that that force, once constituted "should be under the effective direction of the Secretary-General."⁸⁹

The representative of Cyprus * expressed his Government's deep appreciation to the Secretary-General for agreeing to send to Cyprus his personal representative, General Gyani, as well as for the mission undertaken by Mr. Rolz-Bennett.⁹⁰

At the 1098th meeting on 27 February 1964, the President called attention to the communication⁹¹ mentioned earlier from the representative of Turkey requesting an opportunity for Mr. Denktas to address the Security Council as the representative of the Turkish Cypriot community, one of the interested parties in the question. The representative of the USSR observed that there was no need for the Council to grant a hearing to anyone else from Cyprus.⁹²

After a procedural discussion⁹³ on the applicability of rule 39 of the provisional rules of procedure to the request under consideration, the Council adopted⁹⁴ a proposal by the representative of Morocco that, under rule 39, Mr. Rauf Denktas be invited to make a statement before it.

At the 1099th meeting on 28 February 1964, after the representative of the USSR⁹⁵ had queried the terminology used by the representative of Turkey in referring to the Minister for Foreign Affairs of Cyprus as "the representative of the Greek Cypriots",⁹⁶ the President called upon Mr. Denktas to make a statement before the Council.⁹⁷

⁸⁸ 1097th meeting: paras. 39-45.

⁸⁹ 1097th meeting: paras. 62-81.

⁹⁰ 1097th meeting: para. 135.

⁹¹ S/5556, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 76-77.

⁹² 1098th meeting: paras. 3-6.

⁹³ For discussion on rule 39, see chapter III, Case 6.

⁹⁴ 1098th meeting: para. 61.

⁹⁵ 1099th meeting: paras. 15-22.

⁹⁶ See chapter III, Case 6.

⁹⁷ 1099th meeting: paras. 42-90. After recounting a number of Greek Cypriot atrocities against the Turkish community Mr. Denktas asked whether the Council would "adopt a resolution which will leave us completely at the mercy of

At the 1100th meeting on 2 March 1964, the President (China) called attention to a draft resolution⁹⁸ jointly submitted by the representatives of Bolivia, Brazil, Ivory Coast, Morocco and Norway. In introducing the draft resolution, the representative of Brazil, after explaining the objectives of the various provisions, expressed his confidence that the draft resolution once approved could contribute substantially to bringing about the conditions required for a thorough review of all the issues involved in the Cyprus situation.⁹⁹

At the 1102nd meeting on 4 March 1964, the representative of the USSR outlined his position on the draft resolution in general, and called attention to operative paragraph 4 concerning the procedure "for settling matters relating to the composition, size and command of the United Nations Force" which would in practice lead to bypassing the Security Council. Thereupon he requested that a separate vote be taken on that paragraph on which he intended to abstain. He further reserved the right of his Government to request a meeting of the Security Council for a review of its decision to send a force to Cyprus even before the three months expired "if those forces are used, not for the strengthening of the security and territorial integrity of the Republic of Cyprus, but for some other purpose conflicting with that aim".¹⁰⁰

Before the vote was taken on the paragraph in question, the Secretary-General, noting that the draft resolution would call upon the Secretary-General to undertake certain responsibilities, expressed his views on the nature and exercise of these responsibilities as he saw them.¹⁰¹

Operative paragraph 4 was adopted by eight in favour, none against, with three abstentions.¹⁰² The draft resolution was adopted¹⁰³ unanimously. It read as follows:¹⁰⁴

"The Security Council,

"Noting that the present situation with regard to Cyprus is likely to threaten international peace and security and may further deteriorate unless additional measures are promptly taken to maintain peace and to seek out a durable solution,

"Considering the positions taken by the parties in relation to the treaties signed at Nicosia on 16 August 1960,

"Having in mind the relevant provisions of the Charter of the United Nations and in particular its Article 2, paragraph 4, which reads:

"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,"

these people". He expressed the fear that should the Council adopt a resolution to send a United Nations force to Cyprus for three months, that decision would be interpreted as rendering invalid the Treaty of Guarantee and after the force had departed the Cyprus Government would defy the guarantor Powers in the name of that resolution.

⁹⁸ 1100th meeting: para. 4.

⁹⁹ 1100th meeting: paras. 5-19.

¹⁰⁰ 1102nd meeting: paras. 6-15. For discussion of this question, see chapter V, Case 1.

¹⁰¹ 1102nd meeting: paras. 20-25. For the statement of the Secretary-General, see chapter I, Case 23.

¹⁰² 1102nd meeting: para. 27.

¹⁰³ 1102nd meeting: para. 28.

¹⁰⁴ S/RES/186 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 2-4.

"1. *Calls upon* all Member States, in conformity with their obligations under the Charter of the United Nations, to refrain from any action or threat of action likely to worsen the situation in the sovereign Republic of Cyprus, or to endanger international peace;

"2. *Asks* the Government of Cyprus, which has the responsibility for the maintenance and restoration of law and order, to take all additional measures necessary to stop violence and bloodshed in Cyprus;

"3. *Calls upon* the communities in Cyprus and their leaders to act with the utmost restraint;

"4. *Recommends* the creation, with the consent of the Government of Cyprus, of a United Nations Peace-keeping Force in Cyprus. The composition and size of the Force shall be established by the Secretary-General in consultation with the Governments of Cyprus, Greece, Turkey, and the United Kingdom of Great Britain and Northern Ireland. The commander of the Force shall be appointed by the Secretary-General and report to him. The Secretary-General, who shall keep the Governments providing the Force fully informed, shall report periodically to the Security Council on its operation;

"5. *Recommends* that the function of the Force should be, in the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions;

"6. *Recommends* that the stationing of the Force shall be for a period of three months, all costs pertaining to it being met, in a manner to be agreed upon by them, by the Governments providing the contingents and by the Government of Cyprus. The Secretary-General may also accept voluntary contributions for that purpose;

"7. *Recommends further* that the Secretary-General designate, in agreement with the Government of Cyprus and the Governments of Greece, Turkey and the United Kingdom, a mediator, who shall use his best endeavours with the representatives of the communities and also with the aforesaid four Governments, for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus, in accordance with the Charter of the United Nations, having in mind the well-being of the people of Cyprus as a whole and the preservation of international peace and security. The mediator shall report periodically to the Secretary-General on his efforts;

"8. *Requests* the Secretary-General to provide, from funds of the United Nations, as appropriate, for the remuneration and expenses of the mediator and his staff."

Decision of 13 March 1964 (1103rd meeting):

- (i) *Reaffirming its call upon all Member States in conformity with their obligations under the Charter, to refrain from any action or threat of action likely to worsen the situation in Cyprus, or to endanger international peace;*
- (ii) *Requesting the Secretary-General to press on with his efforts to implement the Security Council resolution of 4 March 1964 and re-*

quests Member States to co-operate with the Security Council to that end

In a letter¹⁰⁵ dated 13 March 1964, the representative of Cyprus "in accordance with Articles 34, 35 and 39, and also Article 1, paragraph 1, Article 2, paragraphs 1 and 4, and Article 24, paragraph 1 of the United Nations Charter, and further to the resolution adopted by the Security Council on 4 March 1964 (S/5575)", requested an emergency meeting of the Security Council to consider the threat of an imminent invasion of Cyprus by Turkish forces and to take appropriate measures under the relevant provisions of the Charter for the purpose of averting this danger and safeguarding the political independence and territorial integrity of Cyprus.¹⁰⁶

At the 1103rd meeting on 13 March 1964, the Council decided without objection to include the question in its agenda,¹⁰⁷ and in accordance with previous decisions invited the representatives of Cyprus, Turkey and Greece to participate in the discussion.¹⁰⁸

At the 1103rd meeting on 13 March 1964 the Secretary-General, after referring to his recent report¹⁰⁹ to the Council on developments concerning the establishment of the United Nations Peace-keeping Force in Cyprus, stated that "the Force will be established without further delay and that elements of it will soon be deployed in Cyprus". The Secretary-General then called attention to a communication¹¹⁰ from the Government of Turkey describing "the massacre perpetrated by the Greek Cypriot terrorist organization against the Turkish community in violation of human rights and in the proportions of genocide", and expressing Turkey's intention by virtue of the right conferred upon it under article IV of the Treaty of Guarantee "to take appropriate action", if the Greek Cypriot leaders did not put an end to the atrocities, and establish law and order in the island. Turkey intended to dispatch to Cyprus forces which would strengthen the existing three-Power peace-keeping force in the island, and while the force would be entrusted with the "exclusive task" of putting an end to the massacres, it would operate until the United Nations Peace-keeping Force envisaged in the Security Council resolution of 4 March could effectively perform the functions entrusted to it, and would refrain from violating the independence and territorial integrity of Cyprus. In reply¹¹¹ to that letter, the Secretary-General appealed to the Government of Turkey "to reconsider most urgently the decision announced in your message to me", and to refrain from any action which might worsen the situation in Cyprus and in addition pose "the gravest risks", to international peace and security.¹¹²

At the same meeting after the representatives of Cyprus,¹¹³ Turkey¹¹⁴ and Greece¹¹⁵ had given an

¹⁰⁵ S/5598. O.R., 19th yr., Suppl. for Jan.-Mar. 1964, p. 140.

¹⁰⁶ For discussion of this question see chapter XII, Case 2.

¹⁰⁷ 1103rd meeting: para. 1.

¹⁰⁸ 1103rd meeting: para. 1.

¹⁰⁹ S 5593, and Add. 1-3, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 125-133.

¹¹⁰ S/5596, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 135-139.

¹¹¹ S/5600, *ibid.*, pp. 141-142.

¹¹² 1103rd meeting: paras. 4-6. For the statement of the Secretary-General, see chapter I, Case 24.

¹¹³ 1103rd meeting: paras. 7-51.

¹¹⁴ 1103rd meeting: paras. 53-70.

¹¹⁵ 1103rd meeting: paras. 153-155.

account of the latest developments in the area and the positions of their respective Governments with regard to the situation, the representative of Brazil introduced a draft resolution jointly sponsored by Bolivia, Brazil, Ivory Coast, Morocco and Norway,¹¹⁶ whereby the Council would reaffirm its call upon all Member States to refrain from any action likely to worsen the situation, and would request the Secretary-General to press on with his efforts to implement the Council's resolution of 4 March.¹¹⁷

At the same meeting, the draft resolution was unanimously adopted.¹¹⁸ It read as follows:¹¹⁹

"The Security Council,

"Having heard the statements of the representatives of the Republic of Cyprus, Greece and Turkey,

"Reaffirming its resolution 186 (1964) of 4 March 1964,

"Being deeply concerned over developments in the area,

"Noting the progress reported by the Secretary-General in regard to the establishment of a United Nations Peace-keeping Force in Cyprus,

"Noting the assurance from the Secretary-General that the United Nations Peace-keeping Force in Cyprus envisaged in resolution 186 (1964) is about to be established and that advance elements of that Force are already en route to Cyprus,

"1. Reaffirms its call upon all Member States, in conformity with their obligations under the Charter of the United Nations, to refrain from any action or threat of action likely to worsen the situation in the sovereign Republic of Cyprus, or to endanger international peace;

"2. Requests the Secretary-General to press on with his efforts to implement Security Council resolution 186 (1964), and requests Member States to co-operate with the Secretary-General to that end."

Decision of 20 June 1964 (1139th meeting):

(i) *Reaffirming its resolutions 186 (1964) and 187 (1964);*

(ii) *Extending the stationing in Cyprus of the United Nations Peace-keeping Force for an additional period of three months ending 26 September 1964*

On 15 June 1964, the Secretary-General submitted to the Security Council his first report¹²⁰ on the United Nations operations in Cyprus for the period 26 April to 8 June 1964, which was considered by the Council at the 1136th to 1139th meetings between 18 and 20 June 1964. The representatives of Cyprus, Turkey and Greece were invited¹²¹ to participate in the discussion.

At the 1136th meeting on 18 June 1964 after a procedural discussion of the order in which invited representatives should be called upon to speak,¹²² the representative of Turkey* observed that if as his Government had understood it, the United Nations Force was to use its "best efforts to prevent a recurrence of fighting", one of the first things it had to do

was to see to it that the warring communities do not arm themselves in order to resume fighting. However, there had been some question as to whether the United Nations Peace-keeping Force in Cyprus had, under existing resolutions of the Security Council, the authority to prevent the importation of arms into the island. His Government had always maintained that the United Nations Force was not only fully authorized to stop such deliveries, but was duty bound to do so. It was therefore to be hoped that during the discussion attention would be directed to the interpretation of the existing resolutions to empower the United Nations organs to act energetically in dealing with that matter which carried the seeds of an explosive situation. Furthermore, while his delegation hoped "that the present session of the Council will throw light on the true intentions of this body and will thus empower the Secretary-General to carry out his difficult task with more effectiveness", the report of the Secretary-General was bound to cause "disappointment and misgivings" both in his country and in all circles interested in arriving at a peaceful solution. The whole tenor of the report was discouraging inasmuch as it failed to give any indication as to what was understood by the term "law and order" mentioned in resolution 186 (1964) of 4 March which in his view could only emanate from the Constitution of Cyprus. The first duty of the United Nations Force should therefore be to establish as far as possible the rule of law under the Constitution. However, the report made no mention of the Constitution whatsoever.¹²³

The representative of Cyprus* recalled that the report had concluded that "The recurrent threats of a landing by Turkish military forces in Cyprus impede the efforts of the United Nations to restore normal conditions and to prevent fighting on the island of Cyprus" and that "such threats serve as well to make the Turkish Cypriot leadership less amenable to the acceptance of arrangements designed to contribute to a return to normality in the island". He then asserted that the sole purpose for which the Security Council adopted its resolution of 13 March was to deter the projected invasion by Turkey, who was bent on pursuing its plan of partition and of destroying the State itself. He suggested further that the main obstacle to the return to normality was a lack of freedom of movement in certain parts of the island where "Turkish terrorists" were in control of certain roads, in accordance with their plans for division and partition. Cyprus, however, was one and indivisible and the effective authority of the Government should be established over the whole territory. He further stated that "it is in this direction that the United Nations Peace-keeping Force in Cyprus can, and should, render a more active assistance".¹²⁴

At the 1137th meeting on 19 June 1964, before calling on the first speaker on his list, the President (Ivory Coast) drew the attention of the members of the Council to a draft resolution¹²⁵ submitted jointly by Bolivia, Brazil, Ivory Coast, Morocco and Norway.¹²⁶

At the same meeting, the representative of Greece,* after commenting on certain developments in Cyprus, noted that while requesting the Security Council to prolong the mandate of the United Nations Force in Cyprus, it should be recognized that the Force could

¹¹⁶ 1103rd meeting: paras. 95-96.

¹¹⁷ 1103rd meeting: para. 95.

¹¹⁸ 1103rd meeting: para. 156.

¹¹⁹ S/RES/187 (1964). O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, p. 4.

¹²⁰ S/5764 and Corr.1, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 211-244.

¹²¹ 1136th meeting: para. 1.

¹²² For a discussion of the issues raised on this point, see chapter I, Case 35.

¹²³ 1136th meeting: paras. 77, 98-100.

¹²⁴ 1136th meeting: paras. 127, 130, 137, 225-228.

¹²⁵ S/5776, 1137th meeting: para. 2.

¹²⁶ 1137th meeting: para. 2.

not remain there indefinitely and that a political solution could not be deferred until it had left. He stated further that his Government deplored the fact that no progress had so far been made toward a political solution.¹²⁷

Speaking on behalf of the co-sponsors of the draft resolution, the representative of Brazil stated that the basic consideration behind the submission of the draft resolution was the request by the Secretary-General that the United Nations Peace Force be maintained for an additional period of three months with the same terms of reference.¹²⁸ He then recalled that the Secretary-General had clearly indicated that the presence of the United Nations Force in Cyprus was advisable and useful in order to prevent the recurrence of fighting, to permit the maintenance and restoration of law and order and to promote the return to normal conditions in the area, and reminded the Council that its resolution of 4 March 1964 under which the United Nations Force was created and a Mediator appointed, was the result of a very lengthy process of negotiations and reflected a "delicate balance". It was for that reason that the co-sponsors of the draft resolution considered it advisable simply to reaffirm the previous resolutions of the Council without trying to single out any specific issue in the complex question under consideration.¹²⁹

The representative of the United Kingdom drew attention to the urgency of the matter under consideration and suggested that if the Council decided to accept the advice of the Secretary-General and to approve the five-Power draft resolution, it would be highly desirable for the Council to act quickly, thereby enabling the Secretary-General and others concerned with the provision of contingents and the arrangements for financing, to take the necessary practical and legal steps to carry out the resolution.¹³⁰

At the 1138th meeting on 19 June 1964, the representative of Brazil, on behalf of the co-sponsors of the draft resolution submitted a revised text¹³¹ which included a new operative paragraph calling upon all Member States to comply with "the above-mentioned resolutions". He explained that the objective of that revision was to emphasize the responsibilities and the commitments which fell upon all Member States under the resolutions already approved by the Council.¹³²

After a procedural discussion concerning the inscription of the list of speakers,¹³³ the representative of the USSR called attention to the functions of the United Nations Force in Cyprus outlined in the Council's resolution of 4 March and reiterated his Government's objection to any enlargement of those functions.¹³⁴ Similar reservations were expressed by the representative of Czechoslovakia.¹³⁵

At the 1139th meeting on 20 June 1964 the draft resolution was adopted unanimously.¹³⁶ It read as follows:¹³⁷

¹²⁷ 1137th meeting: paras. 41 and 45.

¹²⁸ For decisions concerning the prolongation of the mandate of the Force, see chapter V, Case 1.

¹²⁹ 1137th meeting: paras. 58-60.

¹³⁰ 1137th meeting: para. 77.

¹³¹ S/5776/Rev.2. Same text as S/5778, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 254-255.

¹³² 1138th meeting: paras. 3 and 4.

¹³³ For a discussion of this question, see chapter I, Case 36.

¹³⁴ 1138th meeting: paras. 45-46, 48-51. See also chapter V, Case 1.

¹³⁵ 1139th meeting: para. 13.

¹³⁶ 1139th meeting: para. 21.

¹³⁷ S/RES/192 (1964). O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, p. 5.

"The Security Council,

"Noting that the report of the Secretary-General considers the maintenance in Cyprus of the United Nations Peace-keeping Force, created by Security Council resolution 186 (1964) of 4 March 1964, for an additional period of three months to be useful and advisable,

"Expressing its deep appreciation to the Secretary-General for his efforts in the implementation of Security Council resolutions 186 (1964) of 4 March 1964 and 187 (1964) of 13 March 1964,

"Expressing its deep appreciation to the States that have contributed troops, police, supplies and financial support for the implementation of resolution 186 (1964),

"1. Reaffirms its resolutions 186 (1964) and 187 (1964);

"2. Calls upon all States Members of the United Nations to comply with the above-mentioned resolutions;

"3. Takes note of the report of the Secretary-General;

"4. Extends the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for an additional period of three months, ending 26 September 1964."

Decision of 9 August 1964 (1143rd meeting):

Appeal by the President to the Government of Turkey to cease instantly the bombardment and the use of military force of any kind against Cyprus and to the Government of Cyprus to order armed forces under its control to cease firing immediately

Decision of 9 August 1964 (1143rd meeting):

- (i) *Reaffirming the appeal by the President to the Governments of Turkey and Cyprus;*
- (ii) *Calling for an immediate cease-fire by all concerned;*
- (iii) *Calling upon all concerned to co-operate fully with the Commander of the United Nations Peace-keeping Force in Cyprus in the restoration of peace and security, and upon all States to refrain from any action that might exacerbate the situation or contribute to the broadening of hostilities*

Decision of 11 August 1964 (1143rd meeting) statement by the President:

- (i) *Asking all Governments to stop all flights over the territory of Cyprus in violation of its sovereignty;*
- (ii) *Requesting the Commander of the United Nations Peace-keeping Force in Cyprus to supervise the cease-fire and to reinforce its units in the zones which were the sphere of recent military operations so as to ensure the safety of the inhabitants*

By letter¹³⁸ dated 8 August 1964, the representative of Turkey requested an urgent meeting of the Security Council to consider the serious situation created in Cyprus by the renewed and continuing attempts of the Greek Cypriots to subdue by force of arms the Turkish community in Cyprus in order to perpetuate the usurpation of government by the Greek community.

¹³⁸ S/5859, O.R., 19th yr., Suppl. July-Sept. 1964, p. 144.

By letter¹³⁹ dated 8 August 1964, the representative of Cyprus requested "in accordance with Articles 34, 35 and 39 and also 1 (1), 2 (2), 2 (4), and 24 (1) of the United Nations Charter and further to resolutions S/5575,¹⁴⁰ S/5603¹⁴¹ and S/5778¹⁴² adopted by the Security Council on 4 and 13 March 1964 and 20 June 1964, respectively" an emergency meeting of the Security Council "in view of the deliberate and unprovoked armed air attacks against the unarmed civilian population of Cyprus, carried out by airplanes of the Turkish Air Force in the hours immediately preceding the submission of this request, and which are still continuing". It was stated further that the Security Council would be called upon to put an end to "the armed Turkish aggression against the Republic of Cyprus", thereby discharging its basic responsibility for the restoration of international peace and punishment of the aggressors.

At the 1142nd meeting on 8 August 1964 the Council adopted¹⁴³ the agenda after the representative of the USSR had waived his objection on the understanding that adoption of the agenda would not prejudice the order in which the questions raised in the subparagraphs of the provisional agenda were taken up nor any procedure which the Council might subsequently adopt in discussing them.¹⁴⁴

The question was considered by the Council at its 1142nd to 1143rd meetings between 8 and 9/11 August 1964. At the 1142nd meeting after the President (Norway) had presented¹⁴⁵ to the Council information he had received from the Secretary-General on the latest developments in Cyprus, the representatives of Turkey, Greece and Cyprus were invited¹⁴⁶ to participate in the discussion.

At the same meeting after a procedural debate on the order of discussion of the items on the agenda¹⁴⁷ and the order in which invited representatives might be called upon to speak,¹⁴⁸ the Council rejected,¹⁴⁹ by a vote of 4 to 3 with 4 abstentions, a proposal by the representative of the USSR that the representative of Cyprus be heard as the first speaker.

Upon the suggestion by the representative of Bolivia,¹⁵⁰ however, the representative of Cyprus was permitted to make a brief statement on information which he had received from his Government on the latest developments in Cyprus.

The representative of Cyprus * stated that according to a telephone message he had just received, six Turkish warships were heading for Cyprus for the purpose of invasion and were being followed by another twenty-six warships and troopships "for the purpose of aggression against Cyprus and invasion of the island, and within one hour they will be landed there". In the light of such developments he thought it fitting to inform the Security Council of the situation so that the Council could decide "whether it will not proceed with

the consideration of this imminent danger" which threatened Cyprus and which might bring about a world war.¹⁵¹

The representative of Turkey * recounted certain atrocities which he said were being committed by the Government of Archbishop Makarios against the Turkish community for the purpose of destroying or subduing that community. He cited certain military preparations that were being undertaken by "Greek Cypriot bands" with the obvious objective of unleashing a major offensive in an area where the besieged Turkish community had its only access to the sea. Despite assurances given by "Makarios himself" that no such action would be undertaken, the Greek Cypriots unleashed offensives on various points of the island, and certain Turkish Cypriot positions were under fire from the sea where they faced the prospect of a landing by the Greek Cypriots. Under the threat of such imminent dangers and having nowhere to turn for protection but to Turkey, the Turkish Government could not "ignore such a humane and legitimate call". Moreover, his Government did not fail to approach the other guarantor Powers and the Commander of the United Nations Force in order to enlist their aid in stopping the onslaught. It was also in that connexion that a meeting of the Security Council had been requested. "Nevertheless, the criminal attacks have continued unabated, even in spite of the warning flights effected yesterday . . . In these circumstances the Turkish Government has been compelled to stop the flow of reinforcements by bombing from the air the road used for the purpose of bringing them in. This action undertaken by Turkish aircraft is directed exclusively at military targets and constitutes a limited police action taken in legitimate self defence." The Council was thus requested to consider what urgent measures could be taken to put a stop to the Greek Cypriot aggression which was threatening the peace in the area. In that connexion, he suggested several measures that might be undertaken in order to reduce the existing supply of arms and personnel in Cyprus. These included the placing of entry points to Cyprus under effective control by a committee¹⁵² composed of representatives of Turkey, Greece and the countries contributing troops to the United Nations Force, and the subjecting of both sides to a gradual and controlled disarmament.¹⁵³

The representative of Cyprus * denied that the Greek Government forces had started the attack or that his Government was responsible for the current situation. He recalled that while the representative of Turkey had disputed his statement about an imminent invasion he had not denied that warships were heading for Cyprus for that purpose and suggested that the Council should note that it was after Turkey had appealed to the Council that it had dispatched its aircraft into Cyprus. In that connexion, he wondered whether such conduct accorded with the obligations of Members under the Charter, which had ruled out warfare and had abolished the rule of force and suggested that if the Council did not take the decision it should on the question of the "airplane aggression" against Cyprus then "the Charter of the United Nations and the whole Organization would become meaningless".¹⁵⁴

¹³⁹ S/5861, *O.R.*, 19th yr., *Suppl. for July-Sept. 1964*, pp. 145-146.

¹⁴⁰ S/RES/186 (1964).

¹⁴¹ S/RES/187 (1964).

¹⁴² S/RES/192 (1964).

¹⁴³ 1142nd meeting: para. 3.

¹⁴⁴ 1142nd meeting: paras. 2-3. See also chapter II, Case 1.

¹⁴⁵ 1142nd meeting: paras. 4-6.

¹⁴⁶ 1142nd meeting: para. 7.

¹⁴⁷ See chapter II, Case 1.

¹⁴⁸ See chapter I, Case 37 and chapter III, part III, footnote 18 to introductory note.

¹⁴⁹ 1142nd meeting: para. 46.

¹⁵⁰ 1142nd meeting: para. 52. See also chapter III, Case 11.

¹⁵¹ 1142nd meeting: para. 54.

¹⁵² 1142nd meeting: para. 82.

¹⁵³ 1142nd meeting: paras. 59-63, 66-69, 80-83.

¹⁵⁴ 1142nd meeting: paras. 87, 90, 91, 113.

At the same meeting the representative of Greece * noted that it was the fifth time that Cyprus had appealed to the Security Council requesting that an end be put to the aggression by Turkey. "This time we are not dealing with a threat. We are in the presence of an indisputable act of aggression." Moreover, so long as the threat of invasion persisted, there could be no hope for the restoration of peace in Cyprus. Besides, "hope of an invasion" led the Turkish Cypriots to arm themselves in order to facilitate invasion if it came and conversely the threat of invasion caused the Greek Cypriots to arm themselves in order to avert the danger.¹⁵⁵

The representative of France reminded the Council that in spite of "some restoration of calm", the situation in Cyprus remained explosive and urged that the Council add its authority to the efforts of the United Nations Force and its Commander to prevent a resumption of the fighting. He urged further that an appeal be made to the parties to co-operate with the steps taken by the United Nations to bring about a peaceful solution and to "stop jeopardizing" the efforts of the Mediator in that regard.¹⁵⁶

At the proposal of the President, the meeting was adjourned for the purpose of consultation among the members and interested parties in regard to the procedure to be followed at the resumed meeting.¹⁵⁷

At a resumed 1142nd meeting on 9 August 1964, the President (Norway) announced that it had not been possible to arrive at a consensus during the informal consultations which had taken place owing to certain difficulties in communications experienced by some parties. He then suggested that in the meantime the Secretary-General would prepare and present to the Council an urgent report on the latest development in Cyprus so that when it reconvened, the Council might deal more rapidly and effectively with the situation in the light of all available information. Members were requested to remain available for an early meeting to be determined by the availability of the Secretary-General's report and the termination of the communication difficulties complained of.

At the 1143rd meeting on 9 August 1964, the Secretary-General explained that a report consisting of information which the Commander of the United Nations Force had been able to verify was being urgently compiled and would be circulated among the members of the Council as soon as it was ready.¹⁵⁸

The representative of the Ivory Coast while awaiting the report of the Secretary-General before taking a position in the debate, proposed that as in the cases of Panama and Cuba in which certain provisional measures were taken, the President should be authorized to appeal to Turkey "to put an end forthwith to the bombardment of Cyprus and suspend all military measures against Cyprus, and to call on the Government of Cyprus at once to order an immediate cease-fire pending the adoption by the Council of a final decision on the matter".¹⁵⁹

The Council decided¹⁶⁰ without objection to adopt the proposal of the representative of the Ivory Coast, which was formulated by the President as follows:¹⁶¹

"To the Government of Turkey: to cease instantly the bombardment and use of military force of any kind against Cyprus; to the Government of Cyprus: to direct the armed forces under its control to cease fire immediately."

At the same meeting, the representative of Greece * stated that "on the Greek Cypriot side all hostility came to an end last night at nine o'clock, Cyprus time, that is at 3 p.m. New York time . . . Despite this fact, Turkish aircraft . . . returned to Cyprus today and Greek Cypriots are being fired on from the Turkish Cypriot side". He warned that if the appeal just addressed to Turkey was not heeded and "if the action of the Turkish Air Force continues beyond three o'clock this afternoon, New York time, Greece will assist Cyprus with its air force and with every military means at its disposal".¹⁶²

The representative of the United States asserted that the responsibility of the Council was to stop the hostilities "and until all are stopped none will stop". He suggested that an appeal for a cease-fire was the swiftest action the Council could take and introduced a draft resolution¹⁶³ jointly submitted by the United Kingdom and the United States under which the Council would endorse and reaffirm the President's appeal and call upon all concerned to co-operate fully with the United Nations Force and on all others to refrain from any action likely to exacerbate the existing situation.¹⁶⁴

At the same meeting the representative of Cyprus, * recalling that the President had appealed to the Government of Turkey to cease instantly the bombardment and the use of military force of any kind against Cyprus, expressed his astonishment that it had been left out and suggested that "the gist" of the President's appeal should be put into the draft resolution if its other provisions were to be effective.¹⁶⁵

That suggestion was followed by other proposals for changes in the joint draft resolution. The representative of Czechoslovakia remarked that in his appeal the President "made a distinction between the external aggression on the part of Turkey and the operations carried out by the Government of Cyprus in the exercise of its right of self-defence". That distinction, he felt, should be reflected in the draft resolution under consideration.¹⁶⁶

The representative of the United States declared that in view of the criticisms that the draft resolution was not identical with the language of the President's appeal his delegation was prepared to repeat that appeal in the second preambular paragraph of the draft resolution. He explained, however, that the draft resolution was "not just a reaffirmation of that appeal". It was designed, *inter alia*, to make clear that the Council wanted a cease-fire by all concerned, including elements under the control of either Government.¹⁶⁷

The representative of Bolivia, on the other hand, noting that the draft resolution might be interpreted as implying that the debate had been concluded since it made no reference to the report of the Secretary-General which was still awaited, proposed the addition of a preambular paragraph to wit: "Awaiting the publication of the Secretary-General's report which

¹⁵⁵ 1142nd meeting: paras. 129-131.

¹⁵⁶ 1142nd meeting: paras. 174-175.

¹⁵⁷ 1142nd meeting: para. 177.

¹⁵⁸ 1143rd meeting: paras. 3-4. For the statement of the Secretary-General see chapter I, Case 28.

¹⁵⁹ 1143rd meeting: paras. 7-12.

¹⁶⁰ 1143rd meeting: para. 14.

¹⁶¹ 1143rd meeting: para. 13.

¹⁶² 1143rd meeting: paras. 23-25.

¹⁶³ S/5866, 1143rd meeting: para. 44.

¹⁶⁴ 1143rd meeting: paras. 42-45.

¹⁶⁵ 1143rd meeting: paras. 58-62.

¹⁶⁶ 1143rd meeting: paras. 83-87.

¹⁶⁷ 1143rd meeting: paras. 89-90.

will enable the Security Council to adopt suitable measures." 168

The representative of the USSR noted that in the first operative paragraph of the draft resolution an attempt was made to treat "the attackers and the attacked in the same way" placing them on equal footing. Moreover, the attempt to make the Council do no more than include in the preamble simply the President's appeal "deprives that appeal of adequate force and significance". The result was that the Council was not demanding that the Turkish Government should respond to that appeal and thus instantly cease its military operations in Cyprus. 169

The representative of the United States accepted the suggestion made by the representative of Bolivia and further revised the draft resolution so that the reaffirmation of the President's appeal would become the first operative paragraph. 170

After a suspension of the meeting to allow representatives to consult with their Governments, the representative of Cyprus * stated that his Government was not satisfied with the draft resolution under its present formulation and would ask as a minimum the introduction in the preambular part, of the phrase "Confirming the Security Council resolution of 4 March 1964", so that the position taken in that resolution would not be affected by the present draft resolution". 171

The representative of the United States was agreeable to that suggestion and further revised the draft resolution to include the reaffirmation of previous Security Council resolutions. 172

At the 1143rd meeting on 9 August 1964, the revised draft resolution was adopted 173 by 9 votes to none with two abstentions. It read as follows: 174

"The Security Council,

"Concerned at the serious deterioration of the situation in Cyprus,

"Reaffirming its resolutions 186 (1964) of 4 March 1964, 187 (1964) of 13 March 1964 and 192 (1964) of 20 June 1964,

"Anticipating the submission of the Secretary-General's report on the situation,

"1. Reaffirms the appeal just addressed by the President of the Security Council to the Governments of Turkey and Cyprus, worded as follows:

"The Security Council has authorized me to make an urgent appeal to the Government of Turkey to cease instantly the bombardment of and the use of military force of any kind against Cyprus, and to the Government of Cyprus to order the armed forces under its control to cease firing immediately";

"2. Calls for an immediate cease-fire by all concerned;

"3. Calls upon all concerned to co-operate fully with the Commander of the United Nations Peace-keeping Force in Cyprus in the restoration of peace and security;

"4. Calls upon all States to refrain from any

action that might exacerbate the situation or contribute to the broadening of hostilities."

After the adoption of the resolution, the meeting was suspended at the suggestion of the President and with the understanding that the Council would "remain at the disposal of the President if any development in the area should warrant a call at short notice". 175

At a resumed 1143rd meeting on 11 August 1964, the President (Norway) explained that the meeting had been "resumed" at the request 176 of the representative of Cyprus. 177

In his statement the representative of Cyprus * complained of the same strafing attacks against the civilian population of Cyprus by Turkish aircraft and of the entry by Turkish vessels in the territorial waters of that country in violation of the cease-fire and the resolution of the Security Council adopted previously at the same meeting. He stated that his Government was particularly concerned by the flights of Turkish aircraft over Cyprus, the purpose of which was to terrorize the population. Noting that terror was accompanied by tension and tension by attack and counter-attack, he urged that there should be no such flights over Cyprus and that the Council adopt a resolution deploring the conduct of Turkey. Furthermore, Turkey should be called upon to respect fully the cease-fire and the Council's resolutions. 178

The representative of Turkey * asserted that "the cease-fire had been observed by Turkey", but contended that its tenure would be uncertain unless the Greek Cypriots withdrew to the position they occupied before their last attack on 5 August. Citing the dangers facing certain Turkish Cypriots who were confined to a narrow strip of beach and completely surrounded, he defended the reconnaissance flights of Turkish aircraft over Cyprus as a precautionary measure necessitated by the gravity of the situation. With regard to the question of Turkish destroyers in the territorial waters of Cyprus, the representative of Turkey stated that he had no reports on the presence of such destroyers. However, he was "quite prepared to believe that they were there"; to make sure that the Greek Cypriot attack would not start. 179

The representative of Greece * asserted that information available to his Government confirmed the account presented to the Council by the representative of Cyprus concerning the violation of Cyprus air space by Turkish aircraft following the acceptance by the Turkish Government of the President's appeal, and the adoption of the Security Council resolution. He added that there had also been a "provocative violation of Greek air space, committed this morning by a Turkish aircraft...". With regard to the question of establishing the validity of those allegations, he suggested that the Secretary-General be requested to put before the Council "all the information at his disposal". Should the facts be corroborated by the United Nations authorities present in Cyprus, then "Turkey should be called to order by an immediate resolution of the Security Council..." as requested by the representative of Cyprus". 180

In his statement before the Council the Secretary-

168 1143rd meeting: para. 94.

169 1143rd meeting: paras. 104-106.

170 1143rd meeting: paras. 110-113.

171 1143rd meeting: para. 159.

172 1143rd meeting: para. 171.

173 1143rd meeting: para. 178.

174 S/RES/193 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, p. 6.

175 1143rd meeting: paras. 144-146, 180.

176 S/5872, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 154-155.

177 1143rd meeting: para. 183.

178 1143rd meeting: paras. 184, 187-198.

179 1143rd meeting: paras. 201-223.

180 1143rd meeting: paras. 226-233.

General recalled his report¹⁸¹ to the Council in which it was stated that the cease-fire called for by the President on 9 August was in effect. There had been subsequently, however, instances involving Turkish aircraft and evidence that Turkish destroyers had unloaded supplies in Cyprus. With regard to the question of civilian casualties the Secretary-General noted that only an "estimate" of such casualties had been available at that time.¹⁸²

The representative of the Ivory Coast expressed concern over the incidents reported to the Council, particularly with regard to "the flight over Cypriot territory". He maintained that under the circumstances every flight by a military aircraft could only "sow panic and inflame passions", and thus gave rise to reactions incalculable in their consequences. In that connexion he proposed that the President at the end of the debate make "a kind of summary expressing the Council's desire to see the parties comply fully with our resolution, on the understanding that the debate continues and that the final decision has not yet been taken". He emphasized that by compliance with the resolution of 9 August he meant in particular the suspension of all flights over the territory of Cyprus pending the Council's final decision.¹⁸³ Similar suggestions were made by the representatives of Bolivia¹⁸⁴ and Brazil.¹⁸⁵

The representative of Czechoslovakia observed that the Security Council could not allow its decisions to be ignored by one of the parties. It was, therefore, necessary for the Council to reaffirm its own decisions and to demand their unconditional application. He further urged that the Council "state without any equivocation that military actions such as the violation of the air space of a sovereign State Member of our Organization by military aircraft, and all other actions of the same kind are wholly inconsistent with the provisions of the resolution adopted by the Council on 9 August".¹⁸⁶

The representative of Greece * saw the proposal by the representative of the Ivory Coast in placing the two parties on the same footing as a dangerous procedure.¹⁸⁷ In reply the representative of the Ivory Coast offered certain points of clarification.^{187a}

The President (Norway) explained that as he understood it, the suggestion by the representative of the Ivory Coast, supported by the representative of Brazil, would consist of two parts: a summary of the views of the Council and the appropriate appeal to be issued as a consequence of that summary. The President then outlined the points that were likely to be included in that summary.¹⁸⁸

The representative of the USSR objected to the President's formulation which he contended went beyond the limits of the question "placed before the Council at this meeting" and his responsibilities as President.¹⁸⁹ He further asserted that the only proposal before the Council was that of the Ivory

Coast. It would therefore be "inappropriate . . . for us to consider the various points contained in your earlier suggestion". If no other proposal was submitted, his delegation was prepared to support that of the Ivory Coast with certain reservations.¹⁹⁰

The representative of the United Kingdom felt that a long term solution of the problem would be facilitated if all Governments and all parties concerned avoided actions which could be in any way provocative. In that connexion, he urged that, while appealing for a cessation of the overflights, efforts should be made to ensure that there was no need for anxiety on the part of inhabitants in certain areas of Cyprus. To that end he proposed that a further point be added to the proposal by the representative of the Ivory Coast that the Commander of the United Nations Force take steps to reinforce its units in certain areas in order to ensure that all the inhabitants might be free from any anxiety about their future and safety.¹⁹¹

At the request of the representative of France, the meeting was suspended to allow those members of the Council who had "taken a particularly active part" in the debate to formulate more precisely the terms for the appeal that the President would be requested to make.¹⁹²

At a resumed 1143rd meeting on 11 August 1964 the proposal of the Ivory Coast authorizing the President to summarize the consensus of the Council was adopted¹⁹³ without objection. It read as follows:¹⁹⁴

"After hearing the report of the Secretary-General and the statements of the representatives of Cyprus, Greece and Turkey and of the members of the Security Council, the Council notes with satisfaction that the cease-fire is being observed throughout Cyprus; requests the parties to comply with resolution S/5868 of 9 August 1964 in its entirety; asks all Governments to stop all flights over the territory of Cyprus in violation of its sovereignty; requests the Commander of the United Nations Peace-keeping Force in Cyprus to supervise the cease-fire and to reinforce its units in the zones which were the sphere of the recent military operations so as to ensure the safety of the inhabitants; and requests all concerned to co-operate with and to assist the Commander of the Force in achieving this purpose."

Decision of 25 September 1964 (1159th meeting):

- (i) *Reaffirming its resolutions 186 (1964) of 4 March 1964, 187 (1964) of 13 March 1964, 192 (1964) of 20 June 1964 and 193 (1964) of 9 August 1964 and the consensus expressed by the President at the 1143rd meeting, on 11 August 1964;*
- (ii) *Extending the period in which the United Nations Peace-keeping Force shall be stationed in Cyprus for another three months, ending 26 December 1964, in conformity with the terms of resolution 186 (1964)*

On 10 September 1964, the Secretary-General submitted his second report¹⁹⁵ on the United Nations operations in Cyprus which the Security Council

¹⁸¹ S/5879, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 162-163.

¹⁸² 1143rd meeting: paras. 236-239. For the statement of the Secretary-General, see chapter I, Case 28.

¹⁸³ 1143rd meeting: paras. 267-269.

¹⁸⁴ 1143rd meeting: para. 277.

¹⁸⁵ 1143rd meeting: para. 280.

¹⁸⁶ 1143rd meeting: paras. 272-273.

¹⁸⁷ 1143rd meeting: paras. 282-283.

^{187a} 1143rd meeting: paras. 288-291.

¹⁸⁸ 1143rd meeting: paras. 293-299.

¹⁸⁹ For discussion of the issues raised in terms of rule 19, see chapter I, Case 19.

¹⁹⁰ 1143rd meeting: paras. 314-319.

¹⁹¹ 1143rd meeting: paras. 349-351.

¹⁹² 1143rd meeting: para. 346.

¹⁹³ 1143rd meeting: para. 358.

¹⁹⁴ 1143rd meeting: para. 358.

¹⁹⁵ S/5950 and Corr.1 and Add.1 and 2, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 280-341.

considered at its 1151st and 1153rd to 1159th meetings held between 16 and 25 September 1964.

At the 1151st meeting on 16 September 1964, the representatives of Turkey, Greece and Cyprus were invited¹⁹⁶ to participate in the discussions.

At the same meeting the Secretary-General reported that as a result of the death of the former Mediator on Cyprus, the four Governments concerned had agreed to the appointment as Mediator of Mr. Galo Plaza.¹⁹⁷

The representative of Cyprus, * after explaining the position of his Government regarding certain questions raised in the report of the Secretary-General, reserved the right to make comments and observations at a later stage on other points. He then restated his Government's acceptance of the proposed extension of the mandate of UNFICYP for an additional three months "on the basis of the terms of the resolution adopted by the Security Council on 4 March 1964", and reassured the Council of his Government's intention to co-operate fully with the United Nations Force in achieving the common goals laid down in that resolution. Turning to developments in Cyprus the representative, after describing recent action by his Government in consultation with UNFICYP and the Red Cross to permit the entry of essential goods into the "self-restricted areas", drew attention to certain other measures taken by his Government aimed at assisting the Turkish minority in Cyprus and furthering the cause of peace and normality. Then reviewing the actions of the Turkish Government and the leaders of the Turkish Cypriot community, he expressed concern that such actions would not contribute to the consolidation of peace on the island. In conclusion he asserted that while his Government wanted peace it would not surrender to external force aiming at imposing upon Cyprus solutions unacceptable to its people and contrary to the principles of the Charter.¹⁹⁸

The representative of Turkey, * noting that the Secretary-General in his report had stated that the Turkish Government while indicating its desire to have the mandate of UNFICYP prolonged, had put forward certain observations concerning "the efficacy of the Force", reiterated the observations of his Government to the Council. He considered the Secretary-General's report a highly commendable document and "the fullest, frankest and fairest, and the most revealing" of all the reports. At the same time, it reflected the central weakness of the United Nations Force hampered by a lack of precision in its mandate and a "whole set of conflicting interpretations". Turning to the specific issues regarding the problem of Cyprus, he cited the question of the economic blockade and the arms build-up on the part of the Greek Cypriot Government. Those developments he considered to be incompatible with the resolutions of the Security Council, an incompatibility noted in the report of the Secretary-General. He contended that tranquillity would return to those areas under siege only after the Greek Cypriots had returned to their previous positions and the state of siege had been lifted. He was hopeful that the UNFICYP, given greater authority, would attend to the serious problem of bringing about genuine "cease-fire conditions" in those areas.¹⁹⁹

The representative of Greece * shared the opinion advanced in the Secretary-General's report that without the presence of UNFICYP the situation in Cyprus would have led to disaster. At the same time, he maintained that the situation was far from satisfactory. Nevertheless, his delegation was encouraged by certain decisions recently taken by the Government of Cyprus repealing all restrictions on the supply of food-stuffs to isolated Turkish communities and the offer of amnesty and material assistance to those wishing to return to their homes. Besides, the acceptance by that Government in advance of suggestions which the United Nations might make regarding security measures for the pacification of the island was another positive step. In that connexion, he requested that the Secretary-General keep the delegations most concerned advised of the progress achieved in the task he had entrusted to his personal representative and the Commander of the Force.²⁰⁰

At the 1153rd meeting on 17 September 1964, the representative of the United States, after deploring "any air attacks on the island" of Cyprus, supported "the recommendation now accepted in the Council by the main parties concerned: that the mandate of the Force be extended for an additional three months". He then called attention to the question of financing in connexion with the proposed extension, and urged that all members of the Council who had unanimously established the peace-keeping operation, set an example by contributing the financial means without which the operation could not be successful.²⁰¹

The President, speaking as the representative of the USSR, recalled that his Government had on principle adopted a "negative attitude" towards the dispatch to Cyprus of any foreign forces, including the force of the United Nations, and asserted that while the USSR delegation had raised no objection to the proposed extension of the United Nations operation in Cyprus it would oppose any broadening of the functions of the Force as set out in the resolution of 4 March 1964.²⁰²

At the 1159th meeting on 25 September 1964, the representative of Brazil introduced a draft resolution jointly submitted by Bolivia, Brazil, Ivory Coast, Morocco and Norway whereby the Council, noting the report of the Secretary-General and recalling its previous decisions, would extend the period in which the United Nations Peace-keeping Force in Cyprus would be stationed there for another three months ending 26 December 1964.²⁰³ He observed that the sponsors were convinced that the presence of the Force by virtue of its stabilizing influence would be able to play a decisive role in facilitating a settlement of the problem.²⁰⁴

The representative of the Ivory Coast admitted that in some respects the draft resolution was inadequate and suggested that the Security Council "ought to have gone even further in defining principles admitting of new approaches to the affair". He noted that the Secretary-General's report had indicated that in order to make the Force's mission more effective the Council ought to define it more clearly and grant the Force

²⁰⁰ 1151st meeting: paras. 140, 161-162.

²⁰¹ 1153rd meeting: paras. 40-48.

²⁰² 1153rd meeting, paras. 96-102, 106-108. See also chapter V, Case I.

²⁰³ For decisions concerning prolongation of the mandate of the Force, see chapter V, Case I.

²⁰⁴ 1159th meeting: paras. 3-8.

¹⁹⁶ 1151st meeting: para. 1.

¹⁹⁷ 1151st meeting: paras. 5 and 6.

¹⁹⁸ 1151st meeting, paras. 10-12, 14-15, 39, 40, 43-70, 101.

¹⁹⁹ 1151st meeting: paras. 104, 106, 115-118, 125-127.

new technical means indispensable to the maintenance of order, and suggested that the Council should adapt itself to the requirements of the situation.²⁰⁵ Similar observations were made by the representatives of Morocco²⁰⁶ and Bolivia.²⁰⁷

The draft resolution was adopted unanimously.²⁰⁸ It read as follows:²⁰⁹

"The Security Council,

"Taking note of the report of the Secretary-General and noting, in particular, that the Secretary-General considers it necessary that the stationing in Cyprus of the United Nations Peace-keeping Force created by Security Council resolution 186 (1964) of 4 March 1964 should be extended beyond 26 September 1964,

"Noting that the Government of Cyprus has indicated its desire that the stationing of the United Nations Force in Cyprus should be continued beyond 26 September 1964,

"Renewing the expression of its deep appreciation to the Secretary-General for his efforts in the implementation of Security Council resolutions 186 (1964) of 4 March 1964, 187 (1964) of 13 March 1964 and 192 (1964) of 20 June 1964,

"Renewing the expression of its deep appreciation to the States that have contributed troops, police, supplies and financial support for the implementation of resolution 186 (1964),

"Paying tribute to the memory of Sakari Tuomioja for the outstanding services that he rendered to the cause of the United Nations,

"Expressing satisfaction that a new Mediator has been appointed by the Secretary-General in conformity with resolution 186 (1964),

"1. Reaffirms its resolutions 186 (1964) of 4 March 1964, 187 (1964) of 13 March 1964, 192 (1964) of 20 June 1964 and 193 (1964) of 9 August 1964 and the consensus expressed by the President at the 1143rd meeting, on 11 August 1964;

"2. Calls upon all States Members of the United Nations to comply with the above-mentioned resolutions;

"3. Extends the period in which the United Nations Peace-keeping Force shall be stationed in Cyprus for another three months, ending 26 December 1964, in conformity with the terms of resolution 186 (1964);

"4. Requests the Secretary-General to keep the Security Council informed regarding the compliance of the parties concerned with the provisions of the present resolution."

After the resolution was adopted, the Secretary-General explained the procedure he hoped to follow in its implementation and made certain comments concerning the financing of the Force.²¹⁰

Decision of 18 December 1964 (1180th meeting):

(i) *Reaffirming its resolutions 186 (1964), 187 (1964), 192 (1964) and 194 (1964) and the*

²⁰⁵ 1159th meeting, paras. 12-14. See also chapter V, Case 1.

²⁰⁶ 1159th meeting: paras. 17-19.

²⁰⁷ 1159th meeting: paras. 20-23.

²⁰⁸ 1159th meeting: para. 24.

²⁰⁹ S/RES/194 (1964). *O.R.*, 19th yr., *Resolutions and Decisions of the Security Council, 1964*, pp. 7-8.

²¹⁰ 1159th meeting: paras. 26-44.

consensus expressed by the President at the 1143rd meeting, on 11 August 1964;

(ii) *Extending the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for an additional period of three months, ending 26 March 1965*

On 12 December 1964, the Secretary-General submitted his third report²¹¹ on the United Nations operation in Cyprus which the Security Council considered at its 1180th meeting on 18 December 1964. At the same meeting after the Council had invited²¹² the representatives of Turkey, Cyprus and Greece to participate in the discussion, the President (Bolivia) informed the members that he had received a draft resolution²¹³ sponsored by Bolivia, Brazil, Ivory Coast, Morocco and Norway.²¹⁴

The representative of Cyprus* noted that during the period under review there had been no major incidents in Cyprus. He emphasized, however, that the "rebels", acting under directives from the Turkish Government had made it clear that a return to law, order and normality would impede their plan for the partition of Cyprus. There could be no doubt, therefore, that the return to normal conditions as called for by the resolution of 4 March and reiterated by subsequent resolutions of the Security Council was being obstructed as a matter of policy by their leaders acting under instruction from "Ankara". His Government, however, by virtue of its sovereign rights recognized in the decisions of the Security Council and UNFICYP, had the responsibility to see that normal conditions were restored despite Turkish obstruction. In conclusion, he stated that his Government had accepted the extension for another period of three months of the stationing of the United Nations Peace-keeping Force in Cyprus in the expectation that during that period it would be able to complete the task entrusted to it by the Security Council.²¹⁵

The representative of Turkey* observed that the Secretary-General's report was "eloquent in its account of the severe hardships to which the Turkish community is still being subjected". After noting the difficulties experienced by UNFICYP in its efforts to bring about freedom of movement on all roads of the island, and a gradual return to normal conditions in Cyprus, he commended the efforts of that body but asserted that the concept of normal conditions should be clearly defined since even if UNFICYP did not consider it part of its mandate to re-establish "constitutional law and order" in Cyprus, it could only contribute to a return to normal conditions by helping the two sides in the civil war to get together. He also observed that it would have been extremely useful if UNFICYP could have rallied support to the call issued by the Vice-President to bring about a meeting of the "true and lawful Government of the Republic comprising members of both communities". He stated further that his Government had consented to the continued presence of the United Nations Peace-keeping Force in Cyprus, on the understanding that it would effectively carry out its avowed intention of avoiding

²¹¹ S/6102, *O.R.*, 19th yr., *Suppl. for Oct.-Dec. 1964*, pp. 221-310.

²¹² 1180th meeting: para. 1.

²¹³ S/6115, same text as S/6121, *O.R.*, 19th yr., *Suppl. for Oct.-Dec. 1964*, p. 322.

²¹⁴ 1180th meeting: para. 2.

²¹⁵ 1180th meeting: paras. 7-16, 67-69.

any action liable to affect a final political solution. At the same time, he recalled that the Council had demanded not just any solution, but that an "agreed" solution to the question should be sought.²¹⁶

The representative of Greece * called attention to the efforts made by the Government of Cyprus to facilitate a return to normal conditions and conversely to the efforts of the Turkish leadership to obstruct those efforts and to prevent the Turkish community from returning to normal life. He alleged that Turkish Cypriots were being kept in "conditions of segregated captivity" by Turkish "extremists" and denied the opportunity to return to their homes. UNFICYP in his view, should guarantee to those people, if they so desired, the right to return to their homes "and benefit from measures for their resettlement which the Government of Cyprus has pledged itself to take with United Nations assistance". His Government agreed to the prolongation of the mandate of the United Nations Forces in Cyprus as proposed by the Secretary-General, hoping that the suggestions he had made regarding the function of the Force, especially regarding the need to help the members of the minority to resume a normal life in their homes, would be taken into account.²¹⁷

Speaking in favour of the draft resolution which he co-sponsored the representative of Brazil recalled that the Secretary-General had informed the Council that he considered it indispensable to maintain the United Nations Force in Cyprus for some time to come, and asserted that the draft resolution had as its objective the extension of the stationing of United Nations Forces in Cyprus, thus helping to create the conditions that would lead to an agreed solution of the Cyprus problem.²¹⁸

The representative of the USSR, recalling his previous reservations concerning the functions of UNFICYP, stated that his delegation did not oppose the recommendation of the Secretary-General that the stationing of the Force be extended for another three months provided that it acted in conformity with the Security Council resolution of 4 March 1964.²¹⁹

The draft resolution resolution was adopted unanimously.²²⁰ It read as follows:²²¹

"The Security Council,

"Noting that the report of the Secretary-General recommends the maintenance in Cyprus of the United Nations Peace-keeping Force, created by Security Council resolution 186 (1964) of 4 March 1964, for an additional period of three months,

"Noting that the Government of Cyprus had indicated its desire that the stationing of the United Nations Force in Cyprus should be continued beyond 26 December 1964,

"Noting with satisfaction that the report of the Secretary-General indicates that the situation in Cyprus has improved and that significant progress has been made,

²¹⁶ 1180th meeting: paras. 81-93.

²¹⁷ 1180th meeting: paras. 99-113.

²¹⁸ 1180th meeting: paras. 117, 118. For decisions concerning the prolongation of the mandate of the force, see chapter V, Case 1.

²¹⁹ 1180th meeting: paras. 137, 138. See also chapter V, Case 1.

²²⁰ 1180th meeting: para. 176.

²²¹ S/RES/198 (1964) O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 8, 9.

"Renewing the expression of its deep appreciation to the Secretary-General for his efforts in the implementation of Security Council resolutions 186 (1964) of 4 March 1964, 187 (1964) of 13 March 1964, 192 (1964) of 20 June 1964 and 194 (1964) of 25 September 1964,

"Renewing the expression of its deep appreciation to the States that have contributed troops, police, supplies, and financial support for the implementation of resolution 186 (1964),

"1. Reaffirms its resolutions 186 (1964), 187 (1964), 192 (1964) and 194 (1964) and the consensus expressed by the President at the 1143rd meeting, on 11 August 1964;

"2. Calls upon all States Members of the United Nations to comply with the above-mentioned resolutions;

"3. Takes note of the report of the Secretary-General;

"4. Extends the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for an additional period of three months ending 26 March 1965."

Decision of 19 March 1965 (1193rd meeting):

(i) *Reaffirming its resolutions of 4 March, 13 March, 20 June, 9 August (S/5868), 25 September and 18 December 1964 and the consensus expressed by the President at the 1143rd meeting, on 11 August 1964;*

(ii) *Extending the stationing in Cyprus of the United Nations Peace-keeping Force established under the Security Council resolution of 4 March 1964 for an additional period of three months, ending 26 June 1965*

On 11 March 1965, the Secretary-General submitted his fourth report²²² on the United Nations operations in Cyprus which was considered by the Council at its 1191st to 1193rd meetings held between 17 and 19 March 1965.

At the 1191st meeting on 17 March 1965, the Council decided²²³ without vote, to invite the representatives of Cyprus, Greece and Turkey to participate in the discussion.

At the same meeting the representative of Cyprus, * recalling the previous recommendations for extension of the period of the United Nations Force in Cyprus, declared that however welcome the presence of the United Nations Force in Cyprus might be, his Government viewed the necessity for a new extension as proposed in the report under consideration, with disappointment, since it revealed that the task entrusted to the Force by the Council on 4 March 1964 had not yet been completely fulfilled. He stated further that in agreeing to a further extension, his Government did so in the hope that the Force would then be able to complete its task for the sake of peace and security in that area of the world. After reviewing developments in the area during the period covered by the report, he stated that the only obstacle to peace and the only reason for the anomaly which still persisted in a few parts of Cyprus was the policy of Turkey to promote strife and division, a policy which was not only contrary to the resolutions adopted by the Coun-

²²² S/6228 and Add.1, O.R., 20th yr., Jan.-Mar. 1965, pp. 106-174.

²²³ 1191st meeting, para. 1.

cil and the terms of reference of the Force, but also contrary to the task entrusted by the Security Council to the Mediator whose mission was to find a solution in accordance with the Charter of the United Nations. Noting that if peace was to be secured and the recurrence of fighting avoided, all dividing lines on the island should be eliminated, he wondered whether the United Nations Force could allow the consolidation of the present stalemate.²²⁴

The representative of Turkey * saw the report of the Secretary-General as "a tragic admission of the fact that a recurrence of fighting on a much larger scale is still a possibility and a return to normal conditions is still far from being achieved". He blamed that state of affairs on the Greek Cypriot Government and the Greek Government who were determined to impose a solution by force. In support of that allegation he recalled several instances in which the Government of Cyprus had disregarded or otherwise violated agreements entered into with the Turkish community. Noting that the resolution of 4 March called for a return to normal conditions in order that an agreed solution might be facilitated through negotiations, he contended that that recommendation had been ignored by Archbishop Makarios who had "pushed the Constitution into oblivion" and in the political vacuum thus created, launched his *de facto* administration. He recalled that his delegation had always maintained that UNFICYP could best carry out its mandate of restoration of law and order and a return to normal conditions "by providing for the Turkish community the exercise of their constitutional rights". An important step in that direction would be to assure for the Turks of Cyprus full freedom of movement on all the roads of Cyprus. He concluded that while his Government welcomed the "Observations" of the Secretary-General that the parties make a determined effort by negotiations to find an agreed basis for long-term solutions, his Government could never accept any solution for the question of Cyprus which would involve the use of force in violation of the Charter and in disregard of the resolutions of the Security Council.²²⁵

The representative of Greece * asserted that among the reasons for the present impasse was the fact that the Turkish leaders, encouraged by Turkey, opposed any negotiations or discussion likely to strengthen and uphold the independence of the sovereign Republic of Cyprus. He maintained that that was in keeping with Turkey's policy of "dismemberment of the island" which had been pursued by the Turkish Government in various forms. He contended that while possibilities for an arrangement which would guarantee the well-being of the population existed, those could be realized only when the minority leaders stopped pursuing plans which conflicted with the rights and interests of the majority. In its effort to promote a peaceful solution of the problem, the Government of Greece supported the proposed extension of the international Force's mandate for an additional period of three months.²²⁶

At the 1192nd meeting on 18 March 1965, the representative of the USSR, calling attention to the delay in convening the meeting observed that the members of the Security Council should have been in-

formed of the reason for such an irregular procedure.²²⁷

At the 1193rd meeting on 19 March 1965, the representative of Bolivia recalling that the Secretary-General had informed the Council that he saw no alternative but to recommend the extension of UNFICYP for another three months, introduced on behalf of the delegations of Bolivia, Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay, a draft resolution²²⁸ under which the Council would authorize the extension for three months of the United Nations Peace-keeping Force in Cyprus.²²⁹

The draft resolution was adopted unanimously.²³⁰ It read as follows:²³¹

"The Security Council,

"Noting that the report of the Secretary-General (S/6228 and Corr.1 and Add.1) recommends the maintenance in Cyprus of the United Nations Peace-keeping Force created by the Security Council resolution of 4 March 1964 (S/5575) for an additional period of three months,

"Noting that the Government of Cyprus has indicated its desire that the stationing of the United Nations Force in Cyprus should be continued beyond 26 March 1965,

"Noting from the report of the Secretary-General that while the military situation has on the whole remained quiet during the period under review and while the presence of the United Nations Force has contributed significantly to this effect, nevertheless the position remains one of uneasiness in several points, with the consequent danger of a renewal of fighting with all of its disastrous consequences,

"Renewing the expression of its deep appreciation to the Secretary-General for his efforts in the implementation of the Security Council resolutions of 4 March, 13 March (S/5603), 20 June (S/5778), 25 September (S/5987) and 18 December 1964 (S/6121),

"Renewing the expression of its deep appreciation to the States that have contributed troops, police, supplies and financial support for the implementation of the resolution of 4 March 1964,

"1. Reaffirms its resolutions of 4 March, 13 March, 20 June, 9 August (S/5868), 25 September and 18 December 1964 and the consensus expressed by the President at the 1143rd meeting, on 11 August 1964;

"2. Calls upon all States Members of the United Nations to comply with the above-mentioned resolutions;

"3. Calls upon the parties concerned to act with the utmost restraint and to co-operate fully with the United Nations Force;

"4. Takes note of the report of the Secretary-General (S/6228 and Corr.1 and Add.1);

"5. Extends the stationing in Cyprus of the United Nations Peace-keeping Force established

²²⁷ 1192nd meeting: para. 2.

²²⁸ S/6247, 1193rd meeting: para. 11, also para. 17.

²²⁹ 1193rd meeting: paras. 9-11. For decisions concerning the prolongation of the mandate of the Force, see chapter V, Case 1.

²³⁰ 1193rd meeting: para. 153.

²³¹ S/RES/201, (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 1-2.

²²⁴ 1191st meeting: paras. 7-16, 23-29, 49-58.

²²⁵ 1191st meeting: paras. 66-68, 80-92.

²²⁶ 1191st meeting: paras. 101-105, 129-131.

under the Security Council resolution of 4 March 1964 for an additional period of three months, ending 26 June 1965.”

Decision of 15 June 1965 (1224th meeting):

- (i) *Reaffirming its resolutions of 4 March, 13 March, 20 June, 9 August, 25 September and 18 December 1964 and 19 March 1965 and the consensus expressed by the President at the 1143rd meeting on 11 August 1964;*
- (ii) *Extending the stationing in Cyprus of the United Nations Peace-keeping Force established under the Security Council resolution of 4 March 1964 for an additional period of six months, ending 26 December 1965*

On 10 June 1965 the Secretary-General submitted his fifth report²³² on the United Nations Operation in Cyprus, which was considered by the Council at its 1224th meeting on 15 June 1965.

At the 1224th meeting on 15 June, 1965 the Council decided²³³ without objection to invite the representatives of Cyprus, Turkey and Greece to participate in the discussion.

The representative of Cyprus * before commenting on the latest developments in Cyprus, and the Secretary-General's report, asserted that his Government had accepted the recommendation of the Secretary-General that the mandate of UNFICYP be extended for six months instead of the usual three-month period, subject to the understanding contained in paragraph 184 of that report.²³⁴ He then noted that the situation in Cyprus during the period covered by the report had been generally calm, and called attention to the efforts by his Government in co-operation with the United Nations Force to bring about a return to normality. After outlining several instances of “provocation” and “self-segregation” on the part of the Turkish Cypriot leadership designed to obstruct his Government's “pacification programme” he alleged that Turkey “by means of a combination of internal subversion through its agents in Cyprus and continued threats of aggression and invasion, systematically and continuously undermines all efforts for a return to normality and frustrates the possibilities for a peaceful solution”. These he felt were a source of permanent tension and a threat to international peace.²³⁵

The representative of Turkey * stated that despite proclamations regarding independence for Cyprus, *enosis* remained the real objective of the “Greek Cypriot régime”. Noting that the Secretary-General had suggested that the mandate of the Force be extended for six months, he explained that his Government had agreed to that suggestion with the prospect that within that period an end might be put to the threat to peace brought about by the Greek Cypriot leadership which had burdened the international machinery. Turning to the question of alleged threats of invasion by Turkey

he noted that the report of the Secretary-General had indicated that the “frequent and indiscriminate invocation of external threats” had seriously curtailed UNFICYP in its efforts to reduce tension in the island and effectively to prevent the recurrence of fighting between the two Communities. Then calling attention to “the steady build-up of Greek-Cypriot armed personnel on the island” and other threats to the Turkish community, he contended that such developments constituted a “real setback” to the efforts of the United Nations in finding a peaceful solution and had cast doubt on the professed interest of the Greek Cypriots in a peaceful solution. The representative then drew the attention of the Council to reports appearing in the Greek Cypriot Press urging the Government to hold “a general election for both the Greek and Turkish communities under a unified electoral roll” and warned that such a violation of the constitution if implemented would irrevocably separate the two communities.²³⁶

The representative of Greece * felt that the situation in Cyprus showed signs of improvement largely because of the presence of the United Nations Force and the continued efforts of the Cyprus Government. He regretted that the Turkish Cypriot leadership did not respond to the Government's pacification offers and measures as these would have improved the situation even further. Noting that the Governments of Greece and Turkey had agreed to enter into discussions to review all aspects of Greek-Turkish relations, which had been affected by the Cyprus crisis, he suggested that if the talks were to succeed a new impulse should be given to “pacification and to a comprehensive return to normalcy” and in this connexion he urged that leaders of the Turkish community establish contact with the Greek community with a view to meetings and discussions with the Government. In conclusion he asserted that his Government had concurred with the proposed extension of the mandate of the United Nations Force.²³⁷

At the same meeting the representative of Uruguay introduced a draft resolution²³⁸ submitted jointly by the delegations of Bolivia, Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay. He noted that the draft resolution was prepared pursuant to the same spirit and wording of resolutions previously adopted by the Council and had taken note of the Secretary-General's report particularly with regard to the extension of the mandate for six months. It was hoped however that the mandate of UNFICYP could be completed prior to the expiry of that date.²³⁹

The representative of the USSR did not object to the extension of the United Nations presence in Cyprus for another six months, provided that the conditions laid down in the Council's resolution of 4 March 1964 were observed.²⁴⁰

The draft resolution was unanimously adopted.²⁴¹ It read as follows:²⁴²

“The Security Council,

“Noting that the report of the Secretary-General

²³⁶ 1224th meeting: paras. 37-45, 50-52, 62.

²³⁷ 1224th meeting: paras. 77-78, 81, 89, 92.

²³⁸ S/6440, 1224th meeting: para. 128.

²³⁹ 1224th meeting: paras. 129-130. For decision concerning prolongation of the mandate, see chapter V, Case 1.

²⁴⁰ 1224th meeting: para. 142.

²⁴¹ 1224th meeting: para. 145.

²⁴² S/RES/206 (1965), *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council, 1965*, p. 3.

²³² S/6426 and Corr.1, *O.R.*, 20th yr., *Suppl. for April-June 1965*, pp. 247-290.

²³³ 1224th meeting: para. 1.

²³⁴ That paragraph emphasized that the proposed extension of six months did not necessarily mean that the Force would be firmly committed to remain in Cyprus for six months beyond 26 June. But should developments occur at any time during the six-month period which would raise the issue of withdrawal of the force before the expiry of that period the matter would be submitted to the Council for consideration and appropriate action. S/6246, *O.R.*, 20th yr., *Suppl. for April-June 1965*, p. 288.

²³⁵ 1224th meeting: paras. 8-9, 12-13, 20-28.

(S/6426 and Corr.1) recommends the maintenance in Cyprus of the United Nations Peace-keeping Force created by the Security Council resolution of 4 March 1964 (S/5575) for an additional period of six months,

"Noting that the Government of Cyprus has indicated its desire that the stationing of the United Nations Force in Cyprus should be continued beyond 26 June 1965,

"Noting from the report of the Secretary-General that, while the military situation has on the whole remained quiet during the period under review and while the presence of the United Nations Force has contributed significantly to this effect, nevertheless the quiet which prevails in the island is tenuous and, in fact, it is very likely that without the Force there would be an early recurrence of fighting,

"Renewing the expression of its deep appreciation to the Secretary-General for his efforts in the implementation of the Security Council resolutions of 4 March, 13 March (S/5603), 20 June (S/5778) 25 September (S/5987) and 18 December 1964 (S/6121) and resolution 201 (1965) of 19 March 1965,

"Renewing the expression of its deep appreciation to the States that have contributed troops, police, supplies and financial support for the implementation of the resolution of 4 March 1964,

"1. Reaffirms its resolutions of 4 March, 13 March, 20 June, 9 August, 25 September and 18 December 1964 and 19 March 1965 and the consensus expressed by the President at the 1143rd meeting on 11 August 1964;

"2. Calls upon all States Members of the United Nations to comply with the above-mentioned resolutions;

"3. Calls upon the parties concerned to continue to act with the utmost restraint and to cooperate fully with the United Nations Force;

"4. Takes note of the report of the Secretary-General (S/6426 and Corr.1);

"5. Extends the stationing in Cyprus of the United Nations Peace-keeping Force established under the Security Council resolution of 4 March 1964 for an additional period of six months, ending 26 December 1965."

Decision of 10 August 1965 (1236th meeting):

- (i) Reaffirming its resolution 186 (1964) of 4 March 1964;
- (ii) Calling upon all parties in conformity with the said resolution to avoid any action likely to worsen the situation

By letter ²⁴³ dated 30 July 1965, addressed to the President of the Security Council, the representative of Turkey called attention to the enactments by the Greek members of the House of Representatives of Cyprus of two laws which were considered, from the "constitutional point of view", to be in violation of international agreements upon which the Constitution of Cyprus was based. It was further contended that by so acting the Greek Cypriot Government had disregarded Security Council resolution 186 (1964) of 4 March 1964, which called upon all Member States to refrain from any action likely to worsen the situa-

tion and upon the communities in Cyprus and their leaders to act with the utmost restraint. It was also noted that the Security Council, as a principal peace-keeping organ of the United Nations, should be alert to "any inchoate danger" to the peace and should take full account of any violation of its recommendations as well as steps to prevent the recurrence of such violation. The letter then requested a meeting of the Council to consider the situation arising from the acts of the Greek Cypriot Government.

By letter ²⁴⁴ dated 31 July 1965, addressed to the President of the Security Council, the representative of Cyprus, "in accordance with articles 34, 35 and 39 of the United Nations Charter", complained about the intervention by Turkey in the internal affairs of Cyprus and a threat of force against its territorial integrity and political independence in violation of Article 2, paragraphs 1, 2, 3 and 4 of the Charter. It called attention to a note by the Turkish Government threatening to take military action against Cyprus because of certain legislation adopted by that country; the letter then requested an urgent meeting of the Security Council "to discuss the complaint, as forming part of the complaint of 26 December 1963".

At the 1234th meeting on 3 August 1965, the Council included ²⁴⁵ the question in its agenda and considered it at the 1234th to the 1236th meetings held between 3 and 10 August 1965.

At the 1234th meeting, after the Council had invited ²⁴⁶ the representatives of Cyprus, Turkey and Greece to participate in the discussion, the President (United Kingdom) called attention to two reports ²⁴⁷ of the Secretary-General on recent developments in Cyprus.

At the same meeting the representative of Turkey * recalled his apprehension expressed at an earlier meeting over the intention of the Greek Cypriot leadership unilaterally to attempt to alter the constitutional structure of the State of Cyprus by enacting an electoral law which would disregard the basic principle of partnership between the Greek and Turkish communities of the island upon which the independence of Cyprus was built and without which it could not survive. He alleged that the Greek Cypriot leadership was attempting to achieve its objective through a "succession of *faits accomplis*" which, when taken individually, did not seem of sufficient consequence to prompt the Council to take appropriate action. Recent legislation and other activities, however, which clearly violated the Security Council decision of 4 March 1964, jeopardized not only the rights of the Turkish Cypriot community and of Turkey but also the peace of the area and the effectiveness of the Council in keeping peace. Furthermore, the Council had before it "the measured but solemn warning embodied in the present report of the Secretary-General" and if it permitted actions contrary to its recommendations as well as to international obligations then a dangerous precedent would be set. The Turkish delegation therefore left it to the Council "to put itself on record, in any way it may see fit," against such action which posed a danger to the peace.²⁴⁸

²⁴⁴ S/6581, *ibid.*, p. 144.

²⁴⁵ 1234th meeting: p. 1.

²⁴⁶ 1234th meeting: para. 5.

²⁴⁷ S/6569, S/6586, *O.R.*, 20th yr., Suppl. for July-Sept. 1965, pp. 125-129; 149-150.

²⁴⁸ 1234th meeting: paras. 8-26.

The representative of Cyprus * denied that peace was being endangered because the House of Representatives of Cyprus had thought it necessary to enact two laws or that the actions of his Government in the exercise of its sovereignty had violated the Council's resolution of 4 March 1964. After explaining the reasons behind the recent legislation, he expressed the opinion that Turkey's allegation against the laws in question were groundless and noted that while the Security Council had the primary responsibility for the maintenance of international peace and security, it could not "in the nature of things, be concerned with the passing of electoral legislation in a Member State, since this is by definition, a matter of domestic concern". On the other hand, the Council should be concerned when another Member State "by using various pretexts" was threatening the sovereignty and territorial integrity of Cyprus and the peace of the world.²⁴⁹

The representative of Greece * while recognizing that there might be misgivings as to the timing of the legislative measures recently enacted in Cyprus, was "at a loss . . . to grasp the purport and purpose of the Turkish recourse to the Security Council on that matter", or the alleged danger to peace arising therefrom. He reminded the Council, moreover, that the report of the Secretary-General submitted prior to the Turkish request for a meeting, contained "nothing alarming, or disturbing or even disquieting" about developments in Cyprus, and although an increase of tension was noted in the introductory paragraph, the concluding paragraph was "as reassuring as one might wish". Recalling that the policy of Turkey had always been negative and obstructive, he maintained that of all the features envisaged by the Council for a settlement, Turkey had concentrated only upon the fact that "the settlement should be agreed upon by all concerned" and had arrogated to itself the right to veto any arrangement that might not please it, for any reason whatsoever. Noting that the constitutional arrangement upon which Cyprus had been founded had proved totally unworkable, he saw the two legislative acts recently passed by the Cyprus Parliament as designed to correct this "constitutional oddity" and urged the Council to concentrate on a solution of the Cyprus problem and not allow itself to be distracted from that principal task by "diversionary and confusing moves like the one which . . . has brought us here again today."²⁵⁰

At the 1235th meeting on 5 August 1965, the President (United Kingdom) drew the attention of the Council to a report²⁵¹ by the Secretary-General on recent developments in Cyprus and to a request²⁵² by the representative of Turkey dated 4 August 1965 that Mr. Rauf Denktas be given the opportunity to address the Security Council at an appropriate time under rule 39 of the provisional rules of procedure.²⁵³ Then, speaking as the representative of the United Kingdom, and as one of the Guarantor Powers, he considered the two laws passed by the Cyprus Government to be a breach of the Constitution that ac-

corded "neither with the spirit nor the letter of resolution 186 (1964) of the Council".²⁵⁴

At the same meeting Mr. Denktas was invited to address the Council. He considered the actions of the Cypriot Government and the recent legislative enactments illegal and unconstitutional, designed with the purpose of "depriving the Turkish community of its political and constitutional rights". As a result of the tensions which had accompanied these measures, and the dangers of chaos inherent in their implementation, he requested that the Security Council "censure and condemn these measures without any reservation as . . . contrary to resolution 186 (1964)". After describing conditions in the Turkish community, he disputed certain points raised earlier by the Greek and Cypriot representatives and in conclusion he reaffirmed the determination of the Turkish community to resist all measures to abrogate their rights as a political entity, or to bring about union with Greece.²⁵⁵

At the 1236th meeting on 10 August 1965, the representative of Malaysia introduced a draft resolution²⁵⁶ jointly submitted with Bolivia, Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay. He explained that while the co-sponsors had pursued a formulation that would "steer a middle course between the two opposing positions" their primary objective had always been to make sure that the "peace in the island and an agreed solution to all the problems" that had beset the country were not in any way hampered or delayed "by any words that may be used in this draft resolution".²⁵⁷

The draft resolution was adopted unanimously.²⁵⁸ It read as follows:²⁵⁹

"The Security Council,

"Noting the report of the Secretary-General of 29 July 1965 (S/6569 and Corr.1) that recent developments in Cyprus have increased tension in the island,

"Noting the further reports of the Secretary-General of 2 August (S/6586), 5 August (S/6569/Add.1) and 10 August 1965 (S/6569/Add.2),

"Having heard the statements of the parties concerned,

"1. Reaffirms its resolution 186 (1964) of 4 March 1964;

"2. Calls upon all parties, in conformity with the above resolution, to avoid any action which is likely to worsen the situation."

Decision of 5 November 1965 (1252nd meeting):

Appeal by the President to all the parties for the utmost moderation and co-operation in the total application of the Council's resolution and that they refrain from any action likely to worsen the situation

By letter²⁶⁰ dated 4 November 1965 the permanent representative of Turkey requested an emergency meeting of the Security Council to consider "the extremely dangerous and explosive situation created by a new Greek Cypriot armed attack which at the moment is in progress against the Turkish quarter of the

²⁴⁹ 1234th meeting: paras. 29-55, 62.

²⁵⁰ 1234th meeting: paras. 77-81, 92-103.

²⁵¹ S/6569/Add.1, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 129-134.

²⁵² S/6594, O.R., 20th yr., Suppl. for July-Sept. 1965, p. 155.

²⁵³ For discussion concerning the initial extension of the invitation, see chapter III, Case 1.

²⁵⁴ 1235th meeting: paras. 5, 10-13.

²⁵⁵ 1235th meeting: paras. 66-68, 73-116.

²⁵⁶ 1236th meeting: para. 5.

²⁵⁷ 1236th meeting: paras. 2-6.

²⁵⁸ 1236th meeting: para. 8.

²⁵⁹ S/RES/207 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, p. 4.

²⁶⁰ S/6877, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 320-321.

port city of Famagusta". The letter contended that "this new Greek Cypriot offensive" was part of a planned effort on an island-wide scale "to extend the unconstitutional authority of the Greek Cypriot régime", in order to impose a solution based on "*faits accomplis*" upon the Turkish community in Cyprus. Noting that the present action violated the Council's resolutions of 4 March 1964 and 10 August 1965, and was contrary to the cease-fire agreement concluded between the communities under the auspices of UNFICYP on 15 May 1964, the letter urged that the "offensive" be brought to an immediate end, since delay would most likely result in an extension of hostilities and unforeseen consequences.

At the 1252nd meeting on 5 November 1965, the Council, after deciding²⁶¹ without objection to include the question in the agenda, invited²⁶² the representatives of Turkey, Greece and Cyprus to participate in the discussion. The President (Bolivia) then drew the attention of the Council to a report²⁶³ by the Secretary-General on developments in Cyprus.²⁶⁴

At the same meeting, the representative of Turkey * contended that the "Greek Cypriot aggression" against the Turkish community in Cyprus was designed "to put an end to the existence of the Turkish community first and the independence of the State of Cyprus thereafter", in accordance with their plan for *enosis*. He drew attention to the restraint of his Government in the face of those developments and alleged that the "good will of Turkey" with regard to a peaceful settlement had not been matched by the Greek side. In that connexion he accused Greece of secretly dispatching troops to the island and of helping to arm and equip an army of Greek Cypriots. After describing the series of incidents leading up to the present situation, he declared that the Turkish Government and Turkish public opinion could not be expected to stand idly by while the confidence it had placed in the peaceful solution of the problem was turned around and used as a weapon to jeopardize the lives and vital interests of "Turkish kinsmen" in Cyprus. Nor could the flouting of the Council's authority and resolutions be permitted to go unchecked. Thereupon he appealed to the Council "to take any measures" it considered appropriate to secure observance of its resolutions by all parties, and to call upon the Greek Cypriots, in accordance with the agreement of 15 May 1964, to withdraw from the position they had occupied as a result of their "aggression".²⁶⁵

The representative of the United States inquired whether the Secretary-General had received any information from Cyprus later than that contained in the report submitted at that meeting which might help the Council in its consideration of the matter.²⁶⁶

The Secretary-General stated that he had just received a cabled report from his Special Representative and Force Commander in Cyprus that the cease-fire in the Famagusta area was being observed.²⁶⁷

At the same meeting, the representative of Cyprus * stated that contrary to the impression that the representative of Turkey had tried to create, the informa-

tion just presented by the Secretary-General coincided with that of his delegation. He then disputed the Turkish version of the events at Famagusta and after describing the incidents leading up to the present situation contended that the "actual firing" was started by the Turkish Cypriots and that "the Turkish leadership" was preventing a restoration of normal conditions and as such was responsible for the situation.²⁶⁸

The representative of Greece * expressed doubts about the "opportuneness and the advisability" of convening a meeting for the purpose of considering the Famagusta incidents. He considered the Turkish version of the incidents as exaggerated and was of the opinion that both the General in command of UNFICYP and the Secretary-General's personal representative there had the "mandates, the means and the authority", to cope with the situation, and that the Council had already provided for such contingencies. He then suggested that the Council consider the question in its larger context, particularly in terms of the rejection by the Turkish minority of efforts by the Government of Cyprus to maintain calm and to guarantee them their "human and political rights". After calling attention to increasing pressures being exerted by Turkey against Cyprus and Greece, he urged that "in order that UNFICYP may retain its full effectiveness, it is necessary that the Council reaffirm its full confidence in the ability of the Force and its command to cope with local developments as they arise".²⁶⁹

The President, after consulting the members of the Council and taking into account the statements made by the representatives of Turkey, Cyprus and Greece, concluded the discussion by "making an appeal to all the parties to give evidence of the utmost moderation and to co-operate in the total application of the Council's resolutions, and to refrain from any action likely to worsen the situation in Cyprus".²⁷⁰

Decision of 17 December 1965 (1270th meeting):

- (i) *Reaffirming its resolutions of 4 March (S/5575), 13 March (S/5603), 20 June (S/5778), 9 August (S/5868) 25 September (S/5987) and 18 December 1964 (S/6121), the consensus expressed by the President at the 1143rd meeting, on 11 August 1964, and its resolutions 201 (1965) of 19 March, 206 (1965) of 15 June and 207 (1965) of 10 August 1965;*
- (ii) *Extending once again the stationing in Cyprus of the United Nations Peace-keeping Force, established under the Security Council resolution of 4 March 1964, for an additional period of three months ending 26 March 1966*

On 10 December 1965, the Secretary-General submitted his sixth report²⁷¹ on the United Nations operation in Cyprus, which was considered by the Council at its 1270th meeting on 17 December 1965.

At the same meeting, after the representatives of Turkey, Greece and Cyprus were invited²⁷² to participate in the discussion, the Secretary-General made a brief comment supplementing the observations set forth in his report. He urged that the new extension of the mandate of UNFICYP recommended by him

²⁶¹ 1252nd meeting, para. 2.

²⁶² 1252nd meeting, para. 3.

²⁶³ S/6881, *O.R.*, 20th yr., *Suppl. for Oct.-Dec. 1965*, pp. 328-334.

²⁶⁴ 1252nd meeting, para. 4.

²⁶⁵ 1252nd meeting, paras. 10-27.

²⁶⁶ 1252nd meeting, para. 28.

²⁶⁷ 1252nd meeting, para. 30.

²⁶⁸ 1252nd meeting, paras. 33-67.

²⁶⁹ 1252nd meeting, para. 80.

²⁷⁰ 1252nd meeting, para. 129.

²⁷¹ S/7001, *O.R.*, 20th yr., *Suppl. for Oct.-Dec. 1965*, pp. 438-486.

²⁷² 1270th meeting, para. 1.

be for a six month period since this would make for "better planning, management and economy in the conduct of the operation". He also observed that if the mandate were extended it would be done in the light of "the expectation" of members that the parties directly concerned would make an intensified effort to achieve a peaceful settlement of the problem.²⁷³

The representative of the Netherlands raised five points concerning the responsibility for progress toward a solution and the question of financing the United Nations operation in Cyprus which his delegation would have wished to see reflected in a draft resolution. Owing to the pressure of time and the fact that the matter was also being deliberated in the First Committee he did not press for a draft resolution incorporating all the points he had raised.²⁷⁴

At the same meeting after the representatives of Cyprus,²⁷⁵ Turkey,²⁷⁶ and Greece,²⁷⁷ had commented on the report of the Secretary-General and offered explanations as to why the situation had not been more greatly improved or a solution found, the representative of Malaysia introduced a draft resolution²⁷⁸ submitted jointly by the six non-permanent members of the Council (Bolivia, Ivory Coast, Jordan, Malaysia, Netherlands and Uruguay). He noted that this draft resolution followed closely the language of earlier resolutions, and that while it kept clear of unnecessary controversies, it faced up to the urgent and immediate task of having to extend the mandate of the United Nations Force in Cyprus. Recalling that the Secretary-General had recommended an extension of the mandate for a period of six months rather than a shorter period, he observed that after consultation it was felt that "in the prevailing context of events in Cyprus as reflected in the Secretary-General's report, an even longer period would probably give rise to more complacency". However, in order to emphasize a sense of urgency that the parties should get together and settle the problem with whatever means might be available to them a period shorter than six months was more desirable.²⁷⁹

The representative of Jordan suggested that in order to avoid any possible misinterpretation, operative paragraph 3 of the draft resolution referring to "a peaceful settlement of the problem of Cyprus" be reformulated to read "a peaceful solution and an agreed settlement" thereby following the language of the resolution of 4 March 1964.²⁸⁰

After a brief suspension of the meeting, the representative of Malaysia stated that during consultation among the co-sponsors of the draft resolution it was decided that operative paragraph 3 should be dropped from the draft resolution.²⁸¹

The revised draft resolution was unanimously adopted.²⁸² It read as follows:²⁸³

"The Security Council,

²⁷³ 1270th meeting: paras. 3-4. For the statement of the Secretary-General see chapter I, Case 30.

²⁷⁴ 1270th meeting: paras. 9-33.

²⁷⁵ 1270th meeting: paras. 35-66.

²⁷⁶ 1270th meeting: paras. 68-77.

²⁷⁷ 1270th meeting: paras. 79-82.

²⁷⁸ S/7024.

²⁷⁹ 1270th meeting: para. 87. For decisions of the Council concerning prolongation of the mandate of the Force, see chapter V, Case 1.

²⁸⁰ 1270th meeting: para. 115.

²⁸¹ 1270th meeting: para. 154.

²⁸² 1270th meeting: para. 162.

²⁸³ S/RES/219 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 5-6.

"Noting that the report of the Secretary-General dated 10 December 1965 (S/7001) states that the United Nations Peace-keeping Force is needed in Cyprus,

"Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 26 December 1965,

"1. Reaffirms its resolutions of 4 March (S/5575), 13 March (S/5603), 20 June (S/5778), 9 August (S/5868), 25 September (S/5987), and 18 December 1964 (S/6121), the consensus expressed by the President at the 1143rd meeting, on 11 August 1964, and its resolutions 201 (1965) of 19 March, 206 (1965) of 15 June and 207 (1965) of 10 August 1965;

"2. Extends once again the stationing in Cyprus of the United Nations Peace-keeping Force, established under the Security Council resolution of 4 March 1964, for an additional period of three months, ending 26 March 1966."

COMPLAINT BY YEMEN

INITIAL PROCEEDINGS

By letter²⁸⁴ dated 1 April 1964, the deputy permanent representative of Yemen requested the President of the Security Council to convene an urgent meeting of the Council to consider "the deteriorated situation resulting from the British continuous acts of aggression against the peaceful Yemeni citizens", the culmination of which was the attack on 28 March, which had caused the death of twenty-five Yemeni citizens and several injuries besides material damage. The request was made in accordance with Articles 35 (1) and 34 of the United Nations Charter. It was further stated that the attack and the massing of British troops and heavy equipment between Beihan Protectorate and Harib, together with the many frequent British raids and attacks against Yemeni villages and towns constituted an act of war against the Yemen Arab Republic, endangering the international peace and security and creating a situation the continuation of which would lead to unfavourable consequences. So far, the Yemen Arab Republic had adopted an attitude of self-restraint and patience, but its Government wanted to make it well known that it would not hesitate to use all means and ways to ensure its self-defence and territorial integrity and the protection of its people. The Yemen Arab Republic was placing "this very grave situation" before the Council in the hope that an end would soon be reached.

At the 1106th meeting on 2 April 1964 the Council, after including²⁸⁵ the item in its agenda, invited²⁸⁶ the representatives of Yemen, Iraq and the United Arab Republic to participate in the discussion. At a later stage²⁸⁷ the representative of Syria was also invited to participate, and the question was considered at the 1106th to the 1111th meetings held between 2 and 9 April 1964.

Decision of 9 April 1964 (1111th meeting):

(i) *Condemning reprisals as incompatible with the purposes and principles of the United Nations;*

²⁸⁴ S/5635, O.R., 19th yr., Suppl. for April-June 1964, pp. 1-2.

²⁸⁵ 1106th meeting: preceding para. 1.

²⁸⁶ 1106th meeting: paras. 1-2. For discussion on participation, see chapter III, Case 2.

²⁸⁷ 1107th meeting: para. 2.

- (ii) *Deploring the British military action at Harib on 28 March 1964;*
- (iii) *Deploring all attacks and incidents in the area;*
- (iv) *Calling upon the Yemen Arab Republic and the United Kingdom to exercise the maximum restraint in order to avoid further incidents and to restore peace in the area;*
- (v) *Requesting the Secretary-General to use his good offices to try to settle outstanding issues in agreement with the two parties*

At the 1106th meeting, the representative of Yemen * stated that the unprovoked attack by eight British military aircraft coming from the direction of Aden against the Yemeni town of Harib, which took place on 28 March 1964, was not only an act of aggression but was the beginning of a British plan, the aim of which was to open a "hot-war front" in the southern and south-eastern regions of the Yemen Arab Republic, and to plunge that whole region into a ferment of restlessness, with the hope that such a state of affairs would lead to the overthrow of the Government of the Yemen Arab Republic and solve the British "colonial problem" in occupied southern Yemen. Furthermore, the attack had culminated in a whole series of British acts of hostility against the Yemen Arab Republic, that included the forcible occupation of areas and villages in the region of Harib, as well as continuous violations of the Yemeni territory and air space, intervention in the internal affairs of the Yemen Arab Republic, and actual attacks against Yemeni villages and towns. Thirty-nine of those acts of aggression, summarized in his statement,²⁸⁸ had taken place between 14 April 1963 and 23 January 1964. In view of that situation, it was necessary for the Council, in order to preserve the principles of the United Nations and international law, and to restore the peace and security which the United Kingdom had put in jeopardy, to decide: (1) to condemn the last British act of aggression against the Yemen Arab Republic; (2) to condemn the continuous British interventions in Yemen's internal affairs, violations of Yemen's territory and air space, and acts of provocation and aggression; (3) to ensure the immediate withdrawal of the British troops massing along the lines of Beihan-Harib, as well as the immediate evacuation of British troops from Yemen territory and the immediate removal of the British military base in Aden; (4) to demand the Government of the United Kingdom to refrain from all acts of intervention, provocation or aggression against the Yemen Arab Republic; (5) to ensure just compensation for the Yemeni lives and property losses inflicted by the British aggression; and (6) to recognize that the British presence in Aden and the Protectorates was a permanent threat to the peace and security in the whole region.

At the same meeting, the representative of the United Kingdom stated that if any country had been the victim of aggression it was the Federation of South Arabia, the aggressor having been precisely the Yemen Arab Republic. Some fifty-two shooting incidents across the frontier, all started by the Yemeni forces, had been reported to the Security Council by the Government of the United Kingdom in letter²⁸⁹ of 2 July and 10 September 1963. More recently, a series of

incidents started on 9 March 1964 had been described in three letters²⁹⁰ addressed to the President of the Council on 20, 28 and 31 March 1964. Those incidents had convinced the Government of the South Arabian Federation and the Government of the United Kingdom that a deliberate and increasing attack by Yemen against the Federation was under way. The Government of the United Kingdom was responsible for the defence of the Federation and the protection of its Territory, and it was in the fulfilment of that responsibility that the counter-attack of 28 March had been launched. The attack was directed at Harib Fort, a military and isolated target about one mile outside Harib town itself. Moreover before the attack, leaflets in Arabic were dropped in the area advising all persons to leave immediately. The only weapons used in the attack were rockets and cannon fire, and none went astray. All possible measures had therefore been taken in order to minimize the loss of life and property. The Government of the United Kingdom wished to reiterate its policy of non-involvement in the internal affairs of Yemen, and its belief that the solution of the whole problem depended on the adoption and enforcement by the Yemeni Government of a neighbourly and peaceful policy toward the South Arabian Federation. As a step toward that solution, the Government of the United Kingdom also wished to reiterate the proposal for the demilitarization of a zone in the Beihan area from which both sides would withdraw their forces.

The representatives of Iraq, * Syria * and the United Arab Republic * at the 1106th to the 1109th meetings, held between 2 and 7 April 1964, asserted that the description of the attack at Harib on 28 March, as a "defensive response" was based on the theory of retaliation which the Security Council had rejected on a number of occasions with the concurrence of the United Kingdom representative. For the time being, they felt, the Council should limit itself to the consideration and condemnation of that action and should not be diverted into considering other political problems of the area.²⁹¹

At the 1110th meeting on 8 April 1964, the representative of Morocco introduced a draft resolution²⁹² jointly sponsored with Ivory Coast.

At the 1111th meeting on 9 April 1964, the Council voted upon the joint draft resolution, which was adopted by 9 votes to none with 2 abstentions.²⁹³

The resolution²⁹⁴ read as follows:

"The Security Council,

"Having considered the complaint of the Yemen Arab Republic regarding the British air attack on Yemeni territory on 28 March 1964 (S/5635);

²⁸⁸ S/5618, S/5628 and S/5632, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 158-159, 164-166 and 170-171.

²⁸⁹ For texts of relevant statements, see:

1106th meeting: Iraq,* paras. 64-68; United Arab Republic,* paras. 108-114; United Kingdom, paras. 33-63; Yemen,* paras. 12-32;

1107th meeting: United Arab Republic,* paras. 47-51;

1108th meeting: Syria,* paras. 3-13;

1109th meeting: Iraq,* paras. 55-59; Syria,* paras. 75-90; United Arab Republic,* paras. 71-73.

For discussion relating to Article 51, see chapter XI, Case 7.

²⁹² S/5649, 1110th meeting: para. 39.

²⁹³ 1111th meeting: para. 24. For question of abstention by Permanent Members in relation to Article 27 paragraph 3, see chapter IV, Case 9.

²⁹⁴ S/RFS/188 (1964). O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 9-10.

²⁸⁸ 1106th meeting: para. 27.

²⁸⁹ S/5343 and S/5424, O.R., 18th yr., Suppl. for July-Sept. 1963, pp. 1-3, 161-164.

"Deeply concerned at the serious situation prevailing in the area;

"Recalling Article 2, paragraphs 3 and 4 of the Charter of the United Nations;

"Having heard the statements made in the Security Council on this matter;

"1. Condemns reprisals as incompatible with the purposes and principles of the United Nations;

"2. Deplores the British military action at Harib on 28 March 1964;

"3. Deplores all attacks and incidents which have occurred in the area;

"4. Calls upon the Yemen Arab Republic and the United Kingdom to exercise the maximum restraint in order to avoid further incidents and to restore peace in the area;

"5. Requests the Secretary-General to use his good offices to try to settle outstanding issues, in agreement with the two parties."

The President (Czechoslovakia) stated that the Council had concluded consideration of the item.^{294a}

COMPLAINT BY CAMBODIA

INITIAL PROCEEDINGS

By letter dated 13 May 1964,²⁹⁵ the permanent representative of Cambodia transmitted to the Security Council a complaint of his Government concerning "repeated acts of aggression by United States-South Viet-Nameese forces against the territory and the civilian population of Cambodia". Accordingly, he requested an early meeting of the Security Council, under Article 35 of the Charter and rule 3 of the provisional rules of procedure of the Council, to consider the situation resulting from the alleged acts of aggression.

By letter dated 26 May,²⁹⁶ the special representative of the Government of the Republic of Viet-Nam transmitted to the Security Council a memorandum answering the charges made by Cambodia.

At its 1118th meeting on 19 May 1964, the Council decided, without objection, to include the question in its agenda. It considered the question at the 1118th to 1122nd meetings, held between 19 and 26 May, and at the 1124th to 1126th meetings, held between 28 May and 4 June.

At its 1118th meeting on 19 May 1964, the Council invited the representative of Cambodia to participate in the discussion of the question. At the same meeting it also decided to invite, by 9 votes in favour to 2 against, the representative of the Republic of Viet-Nam to participate in the discussion of the question.²⁹⁷

At the 1118th meeting, the representative of Cambodia * stated that his Government had earlier drawn the attention of the Council to the attacks and acts of aggression committed by the armed forces of the Republic of Viet-Nam on the territory of Cambodia during 1963 and the early part of 1964.²⁹⁸ Acts

of provocation and destruction had become more serious since then. On 7 and 8 May, two months after the attack on Chantrea in which seventeen persons had been killed and fourteen wounded, thirteen armoured vehicles of the regular forces of the Republic of Viet-Nam, reinforced by United States officers, had penetrated into Cambodian territory and machine-gunned the civilian population and units of the Provincial Guard. Six civilians and one commander of the Provincial Guard post had been killed during the attacks. Following that engagement, South Viet-Nameese aircraft had flown over the scene of the attack, thereby violating Cambodian air space. The Government of Cambodia had lodged a protest in connexion with those attacks to both the Government of the Republic of Viet-Nam and the Government of the United States. To deny its responsibility, the Government of the Republic of Viet-Nam had put forward such arguments as errors in map-reading, unintentional acts and the like, but the repeated violations of the Cambodian territory and "the massacre" of helpless population, which were quite deliberate, had rendered those arguments both indefensible and unjustified. Cambodia also held the United States responsible, noting that in the case of the attacks on Taey and Thlork, the evidence had shown that United States officers took part in such attacks. Accusations had been made against Cambodia of conspiracy with rebels fighting against the Government of the Republic of Viet-Nam. However, the presence of those rebels had never been affirmed by impartial observers, including the International Commission for Supervision and Control, and journalists writing on the matter. In order to prove that there had been no infiltration or passage of "the Viet-Cong" through its territory, Cambodia had proposed an international control of its territory in general, and in particular of its frontier with the Republic of Viet-Nam. As that proposal for verification had not been accepted, Cambodia objected to the accusations made against it. In that regard, it still held the view that the dispatch of a United Nations commission of inquiry to Cambodia would make it possible to investigate the case.²⁹⁹ The commission should, however, have only a limited role, for it could not serve as a substitute for the International Commission for Supervision and Control in the supervision of frontiers, the latter being the permanent body for that purpose, as agreed upon at the 1954 Geneva Conference. In the light of the foregoing statement, the representative of Cambodia suggested that the Security Council should: (1) condemn the aggressors and call on them to cease their acts of aggression; (2) call on the responsible parties to pay compensation to the victims of the attacks at Mong, Chantrea and Taey; and (3) ensure the reaching of peaceful settlement by the parties concerned. The neutrality and territorial integrity of Cambodia should, furthermore, be internationally recognized and guaranteed. For that purpose, the Security Council should recommend that the Geneva Conference on Indo-China be reconvened as soon as possible.

At the same meeting, the representative of the United States denied the charges made by Cambodia. United States investigation had shown that no United States personnel had crossed into Cambodian territory. Though an American advisor was accompanying the Viet-Nameese forces engaged in operations in the

²⁹⁹ For discussion of the question, see chapter X, Case 4.

^{294a} 1111th meeting: para. 60.

²⁹⁵ S/5697, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 130-132.

²⁹⁶ S/5724, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 172. See also S/5709, *ibid.*, pp. 151-152.

²⁹⁷ 1118th meeting: para. 13. For discussion on participation, see chapter III, case 5.

²⁹⁸ S/5666, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 74.

south-western Tay Ninh Province of Viet-Nam on 7 and 8 May, he had not been in the group which had crossed into Cambodian territory. An American advisor had accompanied a unit which inadvertently crossed the Cambodian border at Chantrea on 19 March. The United States Secretary of State had in that connexion, written³⁰⁰ to the Cambodian Government setting forth the circumstances, expressing regret, and undertaking to seek all reasonable precautions against a recurrence. There was no basis for a charge of aggression against the United States as the events in question in no way suggested hostility against Cambodia. He denied the Cambodian assertion that the United States had steadily refused to consider a proposal for the inspection of Cambodian territory, especially in the regions bordering the Republic of Viet-Nam. The United States was prepared to consider any reasonable proposal for new and effective machinery under the United Nations to help stabilize the situation along the Cambodian—Viet-Nameese frontier, and hoped that the Council could act definitively to that end.

At the 1121st meeting on 25 May 1964, the representative of the Republic of Viet-Nam* in answering the charges made by the representative of Cambodia stated that in actual fact it was Viet-Nam that had been the victim of the incidents under consideration. "Communist" troops had been taking advantage of the ill-defined and inadequately guarded frontiers by taking refuge on Cambodian territory to escape the Viet-Nameese army. Since 1958, the Republic of Viet-Nam had on occasion suggested joint efforts to avoid situations that could endanger the security of both countries. Instead of responding to that suggestion, Cambodia had submitted the three recent incidents to the Security Council, none of which had merited the Security Council's attention, as no dispute existed with regard to any of them.

Concerning the first of the three incidents, that of 4 February 1964, his Government had suggested to the Cambodian Government that a joint commission be established to carry out an "on-the-spot investigation" in order to determine the degree of the Viet-Nameese Government's responsibility and the compensation that his Government, if necessary, should offer. The Cambodian Government, however, rejected that proposal on the grounds that an on-the-spot investigation had been carried out by the International Commission for Supervision and Control, and military attachés in Phnom Penh. As for the Chantrea and Thlorck Khum incidents, his Government had apologized to the Cambodian Government immediately after their occurrence, and had offered to pay indemnity to the victims. The act of good faith and alacrity with which his Government had sought to settle those incidents had, therefore, rendered the Cambodian complaint baseless and pointless. With a view to a final settlement of those incidents, the Republic of Viet-Nam proposed: (1) the establishment of a committee of experts, under United Nations auspices, with membership to be approved by both Governments, for delimiting disputed and uncertain points in the frontier between the Republic of Viet-Nam and Cambodia; and (2) the setting up of an effective system for frontier-zone inspection.³⁰¹

³⁰⁰ S/5666, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 74.

³⁰¹ For texts of relevant statements, see 1118th meeting: Cambodia,* paras. 18-19, 26-39, 52-56; United States, paras.

Decision of 4 June 1964 (1126th meeting):

- (i) *Deploring the incidents caused by the penetration of units of the Army of the Republic of Viet-Nam into Cambodian territory;*
- (ii) *Requesting that just and fair compensation should be offered to the Government of Cambodia;*
- (iii) *Requesting all States and authorities to take all appropriate measures to prevent any further violations of the Cambodian frontier;*
- (iv) *Requesting all States and authorities, and in particular members of the Geneva Conference, to recognize and respect Cambodia's neutrality and territorial integrity;*
- (v) *Sending three of the Council members to the two countries and to the places where the most recent incidents had occurred, in order to consider such measures as might prevent any occurrence of such incidents and asking these members to report to the Council within forty-five days.*

At the 1125th meeting on 3 June 1964, the representative of Morocco introduced a draft resolution, jointly submitted by the Ivory Coast,³⁰² and Morocco, under which the Council would dispatch three of its members to the places of incidents in order to consider measures that might prevent their recurrence.³⁰³

At the 1126th meeting on 4 June 1964, at the request of the representative of the USSR, the Council voted separately on the fifth operative paragraph of the joint draft resolution, and adopted it by 9 votes in favour, none against with two abstentions.³⁰⁴ At the same meeting the Council voted on the joint draft resolution as a whole and adopted it unanimously.³⁰⁵ The resolution³⁰⁶ read:

"The Security Council,

"Considering the complaint by the Royal Government of Cambodia in document S/5697,³⁰⁷

"Noting the statements made in the Council in regard to this complaint,

"Noting with regret the incidents which have occurred on Cambodian territory and the existing situation on the Cambodian-Viet-Nameese frontier,

"Taking note of the apologies and regrets tendered to the Royal Government of Cambodia in regard to these incidents and the loss of life they have entailed,

"Noting also the desire of the Governments of the Kingdom of Cambodia and the Republic of Viet-Nam to succeed in restoring their relations to a peaceful and normal state,

"1. Deplores the incidents caused by the penetration of units of the Army of the Republic of Viet-Nam into Cambodian territory;

"2. Requests that just and fair compensation should be offered to the Royal Government of Cambodia;

60-66; 1121st meeting: Republic of Viet-Nam,* paras. 22-29, 45.

³⁰² S/5735, same text as S/5741, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 190.

³⁰³ See chapter V, Case 3.

³⁰⁴ 1126th meeting: paras. 33 and 48.

³⁰⁵ 1126th meeting: para. 49.

³⁰⁶ S/RES/189 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, p. 11.

³⁰⁷ See O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 130-132.

"3. *Invites* those responsible to take all appropriate measures to prevent any further violation of the Cambodian frontier;

"4. *Requests* all States and authorities, and in particular the members of the Geneva Conference, to recognize and respect Cambodia's neutrality and territorial integrity;

"5. *Decides* to send three of its members to the two countries and to the places where the most recent incidents have occurred, in order to consider such measures as may prevent any recurrence of such incidents; they will report to the Security Council within forty-five days."

At the same meeting, at the suggestion of the President (Ivory Coast), the Council agreed to authorize the President, after consultation with each of its members, to appoint the three members of the group provided for in paragraph 5 of the adopted resolution.³⁰⁸

The question remained on the list of matters with which the Security Council is seized.³⁰⁹

THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA

Decision of 9 June 1964 (1128th meeting):

(i) *Urging the Government of the Republic of South Africa:*

(a) *To renounce the execution of the persons sentenced to death for acts resulting from their opposition to the policy of apartheid;*

(b) *To end forthwith the trial in progress, instituted within the framework of the arbitrary laws of apartheid;*

(c) *To grant an amnesty to all persons already imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid, and particularly to the defendants in the Rivonia trial;*

(ii) *Inviting all States and organizations to exert all their influence to induce the Government of the Republic of South Africa to comply with the provisions of this resolution;*

(iii) *Inviting the Secretary-General to follow closely the implementation of the resolution and to report thereon to the Security Council at the earliest possible date.*

By letter³¹⁰ dated 27 April 1964, to the President of the Security Council, the representatives of Afghanistan, Algeria, Burma, Burundi, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Con-

³⁰⁸ 1126th meeting: paras. 103-104. On 5 June 1964, the President named Brazil, Ivory Coast and Morocco to carry out the mission (S/5741). The relevant report was submitted to the Council on 27 July 1964 (S/5832 and Corr.1).

³⁰⁹ The following were subsequent communications on this question during the period covered by this *Supplement*: S/5765, 15 June 1964; S/5770, 17 June 1964; S/5777, 19 June 1964; S/5786, 30 June 1964; S/5787, 30 June 1964; in *O.R., 19th yr., Suppl. for Apr.-June 1964*, pp. 244, 248, 253, 298, 300; S/5796, 3 July 1964; S/5799, 7 July 1964; S/5804, 8 July 1964; S/5810, 10 July 1964; S/5814, 13 July 1964, *ibid., Suppl. for July-Sept. 1964*, pp. 21, 26, 33, 39, 44; S/6324, 3 May 1965, *ibid., Suppl. for Apr.-June 1965*, pp. 81-82; S/6440, 30 July 1965; S/6641, 30 August 1965; *ibid., Suppl. for July-Sept. 1965*, pp. 221-223; S/6802 and Rev.1, 18 October 1965; and S/6803 and Rev.1, 18 October 1965; *ibid., Suppl. for Oct.-Dec. 1965*, p. 209.

³¹⁰ S/5674, *O.R., 19th yr., Suppl. for Apr.-June 1964*, pp. 96-98.

go, (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Republic, Upper Volta, Yemen and Zanzibar, requested the President of the Council to convene an early meeting of the Council "to resume consideration of the serious situation existing in South Africa", in the light of the report³¹¹ submitted by the Secretary-General in accordance with paragraph 8 of the Security Council resolution³¹² of 4 December 1963, and the new developments in the Republic of South Africa.

The respective Governments of those Member States, it was noted, were particularly disturbed by the extreme measures, and more specifically, the imposition of death sentences, which had been taken against a large number of African political leaders.

The situation in South Africa which, according to the Security Council resolution³¹³ of 7 August 1963, was "seriously disturbing international peace and security" had deteriorated still further in the wake of recent events in that country, as was clearly apparent from the interim report³¹⁴ of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa. The negative reaction of the South African Government to the provisions of the Security Council resolution of 4 December 1963 in particular, and the worsening of the situation as a result of the continued application of the policies of apartheid, were a matter of deep concern to world public opinion, and especially to the countries of Africa and Asia which considered that the Security Council should take effective measures to obtain the compliance of the South African Government with the earlier resolutions of both the General Assembly and the Security Council, and the discharge of its obligations as a Member State.

It was noted further that the Governments of the Member States submitting the letter were convinced that "positive and urgent action" by the Council was essential to prevent a conflict in South Africa of unforeseeable consequences for Africa and for the world.

At the 1127th meeting on 8 June 1964, the Security Council decided to include the question in the agenda.³¹⁵ The Council resumed consideration of the question at its 1127th to 1135th meetings, held from 8 to 18 June 1964. The representatives of India, Indonesia, Liberia, Madagascar, Pakistan, Sierra Leone and Tunisia were invited, at their request, to participate in the discussion.³¹⁶

At the 1127th meeting, the representatives of Liberia, * Sierra Leone * and Morocco, * speaking on behalf of all States of the Organization of African Unity, asserted that the situation in South Africa called for urgent action by the Security Council since it had not

³¹¹ S/5658, *O.R., 19th yr., Suppl. for Apr.-June 1964*, pp. 19-63.

³¹² S/5471, *O.R., 18th yr., Suppl. for Oct.-Dec. 1963*, pp. 103-105.

³¹³ S/5386, *O.R., 18th yr., Suppl. for July-Sept. 1963*, pp. 73-74.

³¹⁴ S/5621, also issued as A/5692. *Official Records of the General Assembly, Nineteenth Session, Annexes.*

³¹⁵ 1127th meeting: para. 2. See also chapter II. Case 3.

³¹⁶ 1127th meeting: para. 3.

only defied solution but had considerably worsened.³¹⁷ As a consequence, international peace and security were seriously endangered. In view of the gravity of the situation and of the rejection by the South African Government of the report of the Group of Experts, the African States had no other alternative than to urge the Security Council to apply economic sanctions immediately as the only peaceful means of resolving the issue. At the same time, if the execution of the African nationalist leaders already sentenced to death was to be prevented, and if the trials of the nationalists in Rivonia were to be stopped, the Council should be urged to demand that the South African Government should forthwith reprieve the three opponents of apartheid already sentenced to death, and also to put an end to the farcical trials of Nelson Mandela, Walter Sisulu and other nationalist leaders which were in progress. The necessary steps would also have to be taken to obtain the liberation of all persons held in custody for having opposed the policy of apartheid. The Council was, they concluded, empowered to make those demands under Article 41 of the Charter.³¹⁸

At the same meeting, the representative of Morocco introduced for urgent consideration of the Council a draft resolution,³¹⁹ jointly sponsored by the Ivory Coast and Morocco. Under the text of the draft resolution, as later revised, the Council would primarily confine itself to the problem of the repression by the Government of the Republic of South Africa of a number of nationalist leaders, because of their political opposition to the rule of apartheid prevailing in their country.

In appealing at the 1128th meeting, on 9 June 1964, for the immediate, unanimous adoption of the draft resolution, the President of the Council, speaking as the representative of the Ivory Coast, referred to an increasing number of persons who, in less than a year, had been arrested, tortured, prosecuted and convicted under South African laws which had been considered to be arbitrary by United Nations bodies, by all the world's jurists, of whatever ideology, as well as all the world's theologians. No argument of domestic jurisdiction could justify delay in taking action while innocent people were being murdered.³²⁰

At the same meeting, the Council adopted³²¹ the draft resolution by 7 votes in favour, none against, and 4 abstentions.

The resolution³²² read:

"The Security Council,

"Recalling General Assembly resolution 1881 (XVIII) of 11 October 1963, which condemns the Government of the Republic of South Africa for its failure to comply with the repeated resolutions of the General Assembly and of the Security Council and which requests it to abandon the arbitrary trial in progress and forthwith to grant unconditional release to all political prisoners and to all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid,

"Further recalling that the Security Council in its resolutions 181 (1963) of 7 August 1963 and 182 (1963) of 4 December 1963 called upon the Government of South Africa to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid,

"Noting with great concern that the arbitrary Rivonia trial instituted against the leaders of the anti-apartheid movement has been resumed, and that the imminent verdict to be delivered under arbitrary laws prescribing long terms of imprisonment and the death sentence may have very serious consequences,

"Noting with regret that the Government of South Africa has rejected the appeal of the Secretary-General of 27 March 1964,

"1. Urges the Government of South Africa:

"(a) To renounce the execution of the persons sentenced to death for acts resulting from their opposition to the policy of apartheid;

"(b) To end forthwith the trial in progress, instituted within the framework of the arbitrary laws of apartheid;

"(c) To grant an amnesty to all persons already imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid, and particularly to the defendants in the Rivonia trial;

"2. Invites all States to exert all their influence to induce the Government of South Africa to comply with the provisions of this resolution;

"3. Invites the Secretary-General to follow closely the implementation of the resolution and to report thereon to the Security Council at the earliest possible date."

Decision of 18 June 1964 (1135th meeting):

(i) *Condemning the apartheid policies of the Government of the Republic of South Africa and the legislation supporting these policies, such as the General Law Amendment Act, and in particular its ninety-day detention clause;*

(ii) *Urgently reiterating its appeal to the Government of the Republic of South Africa to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policies of apartheid;*

(iii) *Urgently appealing to the Government of the Republic of South Africa:*

(a) To renounce the execution of any persons sentenced to death for their opposition to the policy of apartheid;

(b) To grant immediate amnesty to all persons detained or on trial, as well as clemency to all persons sentenced for their opposition to the Government's racial policies;

(c) To abolish the practice of imprisonment without charges, without access to counsel or without the right of prompt trial;

(iv) *Endorsing and subscribing in particular to the main conclusion of the Group of Experts that "all the people of South Africa should be brought into consultation and should thus*

³¹⁷ For discussions relating to the competence of the Council, see chapter XII, Case 5.

³¹⁸ For texts of relevant statements, see: 1127th meeting: Liberia,* paras. 37-39, 70-71, 77, 86; Morocco,* paras. 116, 138-139, 149; Sierra Leone,* paras. 100-105, 107.

³¹⁹ S/5752/Rev.1. Same text as S/5761. O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 208-209.

³²⁰ 1128th meeting: paras. 11-15.

³²¹ 1128th meeting: para. 34.

³²² S/RES/190 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 12, 13.

be enabled to decide the future of their country at the national level";

- (v) *Requesting the Secretary-General to consider what assistance the United Nations might offer to facilitate such consultations among representatives of all elements of the population in South Africa;*
- (vi) *Inviting the Government of the Republic of South Africa to accept the above-mentioned main conclusion of the Group of Experts, and to co-operate with the Secretary-General and to submit its views to him, with respect to such consultations by 30 November 1964;*
- (vii) *Deciding to establish an expert committee, composed of representatives of each present member of the Security Council, to undertake a technical and practical study, and report to the Council, as to the feasibility, effectiveness, and implications of measures which could, as appropriate, be taken by the Council under the United Nations Charter;*
- (viii) *Requesting the Secretary-General to provide to the expert committee Secretariat's material on the subjects to be studied by the Committee and to co-operate with the Committee as requested by it;*
- (ix) *Authorizing the expert committee to request all Member States to co-operate with it and to submit their views on such measures to the committee not later than 30 November 1964, and request the committee to complete its report not later than three months thereafter;*
- (x) *Inviting the Secretary-General in consultation with appropriate United Nations specialized agencies to establish an educational and training programme for the purpose of arranging for education and training abroad for South Africans;*
- (xi) *Reaffirming its call upon all States to cease forthwith the sale and shipment to South Africa of arms, ammunition of all types, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa;*
- (xii) *Requesting all Member States to take such steps as they deem appropriate to persuade the Government of the Republic of South Africa to comply with this resolution*

During the continued consideration of the question, at the 1129th and 1130th meetings, the representatives of Indonesia, * Pakistan, * Madagascar, * Tunisia, * Morocco, Sierra Leone, * India * and Liberia * supported the recommendations and conclusions of the report of the Group of Experts. In the circumstances and in view of the refusal of the Government of the Republic of South Africa to co-operate with the United Nations, the imposition of economic sanctions was the only peaceful means left to deal with the situation in South Africa.³²³

The representative of Indonesia * asked the Council to consider the question of South Africa's racial policies under Chapter VII of the Charter, and to apply consequently the necessary coercive measures

provided for in Articles 41 and 42 of the Charter. To that effect, the Council should make a finding that the situation in South Africa constituted a threat to the peace in the terms of Article 39 of the Charter. If the Council should take such an action, it would have gone a long way toward finding a solution of the problem and toward persuading the Government of the Republic of South Africa to see reason.

In the view of the representative of Pakistan * the issue confronting the United Nations was, in the ultimate analysis, the freedom and self-determination of the peoples of South Africa. He supported the conclusion of the Group of Experts that a definitive solution of the South African issue could not be evolved except by the establishment of a suitable national convention which would fully represent the entire population of South Africa, and decide the future shape and structure of that country.

The representative of Madagascar * described the situation in South Africa where, he stated, 13 million Africans had blindly to obey the *diktat* of 3 million Whites, and where the Africans were deprived of all political rights, had no share in the administration of the country, could not travel without authorization, and could not speak, write or assemble freely. He then referred to the arbitrary "sabotage" laws under which hundreds of thousands of patriots had been submitted to heavy penalties, and urged that in order to put an end to the repression which from year to year had become more merciless, the recommendations of the Group of Experts should be implemented and that all the great nations which had unanimously condemned apartheid would, realizing that all previous attempts had failed, join in a decision to apply against South Africa economic sanctions which, without their participation, would have no practical effect.

The representative of Tunisia * felt that the conclusions of the Group of Experts contained positive elements for a tentative solution to the problem of apartheid. However, the basic element of that solution, the holding of a national convention, required a minimum of co-operation on the part of the Government of South Africa. Such co-operation had been refused by the Government of South Africa in its letter³²⁴ the Security Council of 22 May 1964. That habitually negative attitude should dispel the illusions of those who still believed in the possibility of an easy solution of the South African issue. Despite the unceasing efforts of the United Nations to find a peaceful solution, all means have so far been without any progress. The Council should therefore proceed to impose economic sanctions under Chapter VII of the Charter. Those sanctions had been recommended in the conclusions attained by an International Conference which had met in London on 14 April 1964. The Conference had noted that all efforts toward moral suasion had failed over many years, and that the only effective means, short of military action, to change the situation in South Africa was the imposition of total economic sanctions. The Conference had concluded that total economic sanctions were politically timely; economically feasible and legally appropriate, and that in order to be effective they would have to be universally applied, and must have the active participation of the main trading partners of South Africa.

³²³ For discussion concerning the employment of economic sanctions in terms of Chapter VII of the Charter, see chapter XI, Cases 1 and 5.

³²⁴ S/5723, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 161.

At the 1130th meeting on 12 June 1964, the representative of Morocco read a statement by Chief Albert Luthuli in connexion with the life sentence which had just been imposed on eight of the Rivonia trial defendants, including Nelson Mandela, Walter Sisulu and other leaders who over long years had advocated a policy of racial co-operation within the South African liberation movement. In his statement, Chief Luthuli had appealed to the United Kingdom and the United States to take decisive action to apply full-scale sanctions that would precipitate the end of the apartheid system.

The representatives of India, * Liberia * and Sierra Leone * commenting on the statement of Chief Luthuli remarked that a man who was internationally renowned for moderation had been forced by circumstances to make an appeal which had overtones of violence. The Chief's statement had clearly pointed out how, after four years of peaceful efforts, the people of South Africa, of all colours, including not only the Blacks but also Whites, had found that the Government of the Republic of South Africa did not understand peace or peaceful methods. The appeal of Chief Luthuli to the Council, and specially to the permanent members, to impose sanctions was therefore fully endorsed.

At the 1132nd meeting on 15 June 1968 the President of the Council, speaking as the representative of the Ivory Coast, stated that the evidence of the threat to international peace and security created by the South African Government's continued pursuit of the policies of apartheid was manifest to any objective observer. He considered that the Council must determine that there was such a threat within the terms of Article 39 of the Charter, and that the recommendation of the Group of Experts might constitute the provisional measures provided for in Article 40 of the Charter. Meanwhile, a detailed study of the possible implementation of Article 41 should be immediately requested by the Council.

At the 1133rd meeting on 16 June 1964, the representative of Norway introduced a draft resolution³²⁵ jointly sponsored by Bolivia and Norway. In introducing the proposal, he stated that the draft resolution reflected the strength as well as the weaknesses of a negotiated compromise.

At the 1135th meeting on 18 June 1964, prior to the voting on the draft resolution, the President, in his capacity as the representative of the Ivory Coast, and the representative of Morocco, stated that the draft resolution did not express the views of the African States and fell short of what had been requested of the Council. However, in view of the positive elements which it contained, they would vote in favour of the draft resolution, with a number of reservations.³²⁶

³²⁵ S/5769, 1133rd meeting; para. 3.

³²⁶ For texts of relevant statements, see:

1129th meeting: Indonesia,* paras. 12-14, 18-22, 31; Madagascar,* paras. 58-59, 63-65, 70-72; Pakistan,* paras. 42-44; Tunisia,* paras. 100-102, 104, 106, 108-110, 112.

1130th meeting: India,* paras. 47-49; Liberia,* paras. 53-55; Morocco, paras. 5-6; Sierra Leone,* paras. 42-43.

1132nd meeting: President (Ivory Coast), paras. 3-4, 18-19.

1135th meeting: President (Ivory Coast) paras. 4-5, 10-14; Morocco, paras. 17, 25-26.

At the same meeting, the joint draft resolution was adopted³²⁷ by 8 votes in favour, none against, and 3 abstentions.

The resolution³²⁸ read:

"The Security Council,

"Having considered the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of South Africa, brought to the attention of the Security Council by fifty-eight States Members of the United Nations in their letter of 27 April 1964,

"Being gravely concerned with the situation in South Africa arising out of the policies of apartheid which are contrary to the principles and purposes of the Charter of the United Nations and inconsistent with the provisions of the Universal Declaration of Human Rights as well as South Africa's obligations under the Charter,

"Taking note with appreciation of the reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the report of the Group of Experts appointed by the Secretary-General pursuant to the Security Council resolution 182 (1963) of 4 December 1963,

"Recalling Security Council resolutions 181 (1963) of 7 August 1963, 182 (1963) of 4 December 1963 and 190 (1964) of 9 June 1964,

"Convinced that the situation in South Africa is continuing seriously to disturb international peace and security,

"Deploring the refusal of the Government of the Republic of South Africa to comply with pertinent Security Council resolutions,

"Taking into account the recommendations and conclusions of the Group of Experts,

"1. Condemns the apartheid policies of the Government of the Republic of South Africa and the legislation supporting these policies, such as the General Law Amendment Act, and in particular its ninety-day detention clause;

"2. Urgently reiterates its appeal to the Government of the Republic of South Africa to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policies of apartheid;

"3. Notes the recommendations and the conclusions in the Report of the Group of Experts;

"4. Urgently appeals to the Government of the Republic of South Africa:

"(a) To renounce the execution of any persons sentenced to death for their opposition to the policy of apartheid;

"(b) To grant immediate amnesty to all persons detained or on trial, as well as clemency to all persons sentenced for their opposition to the Government's racial policies;

"(c) To abolish the practice of imprisonment without charges, without access to counsel or without the right of prompt trial;

"5. Endorses and subscribes in particular to the main conclusion of the Group of Experts that all

³²⁷ 1135th meeting; para. 43.

³²⁸ S/RES/191 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 13-14.

the people of South Africa should be brought into consultation and should thus be enabled to decide the future of their country at the national level;

"6. *Requests* the Secretary-General to consider what assistance the United Nations may offer to facilitate such consultations among representatives of all elements of the population in South Africa;

"7. *Invites* the Government of the Republic of South Africa to accept the main conclusion of the Group of Experts referred to in paragraph 5 above and to co-operate with the Secretary-General and to submit its views to him with respect to such consultations by 30 November 1964;

"8. *Decides* to establish an expert committee, composed of representatives of each present member of the Security Council, to undertake a technical and practical study, and report to the Security Council as to the feasibility, effectiveness, and implications of measures which could, as appropriate, be taken by the Security Council under the United Nations Charter;

"9. *Requests* the Secretary-General to provide to the expert committee the Secretariat's material on the subjects to be studied by the committee, and to co-operate with the committee as requested by it;

"10. *Authorizes* the expert committee to request all States Members of the United Nations to co-operate with it and to submit to it their views on such measures no later than 30 November 1964, and requests the committee to complete its report not later than three months thereafter;

"11. *Invites* the Secretary-General, in consultation with appropriate United Nations specialized agencies, to establish an educational and training programme for the purpose of arranging for education and training abroad for South Africans;

"12. *Reaffirms* its call upon all States to cease forthwith the sale and shipment to South Africa of arms, ammunition of all types, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa;

"13. *Requests* all Member States to take such steps as they deem appropriate to persuade the Government of the Republic of South Africa to comply with the present resolution."

COMPLAINT BY THE UNITED STATES (TONKIN GULF INCIDENT)

INITIAL PROCEEDINGS

By letter ³²⁹ dated 4 August 1964 addressed to the President of the Security Council, the representative of the United States requested that a Council meeting be urgently convened to consider "the serious situation created by deliberate attacks of the Hanoi régime on United States naval vessels in international waters".

At the 1140th meeting on 5 August 1964, the Council included the question in its agenda.³³⁰ The question was considered by the Council at its 1140th and 1141st meetings held between 5 and 7 August 1964.

Decision of 7 August 1964 (1141st meeting): *Adjournment to reconvene after consultation with Council members*

At the 1140th meeting on 5 August 1964, the representative of the United States stated that on 2 August 1964 the United States destroyer *Maddox*, while on routine patrol in international waters in the Gulf of Tonkin, was approached by three high-speed North Viet-Nameese torpedo-boats in attack formation. All three attacking vessels directed machine-gun fire at the *Maddox* and two of them fired torpedoes which the *Maddox* evaded by changing course. After the attack was broken off, the *Maddox* continued on a southerly course in international waters. Although that was clearly a deliberate armed attack against a naval unit of the United States on patrol on the high seas, almost thirty miles off the mainland, the United States Government had hoped that that might be an isolated or uncalculated action. However, on 4 August, the destroyers *Maddox* and *C. Turner Joy*, while operating sixty-five miles away from the shore, were again subjected to an armed attack by an undetermined number of motor torpedo-boats of the North Viet-Nameese Navy. On that occasion numerous torpedoes were fired. The attack lasted for over two hours. Thus no longer could there be any doubt that it was a "planned deliberate military aggression" against United States vessels lawfully present in international waters.

In response the United States Government had subsequently taken "limited and measured" action to secure its naval units against further aggression. Thus aerial strikes had been carried out against North Viet-Nameese torpedo-boats and their support facilities. The representative of the United States further asserted that the action by the United States vessels was taken in self-defence and was fully within the provisions of the United Nations Charter.

The representative of the USSR stressed the fact that up to that moment the Council had only one-sided information about the alleged attacks by torpedo-boats of the Democratic Republic of Viet-Nam against the United States destroyers. For an objective discussion of a dispute of that kind in the Security Council, the Government of the Democratic Republic of Viet-Nam should therefore be asked for information on the substance of the United States complaint. He further drew the Council's attention to the fact that the statement of the United States regarding the alleged attack by torpedo-boats against the United States destroyer *Maddox* was made the day after a protest had been made public by the Government of the Democratic Republic of Viet-Nam that the United States and its "lackeys in South Viet-Nam" had sent warships to bombard the islands of Hon Me and Hon Ngu, situated in the territorial waters of the Democratic Republic of Viet-Nam.

Moreover, there were dispatches reporting that the Democratic Republic of Viet-Nam had described the incidents between the torpedo boats and the destroyers as acts of provocation committed by United States armed forces in the territorial waters of the Democratic Republic of Viet-Nam. On the bases of the foregoing and of what had been made public thus far, the USSR Government could not but condemn the actions of the United States in dispatching its navy to the Gulf of Tonkin, and in issuing the Presidential order to continue naval patrols along the coast of the Democratic Republic of Viet-Nam.

Furthermore, the Government of the USSR "most emphatically" condemned the bombardment of coastal installations of the Democratic Republic of Viet-Nam

³²⁹ S/5849, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 135.

³³⁰ 1140th meeting: para. 32. See also chapter II, Case 4.

by United States armed forces, which were actions which could only be characterized as aggressive. The United States plans to expand its military operations in North Viet-Nam were fraught with great danger to the maintenance of peace in all of South-East Asia. If the United States did not halt immediately its military operations against the Democratic Republic of Viet-Nam, it would bear a heavy responsibility for the consequences.³³¹

In conclusion, the representative of the USSR presented a draft resolution³³² which would request the President of the Security Council to ask the Government of the Democratic Republic of Viet-Nam to supply the Council urgently with the necessary information relating to the United States complaint and would invite representatives of the Government of the Democratic Republic of Viet-Nam to take part in the meetings of the Security Council.

The representative of France suggested that the task of extending invitations be entrusted to the President of the Council so that he could act on the Council's wish without the necessity of voting on a resolution and expressed the hope that the representative of the USSR would not insist on a vote on his draft resolution.³³³

The representative of the United States stated that he had no objection to the authorities of North Viet-Nam being heard by the Council. However, his delegation was of the view "that if the North Viet-Nameese are invited, the Republic of Viet-Nam should also be invited to appear".³³⁴

After further discussion, the Council decided that the President should undertake informal consultations with the members of the Council on the basis of the proposal by the representative of France and in the light of the comments thereon by the representatives of the USSR and the United States.³³⁵

At the 1141st meeting on 7 August 1964, the President stated that his consultations with the members of the Council had resulted in a general understanding that the Security Council "would welcome such information relating to this complaint as the Democratic Republic of Viet-Nam would desire to make available to the Council, either through taking part in the discussion of the complaint in the Council, or in the form which it might prefer. Furthermore, the Security Council would receive in the same manner such information relating to the complaint as the Republic of Viet-Nam would desire to make available to the Council". He would further arrange for the Secretariat to communicate without delay the contents of the general understanding to the Democratic Republic of Viet-Nam and the Republic of Viet-Nam.³³⁶

After some deliberation, the President adjourned the meeting and stated that he would call the next meeting after fixing a date and time, in consultation with the members of the Council.³³⁷

The question remained on the list of matters of which the Security Council is seized.³³⁸

COMPLAINT BY MALAYSIA

INITIAL PROCEEDINGS

By letter³³⁹ dated 3 September 1964 addressed to the President of the Security Council, the representative of Malaysia requested the President to convene an early meeting of the Security Council under Article 39 of the Charter to deal with the situation created by "an Indonesian aircraft [which] flew over South Malaya dropping a large group of heavily armed paratroopers". The letter stated that some of the paratroopers had been captured and "a very large quantity of arms and ammunition recovered". It stated that Malaysia regarded that act of Indonesia as "blatant and inexcusable aggression" and a threat to international peace and security.

At its 1144th meeting on 9 September 1964,³⁴⁰ the Security Council included the item on its agenda, and considered the question at its 1144th, 1145th, 1148th to 1150th and 1152nd meetings held between 9 and 17 September 1964.

The representatives of Indonesia and Malaysia were invited to the Council table to participate in the discussion.³⁴¹ At a later stage, the representative of the Philippines was also invited to take part in the discussion.³⁴²

At the 1144th meeting on 9 September 1964, the representative of Malaysia * reviewed the efforts of his Government to promote good relations with Indonesia and traced the main developments in those relations since the independence of Malaya up to the formation of the Federation of Malaysia. With the coming into being of the Federation, however, relations deteriorated sharply when Indonesia adopted a policy of military and economic "confrontation" against Malaysia. In pursuit of that policy, Indonesian army infiltrators, both regular and irregular, started "flooding" into the Borneo States and began a continuous series of "hit-and-run tactics from the safe sanctuary of their own part of Borneo", and were continuing to do so. Despite those activities Malaysia exhibited the "utmost patience and forbearance" in that regard, and had taken part in talks with Indonesia without making any progress. On 17 August a large contingent of sea-borne "Indonesian infiltrators" landed in the southern districts of the Malaysian peninsula. The representative went on to mention that "This was the first invasion-like landing in strength

³³⁸ For retention of the item on the Secretary-General's summary statement on matters of which the Security Council is seized, see chapter II, part IV, B, under item 132. Subsequently, at the request of the Acting Permanent Representative of the USSR, two statements dated 6 and 8 August 1964 by the Democratic Republic of Viet-Nam were circulated as official documents of the Security Council. In the first statement the Government of the Democratic Republic of Viet-Nam stated that the story of two United States destroyers being attacked twice off the Gulf of North Viet-Nam had been "fabricated" by the United States in order to further its design to invade North Viet-Nam. In the second it was stated that "the United Nations Security Council has no right to examine this problem and must respect the 1954 Geneva Agreements, and the role of the two Co-chairmen and the responsibility of the participating countries". S/5888, O.R., 19th yr., Suppl. for July-Sept., 1964, p. 170.

³³⁹ S/5930, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 263.

³⁴⁰ 1144th meeting: para. 8.

³⁴¹ 1144th meeting: para. 11.

³⁴² 1145th meeting: para. 2.

³³¹ For texts of relevant statements see, 1140th meeting: USSR, paras. 56-59, 64-68, 73; United States, paras. 36-38, 42-46. For discussion relating to Article 51, see chapter XI, Case 8.

³³² 1140th meeting: para. 73. For discussion on participation see chapter III, Case 7.

³³³ 1140th meeting: para. 89-91.

³³⁴ 1140th meeting: para. 95.

³³⁵ 1140th meeting: paras. 106-107.

³³⁶ 1141st meeting: paras. 22, 23.

³³⁷ 1141st meeting: para. 28.

on the peninsular part of Malaysia" and that Indonesia had been following "the policy that Malaysia must be destroyed". In conclusion, the representative requested the Council to "adjudge Indonesia guilty of the gravest act of aggression", and in violation of the Charter.³⁴³

At the same meeting the representative of Indonesia * stated that his Government had welcomed the independence of Malaya in 1957 and subsequently a Treaty of Friendship was concluded. But both Malaya and Singapore had, since 1958, continued to be used as active bases for secessionist rebels against the Republic of Indonesia. Indonesia had not been *a priori* opposed to "the idea of Malaysia". It would have been better had Malaysia been formed as a South-East Asian project, founded on the co-operative will for freedom of the peoples in South-East Asia, rather than as a British-Malayan project. On the suggestion of President Macapagal of the Philippines, a summit conference of the three Heads of Government of Malaya, Indonesia and the Philippines had been held from 30 July to 5 August 1963. The conference produced the Manila Accord which laid down the procedure for the formation of the projected Federation of Malaysia. The Accord provided that the establishment of the Federation, originally planned for 31 August 1963 might be postponed, pending the result of the agreed upon reassessment of the wishes of the people of Sabah and Sarawak by the Secretary-General of the United Nations. The Government of Malaya, however, declared on 29 August 1963 that the Federation of Malaysia would be proclaimed on 16 September 1963, without awaiting the results of that reassessment. The representative of Indonesia cited many acts of violation of Indonesian territory by British and later British-Malaysian aircraft. Indonesia was thus compelled not only not to recognize the existence of an independent and sovereign Malaysia, but also to return its confrontation. The representative of Indonesia did not deny the presence of Indonesian volunteers in Malaysia and stated that they had been fighting there for some time.³⁴⁴

The representative of the Philippines * said that his country was friendly to both Malaysia and Indonesia and that his Government wanted to help enlarge the area of understanding between the two. The Manila Accord of 31 July 1963 was in effect a blueprint for peace and prosperity in the area.

The representative further stated that the Philippines was quite ready to help the Council to seek a peaceful solution of the problem.³⁴⁵

Decision of 17 September 1964 (1152nd meeting):

Rejection of the Norwegian draft resolution

At the 1150th meeting, the representative of Norway submitted a draft resolution³⁴⁶ in which, after expressing its concern that the armed incidents in South-East Asia had seriously endangered peace and security in the area, the Security Council would: (1) regret all the incidents which had occurred in the whole region; (2) deplore the incident of 2 September 1964 complained about; (3) request the parties concerned to make every effort to avoid the recurrence of such incidents; (4) call upon the parties to refrain from all threat or use of force and to respect the territorial

integrity and political independence of each other,^{346a} and thus to create a conducive atmosphere for the continuation of their talks; and (5) recommend to the Governments concerned thereupon to resume their talks on the basis of the joint communiqué issued by the Heads of Government following the meeting which took place in Tokyo on 20 June 1964. The conciliation commission provided for by that joint communiqué, once established, should keep the Security Council informed concerning the development of the situation.

At the 1152nd meeting, the Norwegian draft resolution was voted upon and failed of adoption. The vote was 9 in favour and 2 against (one of the negative votes being that of a permanent member of the Council).³⁴⁷

The President (USSR) stated that there were no more speakers on his list it might be considered that the Council had concluded the agenda for the meeting.^{347a}

QUESTION OF RELATIONS BETWEEN GREECE AND TURKEY

INITIAL PROCEEDINGS

By letter³⁴⁸ dated 5 September 1964, addressed to the President of the Security Council, the representative of Greece complained of a "series of increasingly hostile steps" taken recently by the Turkish Government in the field of Greco-Turkish relations which had culminated in the expulsion of Greek residents from Istanbul. At the same time, repeated aggressive statements from the Turkish authorities indicated that "on the expiration on 16 September 1964 of the 1930 Convention of Establishment, Commerce and Navigation between Greece and Turkey, denounced by Turkey last March, these measures will be further intensified and accelerated". It was further stated that representations had been made to the Turkish Government and "other approaches" including the good offices of the Secretary-General had been employed with no results. Moreover, certain of those matters had already been brought to the notice of the Security Council.³⁴⁹ In view of the dangerous situation brought about by those actions and in order to forestall further actions of a similar nature likely to endanger international peace, a meeting of the Security Council was requested to consider the matter and take appropriate measures.

In a second letter³⁵⁰ dated 8 September 1964, the representative of Greece again called the attention of the Security Council to a statement made by the Turkish Government which contemplated the need for Turkey to intervene militarily in Cyprus.

By letter³⁵¹ dated 6 September 1964, the representative of Turkey requested an urgent meeting of the Security Council "to discuss and take appropriate measures to forestall the immediate danger to international peace and security arising from provocative military actions and the attitude of the Greek Government

^{346a} For discussion of this question, see chapter XIII, part II, Case 3.

³⁴⁷ 1152nd meeting: para. 64.

^{347a} 1152nd meeting: para. 125.

³⁴⁸ S/5934, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 268.

³⁴⁹ S/5665 and S/5702, O.R., 19th yr., Suppl. for April-June 1964, pp. 72-74, 140-142.

³⁵⁰ S/5941, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 271-272.

³⁵¹ S/5935, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 269-270.

³⁴³ 1144th meeting: paras. 29-45, 50-62. See also chapter XI, part I (Note) and foot-note 3.

³⁴⁴ 1144th meeting: paras. 68-114.

³⁴⁵ 1145th meeting: paras. 4-14.

³⁴⁶ 1150th meeting: para. 72.

against the Government of Turkey". The letter, after stating that the Greek Government had effected large concentrations of troops and military equipment in the Dodecanese Islands in violation of treaty stipulations and the concentration of military forces on the frontiers of Turkey, called for the dispatch by the Security Council of a fact-finding mission³⁵² to the area in order to enable the Security Council to take speedy measures in consequence. It was feared that those actions of the Greek Government when taken in conjunction with its threat of "all-out war" in case Turkey resorted to its treaty rights in Cyprus, created an immediate threat to peace in the area with repercussions on the peace of the world.

At the 1146th meeting on 11 September 1964 the Council included³⁵³ in its agenda items entitled:

"Letter dated 5 September 1964 from the Permanent Representative of Greece addressed to the President of the Security Council (S/5934), and letter dated 8 September 1964 from the Permanent Representative of Greece addressed to the President of the Security Council (S/5941).

"Letter dated 6 September 1964 from the Permanent Representative of Turkey addressed to the President of the Security Council (S/5935)."

and considered the matter at the 1146th and 1147th meetings held on 11 September 1964. The representatives of Greece and Turkey were invited³⁵⁴ to participate in both meetings, while the representative of Cyprus was invited to participate at the 1147th meeting.³⁵⁵

Decision of 11 September 1964 (1147th meeting):

Adjournment

At the 1146th meeting on 11 September 1964, the representative of Greece * complained of repeated violations of Greek air space by Turkish military aircraft, and enumerated a number of hostile and provocative acts taken by Turkey against Greece, including the harassment and expulsion from Turkey of Greek nationals as well as Greeks of Turkish nationality. He asserted that the real motive behind Turkish action was retaliation for Greek support to Cyprus, and that in fact Turkey was telling Greece "Either you stop supporting Cyprus, or we shall exterminate the Greek population of Istanbul". Turning to the Turkish allegation that "Greece is stepping blindly into a war with Turkey", he contended that in the face of Turkish action against Cyprus and its provocation against Greece, the policy of his Government had been of utmost restraint. He asserted further that the policy and intention of his Government was one of peace and contrasted that policy with the large-scale manoeuvres in the coastal region opposite Cyprus and in the region bordering on Greece by the Turkish army and naval forces. He reminded the Council that Turkish aircraft had violated the air space of Cyprus and Greece, while its naval units on many occasions violated the territorial waters of Cyprus. The intention of the Turkish Government was further revealed by its attitude regarding the military contingent it maintained in Cyprus. Noting that his Government was willing to co-operate unreservedly with the United Nations in its effort to act as mediator and to restore peace, he asserted that it would seek a solution of the

Cyprus issue in accordance with the United Nations Charter. On the other hand, Turkey from the very beginning of the crisis had "spoken, thought and acted only in terms of military intervention". After renewing his Government's promise to co-operate with the United Nations in seeking an equitable solution, he warned that such efforts would be of no avail if the overwhelming threat of war posed by Turkey was not removed.³⁵⁶

The representative of Turkey * recalled the troop concentration effected by the Government of Greece noted in his letter of submission and suggested that "the most serious aspect of these aggressive Greek moves is the attitude and activities of the Greek Government in the unfortunate issue of Cyprus which is no doubt the root of all danger to peace in this area". He alleged that the Greek Government had openly invaded the island of Cyprus in spite of the presence of the United Nations Peace-keeping Force. He further stated that the Greek Government had associated itself with the "Makarios régime" in Cyprus "in setting aside the Treaties of Guarantee of 1960" and had lent encouragement to that Government in disregarding the Constitution of the island which they themselves were pledged to guarantee, and further, had even condoned the "illegal and inhuman acts" of the Greek Cypriots. Moreover, the Greek Government had "spurned and brought to nil the mediation efforts" undertaken by the United Nations Mediator, thereby weakening further the possibility of achieving any agreed settlement. Under those circumstances, Greek action was directly responsible for the deterioration of the situation in Cyprus and relations between Turkey and Greece. Turning to the question of Greek citizens living in Istanbul, he explained the policy of his Government in terms of the contemplated termination of "privileges" formerly granted to Greek citizens under the Convention of Establishment of 1930. He contended that his Government's denunciation of that treaty was in conformity with the principles of international law, particularly in the light of the complete "change in the circumstances and the conditions under which the Convention of Establishment had been signed in 1930". At the same time he called attention to the condition of the Turkish minority in Cyprus. After defending the policy of his Government, he reiterated his request that the Council appoint a fact-finding commission to go to the island of Cyprus and bring to light the overt and covert acts of the Greek Government.³⁵⁷

At the 1147th meeting on 11 September 1964, the representative of France wondered whether the further expulsions which would seem to be envisaged by the Government of Turkey were in conformity with the Charter of the United Nations concerning human rights and the development of friendly relations among nations. He then suggested to the representative of Turkey that by displaying in that situation the spirit of tolerance, the Turkish Government could help to create a new climate and make a contribution towards the settlement of the current difficulties, that would be greatly appreciated by world public opinion.³⁵⁸

Similar views were expressed by the representatives of USSR,³⁵⁹ Ivory Coast,³⁶⁰ Norway,³⁶¹ United King-

³⁵² 1146th meeting: paras. 4-9, 34, 43, 49, 51, 57-66.

³⁵⁷ 1146th meeting: paras. 76-80, 88-95, 103, 106.

³⁵⁸ 1147th meeting: paras. 23 and 24.

³⁵⁹ 1147th meeting: paras. 5 and 8.

³⁶⁰ 1147th meeting: paras. 18 and 19.

³⁶¹ 1147th meeting: para. 25.

³⁵² See chapter V, part I (Note).

³⁵³ 1146th meeting: p. 1.

³⁵⁴ 1146th meeting: para. 1.

³⁵⁵ 1147th meeting: para. 16.

dom,³⁶² Morocco,³⁶³ United States,³⁶⁴ Bolivia,³⁶⁵ and Brazil.³⁶⁶

The representative of Cyprus * denied allegations by the representative of Turkey regarding conditions of hardship facing the Turkish Cypriots particularly in the Kokkina area where members of the Turkish community were reportedly starving. In that connexion he cited a report³⁶⁷ from UNFICYP concerning the supply of food in the area and other information to the effect that not only were food supplies ample but very large.³⁶⁸

The President (USSR) noting that certain members of the Council had expressed the desire to consult among themselves, proposed that the meeting be suspended for five minutes.³⁶⁹

Upon resumption of the meeting, the representative of Turkey * remarked that although reports received from the Secretary-General had indicated that certain shipments of food had reached the Kokkina area, the situation was only slightly improved. Moreover, there was no reason to believe that that would continue. In order to be certain, he suggested that a committee made up of either the Commander of the United Nations Forces in Cyprus or his representative and a Greek, Turkish and British representative should go into the area, ascertain the facts and the needs of the people for continuous food supply and report by 13 September to the Security Council. The representative then assured the Council that "there is no question of mass deportations" of Greek citizens from Turkey. However, after the expiration of the Convention on Establishment, Commerce and Navigation of 1930, the Greek citizens who lived in Istanbul would be subject to the same regulations that applied to all foreign residents.³⁷⁰

The representative of Greece * stated that in connexion with the question of availability of food in the besieged areas of Cyprus, his Government was prepared to leave it to the Secretary-General and his representative to determine what were reasonable quantities and supplies for those areas.³⁷¹

The meeting was adjourned after the President stated that he would consult with the members to determine the date and time for the next meeting.³⁷²

THE PALESTINE QUESTION

Decision of 17 December 1964 (1179th meeting):
Rejection of the Moroccan draft resolution

Decision of 21 December 1964 (1182nd meeting):
Rejection of the joint United Kingdom-United States draft resolution

By letter³⁷³ dated 14 November 1964, the permanent representative of the Syrian Arab Republic requested that an urgent meeting of the Security Council be convened "to consider the latest aggression committed by Israel against the Syrian Arab Republic".

³⁶² 1147th meeting: para. 43.

³⁶³ 1147th meeting: paras. 44-47.

³⁶⁴ 1147th meeting: paras. 55-61.

³⁶⁵ 1147th meeting: paras. 64-66.

³⁶⁶ 1147th meeting: paras. 67-68.

³⁶⁷ S/5961, O.R., 19th yr. Suppl. for July-Sept. 1964, pp. 367-370.

³⁶⁸ 1147th meeting: paras. 32-34.

³⁶⁹ 1147th meeting: para. 72.

³⁷⁰ 1147th meeting: paras. 86-90, 95.

³⁷¹ 1147th meeting: paras. 115-117.

³⁷² 1147th meeting: para. 134.

³⁷³ S/6044, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 55.

By letter³⁷⁴ dated 14 November 1964, the permanent representative of Israel drew the attention of the Security Council to an incident which took place in the Dan sector of the Israel-Syrian border on 13 November 1964. The letter stated that the incident commenced when an Israel police patrol, while proceeding along the border track of Kibbutz Dan, within Israel territory, suddenly came under gun-fire from the nearby Syrian army position of Nukheila. Later two Syrian tanks joined in the attack and artillery started bombarding two nearby villages. Attempts by personnel of the United Nations Truce Supervision Organization in Palestine (UNTSO) to arrange a cease-fire were without avail. In the last resort, Israel planes had to be brought into play in order to silence the Syrian gun positions and halt the bombardment of the Israel villages. As a result, the Syrians promptly agreed to a cease-fire. The Israel casualties in that incident were 3 killed and 11 wounded, and considerable damage was sustained by the two Israel villages as a result of the bombardment. The letter further disputed the Syrian allegation that the Israel patrol vehicle had penetrated into Syrian territory before it came under fire. It was further held that as the incident was one of the gravest clashes on that border in recent years, it was deemed appropriate that the relevant facts be made available to the Council. In conclusion, it was stated that unless the Syrians stopped firing across the border, the Israel Government could not abrogate its duty to defend the lives and property of its citizens, and the integrity of its territory.

By a further letter³⁷⁵ dated 15 November 1964, the permanent representative of Israel requested an urgent meeting of the Security Council to consider the "repeated acts of aggression committed by Syrian armed forces" and the "threats by official spokesmen of the Syrian Government against the territorial integrity and political independence of Israel".

At the 1162nd meeting on 16 November 1964, the Security Council had before it a provisional agenda which, under the general heading: "The Palestine Question", listed as subitems (a) and (b) the complaints submitted by Syria and Israel respectively.

The agenda was adopted³⁷⁶ and the Security Council considered the question at its 1162nd, 1164th to 1169th, 1179th and 1182nd meetings held between 16 November and 21 December 1964. The representatives of Syria and Israel were invited³⁷⁷ to take part in the discussion.

At the 1162nd meeting on 16 November 1964, the representative of the Syrian Arab Republic * stated that on that occasion Israel had committed one of "the most wanton aggressions" in the series of attacks against Syria, and that the latest aggression by the Israel Air Force had been carefully planned and premeditated. It was not only a flagrant violation of the Armistice Agreement, but also a clear breach of the Charter. He disputed the Israel assertion in its letter of 14 November that the incursion into Syrian territory was made by a small routine Israel police patrol. It had been made by an armoured unit. The Syrian forces had opened fire on the armoured force only as a defensive action. He asserted that Israel had deliberately provoked that incident in order to have a pre-

³⁷⁴ S/6045, *ibid.*, pp. 55-59.

³⁷⁵ S/6046, *ibid.*, p. 60.

³⁷⁶ 1162nd meeting: para. 3. See also chapter II, Case 2.

³⁷⁷ 1162nd meeting: para. 4.

text for its large-scale air attack on the Syrian positions several miles inside Syrian territory. From the beginning, Israel had violated Syrian territory and infringed the Armistice Agreement. It attempted to justify its violation of the integrity of Syrian territory by alleging that it was only defending "the lives and property of its citizens and the integrity of its territory". He wanted to emphasize once again that the demilitarized zone was not Israel territory. The Syrian Government could not allow any Israel military movements across the demilitarized zone, as had happened on 14 November, and certainly would reject with all its strength any Israel incursions on its territorial soil. He requested the Council to condemn Israel in the strongest terms leaving no doubt that the Council was determined to put an end to Israel's aggressive acts and policies.

At the same meeting the representative of Israel* stated that the 13 November incident seemed to have gone through two distinct phases. The first phase was initiated by the sudden and unprovoked attack on the Israel patrol proceeding along the border road in a single vehicle and containing two men, one of them the driver. It was upon that patrol that Syrian positions opened fire. A little while after the incident had started the Syrians launched into a second and far graver phase of their attack. From a number of their artillery positions at different locations on the heights, a simultaneous and co-ordinated bombardment commenced on the Israel villages in the valley below. Israel planes went into action only as a last resort because no other effective means was available in the area by which the shelling could have been halted. The sole purpose of that air strike was to suppress gun positions which were operating at the time against Israel population and territory. In conclusion, he urged that the Council should insist that Syria refrain, first from all further attacks upon, or interference with Israel activities in the border zone, and in particular, all firing across the border; and secondly, refrain from all further threats against the political independence and territorial integrity of Israel.³⁷⁸

At the 1164th meeting on 27 November 1964, the Council also had before it a report from the Chief of Staff of the United Nations Truce Supervision Organization relating to the incident of 13 November 1964.³⁷⁹

At the 1169th meeting on 8 December 1964, the representative of Morocco introduced a draft resolution³⁸⁰ by which the Security Council would: (1) condemn the air action undertaken by the armed forces of Israel against the territory of the Syrian Arab Republic on 13 November 1964; (2) express the most severe condemnation with regard to that action; (3) call upon Israel to take effective measures to prevent the repetition of such actions; and (4) call upon the Governments of Syria and Israel strictly to apply the provisions of the Armistice Agreement concluded between the two parties, and fully to participate in the meetings of the Mixed Armistice Commission.

³⁷⁸ For texts of relevant statements, see: 1162nd meeting: Israel,* paras. 51, 52, 55, 58, 59, 79; Syria,* paras. 10, 13, 32, 33, 42. For discussion relating to Article 51, see chapter XI, Case 9.

³⁷⁹ S/6061, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, pp. 70-185.

³⁸⁰ S/6085/Rev.1, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 209.

At the 1179th meeting on 17 December 1964, the representatives of the United Kingdom and the United States submitted a joint draft resolution³⁸¹ whereby the Security Council would: (1) deplore the renewal of military action on the Israel-Syria Armistice Demarcation Line on 13 November 1964; (2) take special note in the report of the Secretary-General of the observations of the Chief of Staff in paragraphs 24 through 27, and in that connexion recommend specifically: (a) that Israel and Syria co-operate fully with the Chairman of the Mixed Armistice Commission in his efforts to maintain peace in the area; (b) that the parties co-operate promptly in the continuation of the work begun in 1963 of survey and demarcation as suggested in paragraph 45 of document S/5401, commencing in the area of Tel-El-Qadi, and proceeding thereafter to completion, in fulfilment of the recommendations of the Chief of Staff's reports of 24 August 1963 and 24 November 1964; and (c) that the parties participate fully in the meetings of the Mixed Armistice Commission; and (3) request the Secretary-General to inform the Council, by 31 March 1965, of the progress that had been made toward implementing those suggestions.

At the same meeting the Moroccan draft resolution was voted upon and was not adopted. The vote was 3 votes in favour, none against, with 8 abstentions.³⁸²

Following the voting, the representative of Morocco introduced amendments³⁸³ to the joint United States-United Kingdom draft resolution, providing for the following: (1) insertion in operative paragraph 1, between the words "Deplores" and "the renewal", of the phrase "the violation by an Israel military patrol of the Armistice Demarcation Line in the area of Tel-El-Qadi, which had not been surveyed, contrary to the instructions of the Chairman of the Israel-Syria Mixed Armistice Commission,"; (2) insertion in operative paragraph 1, between the words "13 November 1964" and "deeply regrets" of the phrase "and the subsequent unjustified resort by Israel to aerial action"; (3) deletion in operative paragraph 2 of the word "special" after the word "Takes" and of the word "specifically" after the word "recommends"; (4) deletion in subparagraph (b) of operative paragraph 2 of the words following "demarcation" and substitution by the following: "along the entire Armistice Demarcation Line, including the area of Tel-El-Qadi and the three sectors of the demilitarized zone, in fulfilment of the recommendations of the Chief of Staff's reports of 24 August 1963 and 24 November 1964;" and (5) replacement of subparagraph (c) of operative paragraph 2 by the following: "That Israel as well as Syria participate fully in the meetings of the Mixed Armistice Commission;".

At the 1182nd meeting on 21 December 1964, the Council proceeded to vote on the joint draft resolution, together with the amendments submitted by Morocco. The first, second and fourth Moroccan amendments were not adopted, while the third and fifth amendments were adopted. The joint draft resolution, as amended, received 8 votes in favour and 3 against, but failed of adoption owing to the negative vote of a permanent member.³⁸⁴

³⁸¹ S/6113, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 318.

³⁸² 1179th meeting: para. 28.

³⁸³ S/6116, 1179th meeting: para. 37.

³⁸⁴ 1182nd meeting: paras. 21-41.

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

INITIAL PROCEEDINGS

By letter³⁸⁵ dated 1 December 1964, the representatives of Afghanistan, Algeria, Burundi, Cambodia, Central African Republic, Congo (Brazzaville), Dahomey, Ethiopia, Ghana, Guinea, Indonesia, Kenya, Malawi, Mali, Mauritania, Somalia, Sudan, Uganda, United Arab Republic, United Republic of Tanzania, Yugoslavia and Zambia requested an urgent meeting of the Security Council to consider the situation in the Democratic Republic of the Congo. In the explanatory memorandum, they drew attention to various attempts made by the Organization of African Unity with a view to the peaceful adjustment of the situation. Those attempts included the establishment of an *ad hoc* commission to help the Government of the Democratic Republic of the Congo bring about national reconciliation in the country and normal relations with its neighbours. They also stated that in complete defiance of Article 52 of the Charter of the United Nations, and as a deliberate affront to the authority of the Organization of African Unity, the Governments of Belgium and the United States, with the concurrence of the United Kingdom Government, had launched military operations in Stanleyville and in other parts of the Congo. They considered the military operations as constituting "an intervention in African affairs, a flagrant violation of the Charter of the United Nations and a threat to the peace and security of the African continent".

By letter³⁸⁶ dated 9 December 1964, the representative of the Democratic Republic of the Congo transmitted to the President of the Council a message from his Government also requesting an urgent meeting of the Security Council to consider "foreign interference in the domestic affairs of the Congo". It was alleged in the message that there were indications to the effect that Algeria, Ghana, Sudan, the United Arab Republic, the "Chinese communist régime" and the USSR were assisting the rebel groups in the eastern part of the Congo. If allowed to continue, those acts of interference would "constitute a grave threat to peace in Africa".

At the 1170th meeting on 9 December 1964, the Council included in its agenda the letter from the representatives of the twenty-two Member States without objection, and the letter from the representative of the Democratic Republic of the Congo by 7 votes in favour to 4 against.³⁸⁷

At the same meeting, the representatives of Algeria, Belgium, Republic of the Congo (Brazzaville), Democratic Republic of the Congo, Ghana, Guinea, Mali, Nigeria, Sudan, and the United Arab Republic were invited to participate, in the discussion.³⁸⁸ At subsequent meetings, the Council also invited the representatives of Burundi,³⁸⁹ Kenya,³⁹⁰ Central African

Republic,³⁹¹ Uganda,³⁹² and the United Republic of Tanzania,³⁹³ to participate in the debate.

The Council considered the question at the 1170th to 1178th meetings held between 9 and 17 December 1964, at the 1181st meeting on 21 December 1964, and at the 1183rd to 1189th meetings held between 21 and 30 December 1964.

The representatives of Algeria, * Burundi, * Central African Republic, * Congo (Brazzaville), * Ghana, * Guinea, * Kenya, * Mali, * Sudan, * Uganda, * United Arab Republic, * United Republic of Tanzania, * speaking at the 1170th, 1171st, 1172nd, 1174th, 1175th, 1177th, 1181st, 1183rd and 1184th meetings,³⁹⁴ indicated that the alleged humanitarian mission undertaken by Belgium, the United States and the United Kingdom, far from being humanitarian, was a "premeditated military aggression" which had resulted in the "massacre" of thousands of innocent Africans and had threatened the security of African countries.

It was undertaken while efforts at peaceful adjustment of the situation in the Congo were being made by an *ad hoc* commission of the Organization of African Unity. Had it not been for this armed intervention, the Organization of African Unity, which had in the past dealt effectively with some other African problems and which had, in particular, dealt with the Congolese problem with the active participation of the Congolese Prime Minister, would have had a good chance of bringing about a satisfactory solution.

The military operation was furthermore a grave violation of Security Council resolutions of 14 July 1961³⁹⁵ which called for withdrawal of all Belgian forces from the Democratic Republic of the Congo, and General Assembly resolution of 20 September 1960,³⁹⁶ which called on all States to refrain from any action which might tend to impede the restoration of law and order in the Congo. The real purpose of the aggression was to consolidate the colonial interests of Belgium, by supporting the régime, headed by a person, who, in the recent history of the Congo had been the very target of censure of the United Nations.

In the light of those developments, the Security Council was in duty bound to pronounce itself against foreign intervention in the Congo and support the efforts of the Organization of African Unity to bring peace and stability to that country.

The representatives of Algeria, * Ghana, * Sudan, * and the United Arab Republic * further noted that the charges of interference in the domestic affairs of the Congo through assistance to the Congolese rebels

³⁹¹ 1172nd meeting: para. 2.

³⁹² 1177th meeting: para. 2.

³⁹³ 1178th meeting: para. 2.

³⁹⁴ For texts of relevant statements, see 1170th meeting: Congo (Brazzaville), * paras. 84, 86, 89, 90-91, 96; Ghana, * paras. 113-114, 137, 144-145; Sudan, * paras. 155-156, 162-163, 172, 175; 1171st meeting: Guinea, * paras. 11-14, 19-20; Mali, * paras. 26-30, 39-41, 50, 55; 1172nd meeting: Algeria, * paras. 13, 20-26, 40-42, 46-47; 1174th meeting: United Arab Republic, * paras. 15, 18-19, 27, 29, 41; 1175th meeting: Central African Republic, * paras. 82, 86; Kenya, * paras. 32-36, 37-38, 41-42, 58; 1177th meeting: Burundi, * paras. 14-15, 29; Uganda, * paras. 109-110, 116; 1181st meeting: Ghana, * paras. 58-59, 74; Sudan, * paras. 36-37, 45; 1183rd meeting: Algeria, * paras. 7-10, 15, 26, 44-46; 1184th meeting: Kenya, * paras. 24-25.

³⁹⁵ S/4387, O.R., 15th yr., Suppl. for July-Sept. 1960, p. 16.

³⁹⁶ RES/1474 (ES-IV).

³⁸⁵ S/6076 and Add.1-5, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 198-200.

³⁸⁶ S/6096, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 217-218.

³⁸⁷ 1170th meeting: paras. 62-63. For reference to the adoption of the agenda, see chapter II, part III, foot-note 1 to introductory note.

³⁸⁸ 1170th meeting: para. 75.

³⁸⁹ 1171st meeting: paras. 2 and 3.

³⁹⁰ 1171st meeting: paras. 2 and 3.

were unfounded and designed to distract the Council's attention from the true issue before it, which was aggression launched by Belgium making use of United States aircraft with the assistance of the British Government.

The representative of Belgium, * the United States and the United Kingdom, speaking at the 1173rd, 1174th and 1175th meetings, denied the charges levelled by the twenty-two Member States that they had embarked on a premeditated military intervention in the Congo.³⁹⁷ The dropping of Belgian paratroops by United States aircraft on 24 November 1964 was designed as a rescue mission to save the lives of between 1,500 and 2,000 persons of various nationalities who had been maltreated when held as hostages by the rebels, and whose lives had been endangered. The decision to undertake the rescue mission was made only after continued threat against their lives had been made known by the rebels and after various appeals for their lives had not met with favourable response. By 29 November the rescue operation had been completed and all Belgian troops involved had been withdrawn from Congolese soil.

The representative of the Democratic Republic of the Congo, *³⁹⁸ speaking at the 1173rd meeting, stated that the idea of a rescue operation had been born in the face of the attitude of the Congolese rebels, who preferred to "barter human lives for political advantages such as recognition of the rebel Government". The operation, which had been undertaken with the consent of the Congolese Government, had been carried out in specified zones and for a specific purpose, with the least damage possible. In contrast, some African countries had, by assisting the Congolese rebels, taken it upon themselves "to intervene unilaterally in the domestic affairs of a sovereign country, in violation of the United Nations Charter and of the Charter of the OAU". The Security Council should examine the real threat and make the necessary recommendation thereon.

Decision of 30 December 1964 (1189th meeting):

- (i) *Requesting all States to refrain or desist from intervening in the domestic affairs of the Congo;*
- (ii) *Appealing for a cease-fire in the Congo;*
- (iii) *Considering that the mercenaries should as a matter of urgency be withdrawn from the Congo;*
- (iv) *Encouraging the Organization of African Unity to pursue its efforts to help the Government of the Democratic Republic of the Congo achieve national reconciliation;*

and to keep the Council informed of any action it might take in this regard

At the 1186th meeting on 28 December 1964, the representative of Ivory Coast introduced a draft reso-

lution³⁹⁹ jointly sponsored by his country and Morocco.

At the 1187th meeting on 29 December 1964, the representative of Guinea * on behalf of eighteen African Member States, submitted an amendment⁴⁰⁰ which was subsequently incorporated in the text of the joint draft resolution by its sponsors as operative paragraph 6.⁴⁰¹

At the 1189th meeting on 30 December 1964, at the request of the representative of France, the Council voted separately on the first operative paragraph of the draft resolution, which it adopted unanimously.⁴⁰² At the same meeting the Council adopted the draft resolution as a whole, as amended, by 10 votes to none, with 1 abstention.⁴⁰³ The resolution read:⁴⁰⁴

"The Security Council,

"Noting with concern the aggravation of the situation in the Democratic Republic of the Congo,

"Deploring the recent events in that country,

"Convinced that the solution of the Congolese problem depends on national reconciliation and the restoration of public order,

"Recalling the pertinent resolutions of the General Assembly and the Security Council,

"Reaffirming the sovereignty and territorial integrity of the Democratic Republic of the Congo,

"Taking into consideration the resolution of the Organization of African Unity dated 10 September 1964, in particular paragraph 1 relating to the mercenaries,

"Convinced that the Organization of African Unity should be able, in the context of Article 52 of the Charter of the United Nations, to help find a peaceful solution to all the problems and disputes affecting peace and security in the continent of Africa,

"Having in mind the efforts of the Organization of African Unity to help the Government of the Democratic Republic of the Congo and the other political factions in the Congo to find a peaceful solution to their dispute,

"1. Requests all States to refrain or desist from intervening in the domestic affairs of the Congo;

"2. Appeals for a cease-fire in the Congo in accordance with the resolution of the Organization of African Unity dated 10 September 1964;

"3. Considers, in accordance with that same resolution, that the mercenaries should as a matter of urgency be withdrawn from the Congo;

"4. Encourages the Organization of African Unity to pursue its efforts to help the Government of the Democratic Republic of the Congo to achieve national reconciliation in accordance with the above-

³⁹⁹ S/6123/Rev.1, 1186th meeting: para. 9. See also chapter X, Case 9.

⁴⁰⁰ The amendment was submitted jointly by Algeria, Burundi, Central African Republic, Congo (Brazzaville), Dahomey, Ethiopia, Ghana, Guinea, Kenya, Malawi, Mali, Mauritania, Somalia, Sudan, Uganda, United Arab Republic, United Republic of Tanzania and Zambia. S/6128, 1187th meeting, para. 12. See also chapter III, Case 13.

⁴⁰¹ 1189th meeting: para. 6.

⁴⁰² 1189th meeting: para. 30.

⁴⁰³ 1189th meeting, para. 34.

⁴⁰⁴ S/RES/199 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 18-19.

³⁹⁷ For text of relevant statements, see 1173rd meeting: Belgium, * paras. 9-10, 19, 37, 40; 1174th meeting: United States, paras. 58-59, 65, 70-81, 96; 1175th meeting: United Kingdom, paras. 12-15; 1183rd meeting: United States, paras. 47-49. The following communications, which had been submitted before the Security Council began consideration of the question, have been referred to: S/6055, 21 November 1964; S/6062, 24 November 1964 and S/6063, 24 November 1964. O.R., 19th yr., Suppl. for Oct.-Dec. 1964, pp. 64-66, 186-189, 189-192.

³⁹⁸ For text of relevant statements, see 1173rd meeting: paras. 113-115, 158, 171.

mentioned resolution of the Organization of African Unity;

"5. *Requests* all States to assist the Organization of African Unity in the attainment of this objective;

"6. *Requests* the Organization of African Unity, in accordance with Article 54 of the Charter of the United Nations, to keep the Security Council fully informed of any action it may take under the present resolution;

"7. *Requests* the Secretary-General of the United Nations to follow the situation in the Congo and to report to the Security Council at the appropriate time."

The question remained on the list of matters with which the Security Council is seized.⁴⁰⁵

SITUATION IN SOUTHERN RHODESIA

Decision of 6 May 1965 (1202nd meeting):

- (i) *Requesting the United Kingdom Government and all Member States not to accept a unilateral declaration of independence for Southern Rhodesia by the minority government;*
- (ii) *Requesting the United Kingdom to take all necessary action to prevent a unilateral declaration of independence;*
- (iii) *Requesting the United Kingdom Government not to transfer under any circumstances to the colony of Southern Rhodesia, as at present governed, any of the powers or attributes of sovereignty, but to promote the country's attainment of independence by a democratic system of government in accordance with the aspirations of the majority of the population;*
- (iv) *Further requesting the United Kingdom Government to enter into consultations with all concerned with a view to convening a conference of all political parties in order to adopt new constitutional provisions acceptable to the majority of the people of Rhodesia, so that the earliest possible date may be set for independence;*
- (v) *Deciding to keep the question of Southern Rhodesia on its agenda*

By letter ⁴⁰⁶ dated 21 April 1965 the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia, requested the President of the Security Council to convene an urgent meeting of the Council to examine "the very serious situation" existing in Southern Rhodesia.

In the explanatory memorandum attached to the letter it was stated that the situation in Southern Rhodesia was such as to endanger international peace and security in Africa and throughout the world, and that

it was necessary that the Council should consider the situation as a matter of urgency. It further stated that despite resolutions 1747 (XVI), 1760 (XVII), 1883 (XVIII) and 1889 (XVIII) of the General Assembly, the efforts of the Special Committee established under resolution 1654 (XVI) and of the United Nations Secretary-General, and the repeated appeals made by the African Heads of State and Government, the United Kingdom had done nothing to apply resolution 1514 (XV) to "its colony of Southern Rhodesia". Moreover, the intensification of repressive measures against the African nationalist leaders, the decision to hold elections on the basis of the Constitution of 1961, and the threats of "the so-called Prime Minister of the Territory to proclaim the independence" of Southern Rhodesia without regard for the opinion of the African inhabitants, had resulted in a deterioration of the situation, and had been characterized as constituting "a threat to international peace and security".

At the 1194th meeting on 30 April 1965, after the representative of the United Kingdom had reaffirmed reservations made at the 1064th meeting regarding the lack of competence of the Council on the matter,⁴⁰⁷ the Council adopted⁴⁰⁸ its agenda and considered the question at the 1194th to 1202nd meetings, held between 30 April and 6 May 1965. The representatives of Senegal and Algeria were invited to take part in the discussion.⁴⁰⁹

Speaking on behalf of all the States members of the Organization of African Unity, the representatives of Senegal* and Algeria* stated at the 1194th and 1197th meetings that recent events and statements clearly indicated that Southern Rhodesia had proceeded along the path of illegality, injustice and outrageous repression and that the objective of the Government of Southern Rhodesia was to obtain a comfortable majority in the elections which were set for 7 May 1965, so that they would be able to proclaim independence. They accused the United Kingdom of strengthening the capabilities of the "racist" Government of Southern Rhodesia by putting at its disposal the air power of the Federation of Central Africa after the dissolution of that Federation in December 1963; and of placing the interests of the settlers over those of the African majority. As a result, a minority had been given the power to legislate and to decide the destiny of the African majority. Their adoption of certain "racist and repressive legislation" clearly indicated the policy that would be pursued.

The representatives saw the recent agreements that Southern Rhodesia had concluded with Portugal and South Africa as an attempt by Mr. Smith "to provide against all kinds of foreseeable difficulties". Recalling that by resolutions 1747 (XVI), 1760 (XVII), 1883 (XVIII) and 1889 (XVIII), the General Assembly had requested the Administering Authority of the Territory of Southern Rhodesia to take a certain number of measures to restore security in the interior of the country, they asserted that it was "high time" for the United Kingdom to take action in conformity with those resolutions. They further contended that since Southern Rhodesia was still a British colony and subject to the Crown, the United Kingdom could legally use force as it had done in the past; "to admit the contrary would be to recognize the right of accession for a colony which does not yet fulfil the conditions

⁴⁰⁷ 1194th meeting: para. 6.

⁴⁰⁸ 1194th meeting: para. 7.

⁴⁰⁹ 1194th meeting: para. 8.

⁴⁰⁵ The following were subsequent communications on this question received during the period covered by this Supplement: S/6138 of 5 January 1965 and S/6172 of 3 February 1965. O.R., 20th yr., Suppl. for Jan.-March 1965, pp. 6, 41-42.

⁴⁰⁶ S/6294 and Add.1, O.R., 20th yr., Suppl. for Apr.-June 1965, pp. 45-47.

for normal accession to independence". In suggesting measures that might be employed they recalled the proposals set forth in the draft resolution drawn up by the Special Committee (S/6300), namely that: (1) the elections of 7 May should be prevented from taking place; (2) all persons who had been arbitrarily arrested should be released and all discriminatory laws promulgated under the 1961 Constitution should be abolished; and (3) public freedoms and civil liberties should be restored and Southern Rhodesia should be prepared for independence by convening a constitutional conference. On the other hand, if the United Kingdom allowed Mr. Smith to set up a régime based on white supremacy, thereby creating a South Africa type situation with its inherent danger to international peace and security, then the United Kingdom should bear full responsibility for the serious consequences which would emerge.⁴¹⁰

At the 1194th and 1197th meetings held between 30 April-4 May 1965, the representative of the United Kingdom outlined the policy of his Government regarding Southern Rhodesia in the following terms: (1) the British Government must be satisfied that any basis on which it is proposed that independence should be granted was acceptable to the people of the country as a whole; (2) it was not by unconstitutional or illegal action that a way forward must be sought, but by negotiation; and (3) no one must be left in any doubt of the true constitutional position or of the political and economic consequences which would flow from an illegal declaration of independence. Those principles were reaffirmed in a statement on 27 October 1964, which concluded as follows:

"In short an illegal declaration of independence in Southern Rhodesia would bring to an end relationships between her and Britain, would cut her off from the rest of the Commonwealth, from most foreign governments and from international organizations, would inflict disastrous economic damage upon her, and would leave her isolated and virtually friendless in a largely hostile continent."⁴¹¹

He recalled the efforts of his Government to get negotiations started and suggested that so long as there was any prospect of negotiation aimed at avoiding or preventing disaster it should be pressed to the very end. He further stated "to abandon negotiation now would surely be an act of irresponsibility. To do anything in this Council or any where else to make negotiation more difficult, to wreck what hopes there are for peaceful progress, to take any action here which might contribute to the very disaster we most want to prevent—surely that would be a course to be universally condemned". Moreover, the British Government considered that while the responsibility for bringing Rhodesia forward to independence rested with the United Kingdom alone, Rhodesia was self-governing in its internal affairs. Consequently, the decision to hold elections on 7 May was a decision for the Rhodesian Government, and the United Kingdom Government had no responsibility and no authority over that matter. In conclusion, the representative of the United Kingdom warned "that no good but only harm

could come from calling for unconstitutional action", which his Government would not take.⁴¹²

At the 1199th meeting on 5 May 1965, the representative of the Ivory Coast introduced a draft resolution⁴¹³ jointly sponsored by Jordan and Malaysia. As revised on the same date⁴¹⁴ the draft resolution provided that the Council would *inter alia*, request the United Kingdom Government and all United Nations Members not to accept a unilateral declaration of independence for Southern Rhodesia by the minority Government, and would further request the United Kingdom Government to implement certain other measures.

At the 1201st meeting on 5 May 1965, the representative of the USSR introduced amendments⁴¹⁵ to the joint draft resolution. As revised⁴¹⁶ the amendments called for deletion of operative paragraphs 3 and 4 of the draft resolution, and their replacement by a request to the United Kingdom to cancel the elections set by the Government of Southern Rhodesia for 7 May on the basis of the Constitution of 1961; and for the deletion from paragraph 5 of the words "not to transfer under any circumstances to its colony of Southern Rhodesia, as at present governed, any of the powers or attributes of sovereignty, but to promote the country's attainment", and their replacement by the words "to take the necessary measures for the immediate granting to Southern Rhodesia . . ."

At the 1202nd meeting on 6 May 1965, the Council voted upon the draft resolution and the amendments before it. The USSR amendments were not adopted. There were one vote in favour, 2 against with 8 abstentions.⁴¹⁷

The joint draft resolution was adopted by 7 votes in favour to none against, with 4 abstentions.⁴¹⁸ It read as follows:⁴¹⁹

"The Security Council,

"Having examined the situation in Southern Rhodesia,

"Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 1747 (XVI) of 28 June 1962, 1760 (XVII) of 31 October 1962, 1883 (XVIII) of 14 October 1963 and 1889 (XVIII) of 6 November 1963, and the resolutions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, especially its resolution of 22 April 1965 (A/AC.109/112),

"Endorsing the requests which the General Assembly and the Special Committee have many times addressed to the United Kingdom of Great Britain and Northern Ireland to obtain:

"(a) The release of all political prisoners, detainees and restrictees,

"(b) The repeal of all repressive and discriminatory legislation, and in particular the Law and

⁴¹² 1194th meeting: paras. 91-103, 109, 110 and 117; 1197th meeting: paras. 39-43.

⁴¹³ S/6329, 1199th meeting: paras. 61-76.

⁴¹⁴ S/6329/Rev.1. Same text as S/RES/202 (1965), *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council*, 1965, pp. 6-7.

⁴¹⁵ S/6332, 1201st meeting: paras. 31-40.

⁴¹⁶ S/6332/Rev.1, 1202nd meeting: para. 85.

⁴¹⁷ 1202nd meeting: para. 86.

⁴¹⁸ 1202nd meeting: para. 87.

⁴¹⁹ S/RES/202 (1965), *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council*, 1965, pp. 6-7.

⁴¹⁰ For texts of relevant statements, see: 1194th meeting: Algeria,* paras. 51-88; Senegal,* paras. 14, 20-48; 1197th meeting: Algeria,* paras. 89-98; Senegal,* paras. 72-80.

⁴¹¹ A/AC.109/L.187, annex I, appendix I, para. 8.

Order (Maintenance) Act and the Land Apportionment Act,

“(c) The removal of all restrictions on political activity and the establishment of full democratic freedom and equality of political rights,

“Noting that the Special Committee has drawn the attention of the Security Council to the grave situation prevailing in Southern Rhodesia and, in particular, to the serious implications of the elections announced to take place on 7 May 1965 under a constitution which has been rejected by the majority of the people of Southern Rhodesia and the abrogation of which has repeatedly been called for by the General Assembly and the Special Committee since 1962,

“*Deeply disturbed* at the further worsening of the situation in the Territory due to the application of the aforementioned Constitution of 1961 and to recent events, especially the minority Government’s threats of a unilateral declaration of independence,

“1. *Notes* the United Kingdom Government’s statement of 27 October 1964 specifying the conditions under which Southern Rhodesia might attain independence;

“2. *Notes further and approves* the opinion of the majority of the population of Southern Rhodesia that the United Kingdom should convene a constitutional conference;

“3. *Requests* the United Kingdom Government and all States Members of the United Nations not to accept a unilateral declaration of independence for Southern Rhodesia by the minority Government;

“4. *Requests* the United Kingdom to take all necessary action to prevent a unilateral declaration of independence;

“5. *Requests* the United Kingdom Government not to transfer under any circumstances to its colony of Southern Rhodesia, as at present governed, any of the powers or attributes of sovereignty, but to promote the country’s attainment of independence by a democratic system of government in accordance with the aspirations of the majority of the population;

“6. *Further requests* the United Kingdom Government to enter into consultations with all concerned with a view to convening a conference of all political parties in order to adopt new constitutional provisions acceptable to the majority of the people of Rhodesia, so that the earliest possible date may be set for independence;

“7. *Decides* to keep the question of Southern Rhodesia on its agenda.”

Decision of 12 November 1965 (1258th meeting):

- (i) *Condemning the unilateral declaration of independence made by a racist minority in Southern Rhodesia;*
- (ii) *Deciding to call upon all States not to recognize this illegal racist minority régime in Southern Rhodesia and to refrain from rendering any assistance to this illegal régime*

By letter ⁴²⁰ dated 11 November 1965, the permanent representative of the United Kingdom informed the President of the Security Council that the authori-

⁴²⁰ S/6896. O.R., 20th yr., Suppl. for Oct.-Dec. 1965, p. 354.

ties in Rhodesia had made an announcement, purporting, illegally and unilaterally to declare independence for Rhodesia. The United Kingdom Government wished to inform the Security Council of the situation which had been created and of the steps which it was taking to meet the situation. Consequently, an urgent meeting of the Council was requested.

On 10 November 1965, the President of the General Assembly transmitted to the Security Council the texts of two resolutions (2012 (XX) and 2022 (XX)) adopted by the General Assembly on 12 October 1965 and on 5 November 1965 respectively, concerning the question of Southern Rhodesia. In his letter ⁴²¹ to the Council, the President of the General Assembly referred to paragraphs 12 and 13 of resolution 2022 (XX), in which the General Assembly “draws the attention of the Security Council to the threats made by the present authorities in Southern Rhodesia . . .” and “to the explosive situation in Southern Rhodesia which threatens international peace and security.”

By letter ⁴²² dated 11 November 1965, the representatives of Algeria, Burundi, Cameroon, the Central African Republic, Chad, Congo (Brazzaville), Dahomey, Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia, requested the President of the Security Council to convene an “emergency meeting of the Security Council to consider the situation created in Southern Rhodesia as a result of the unilateral declaration of independence” by the white minority Government there. The letter stated that the unilateral declaration of independence of Southern Rhodesia had created “a threat to international peace and security”.

By letter ⁴²³ dated 11 November 1965, the representatives of Afghanistan, Ceylon, Cyprus, Ghana, India, Iran, Iraq, Jordan, Kuwait, Libya, Madagascar, Mauritania, Morocco, Pakistan, Philippines, Sierra Leone, Somalia, Sudan, Syria, Thailand, Turkey and Uganda requested the President of the Security Council to consider the grave situation in Southern Rhodesia arising out of the unilateral declaration of independence by the “white minority Government”. The letter stated that the unilateral declaration of independence aggravated an already explosive situation and threatened international peace and security.

By letter ⁴²⁴ dated 11 November 1965, the President of the General Assembly transmitted to the Security Council the text of resolution 2024 (XX) of the General Assembly adopted on 11 November 1965, in which it was recommended that the Security Council consider the situation in Southern Rhodesia as a matter of urgency.

At the 1257th meeting on 12 November 1965, the Security Council decided to include the question on its agenda ⁴²⁵ and considered it at the 1257th to 1265th

⁴²¹ S/6897, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, p. 355.

⁴²² S/6902, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 357-358.

⁴²³ S/6903, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 358-359.

⁴²⁴ S/6908, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, p. 359.

⁴²⁵ 1257th meeting, para. 5. For discussion on participation, see chapter III, Case 3 and Case 18.

meetings held between 12 and 20 November 1965. The representatives of Algeria, India, Pakistan, Ghana, Zambia, Sierra Leone, Senegal, Mali, Nigeria, Portugal, South Africa, the United Republic of Tanzania, and later, the representatives of Guinea, Ethiopia, Mauritania, Gambia, Jamaica, Somalia and Sudan were invited to take part in the discussion.⁴²⁰ Portugal⁴²⁷ and South Africa⁴²⁸ declined the Security Council's invitation to participate in the discussion of the question.

In his initial statement before the Council at the 1257th meeting on 12 November 1965, the representative of the United Kingdom explained that the United Kingdom had asked for the immediate meeting of the Security Council in connexion with the situation in Southern Rhodesia resulting from the declaration of independence made by a racist minority. The British Government regarded that as illegal and invalid since only the British Parliament had the right and authority to accord independence to Southern Rhodesia. He pointed out that the attempt to establish in Africa an illegal régime based on minority rule was a matter of world concern. That was the main reason why the question had been brought before the Security Council. After describing the measures which the United Kingdom had taken to deal with the illegal declaration and restore the rule of law in Southern Rhodesia, he asked for the goodwill, co-operation and active support of all those who accepted the principles set out in the resolution adopted by the General Assembly. The representative made it clear that the British Government did not "believe the use of military force can solve this problem". He called on every State Member of the United Nations to refuse to recognize the illegal régime in Southern Rhodesia, to prohibit all export of arms to that country, to impose exchange control restrictions, to deny all the advantages in trade and to ban the import of Southern Rhodesian tobacco and sugar. He considered that "If all Members of the United Nations support us sincerely in applying these measures, the effect on the Southern Rhodesian economy will be severe indeed".⁴²⁹

At the same meeting, speaking on behalf of the African States, the representative of Ghana* reviewed the history of the problem and pointed out that by his unilateral declaration of independence, Mr. Ian Smith and his "racist accomplices" had precipitated a serious crisis which posed a threat of immense proportions to peace and security in the world. He observed that the act had not come as a surprise. The African States had warned the United Kingdom, as far back as 1963, of the dangerous consequences of transferring powerful armed forces to the "racist minority" Government of Southern Rhodesia. The African States had then requested the Security Council to call upon the Government of the United Kingdom not to transfer to its colony of Southern Rhodesia any powers or attributes of sovereignty until the establishment of a fully representative Government, and not to transfer to the colony of Southern Rhodesia the armed forces and aircraft, as envisaged by the Central African Conference of 1963. However, the Government of the

United Kingdom showed disregard for those apprehensions and warnings by vetoing the draft resolution then submitted by Morocco, Philippines and Ghana. He declared that the "unilateral declaration of independence would have serious repercussions in Africa" and further stated that at the recent African summit conference, held in Accra from 21 to 25 October, the Heads of State and Government adopted a resolution on Southern Rhodesia, operative paragraph 3 of which read:

"Calls upon the United Nations to regard any such unilateral declaration of independence as constituting a threat to international peace, and to take the steps that such a situation requires in accordance with the Charter and to help to establish a majority Government in Southern Rhodesia."

In pursuance of that resolution, the African States had come to the Security Council and called upon the Council to take appropriate action under Chapter VII⁴³⁰ of the Charter, since events in Southern Rhodesia definitely constituted a threat to international peace and security. The African representatives had not come to the Council to endorse half-hearted measures of doubtful efficacy which the United Kingdom Government intended to take. What were required were stronger and more and more effective measures to be taken to crush the rebellion.⁴³¹

At the same meeting the representative of Senegal* stated that the act perpetrated by the Government of Southern Rhodesia was a true act of international piracy. If the rebellion went unpunished it would damage the moral standing of the British Commonwealth; it would undermine the authority of the United Nations Charter and international peace and security in Africa. He observed that the steps the United Kingdom proposed were economic sanctions. He appealed to all Member States to support the actions of the United Kingdom but asserted that "the most vigorous measures, including resort to force" should be used.⁴³²

At the 1258th meeting on 12 November 1965, the representative of Jordan proposed that the Council adopt a preliminary resolution⁴³³ condemning the illegal action of the minority group in Salisbury. The Security Council adopted the draft resolution by 10 votes to none, with 1 abstention.⁴³⁴

The resolution read:⁴³⁵

"The Security Council,

"1. *Decides to condemn* the unilateral declaration of independence made by a racist minority in Southern Rhodesia;

"2. *Decides to call upon* all States not to recognize this illegal racist minority régime in Southern Rhodesia and to refrain from rendering any assistance to the illegal régime."

Decision of 20 November 1965 (1265th meeting):

(i) *Determining that the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia is extremely grave, that the Government of the United Kingdom of Great Britain and Nor-*

⁴²⁰ 1257th meeting, paras. 6-7; 1258th meeting, paras. 1-2; 1259th meeting, paras. 1-2; 1261st meeting, paras. 1-2; 1263rd meeting, paras. 1-2.

⁴²⁷ S/6938, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 366-367.

⁴²⁸ S/6935, *ibid.*, p. 365.

⁴²⁹ 1257th meeting, paras. 10-36.

⁴³⁰ For discussion concerning the applicability of Chapter VII of the Charter, see chapter XI, Cases 3 and 6.

⁴³¹ 1257th meeting, paras. 38-72.

⁴³² 1257th meeting, paras. 95-107.

⁴³³ 1258th meeting, paras. 4-8.

⁴³⁴ 1258th meeting, para. 29.

⁴³⁵ S/RES/216 (1965)/Rev.1, O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, p. 8.

thern Ireland should put an end to it and that its continuance in time constitutes a threat to international peace and security;

- (ii) *Reaffirming its resolution 216 (1965) of 12 November 1965, and General Assembly resolution 1514 (XV) of 14 December 1960;*
- (iii) *Condemning the usurpation of power by a racist settler minority in Southern Rhodesia and regarding the declaration of independence by it as having no legal validity;*
- (iv) *Calling upon the Government of the United Kingdom to quell this rebellion of the racist minority;*
- (v) *Further calling upon the Government of the United Kingdom to take all other appropriate measures which would prove effective in eliminating the authority of the usurpers and in bringing the minority régime in Southern Rhodesia to an immediate end;*
- (vi) *Calling upon all States not to recognize this illegal authority and not to entertain any diplomatic or other relations with this illegal authority;*
- (vii) *Calling upon the Government of the United Kingdom, as the working of the Constitution of 1961 has broken down, to take immediate measures in order to allow the people of Southern Rhodesia to determine their own future consistent with the objectives of General Assembly resolution 1514 (XV);*
- (viii) *Calling upon all States to refrain from any action which would assist and encourage the illegal régime and, in particular, to desist from providing it with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products;*
- (ix) *Calling upon the Government of the United Kingdom to enforce urgently and with vigour all the measures it has announced, as well as those mentioned in the previous paragraph;*
- (x) *Calling upon the Organization of African Unity to do all in its power to assist in the implementation of the present resolution, in conformity with Chapter VIII of the Charter of the United Nations;*
- (xi) *Deciding to keep the question under review in order to examine what other measures it may deem necessary to take*

The representatives of Mali, * India, * Nigeria, * and the USSR, speaking at the 1258th meeting recalled resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII) of the General Assembly, and pointed out that the General Assembly reaffirmed the fact that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter, and that the United Kingdom was completely responsible for the Territory. They then enumerated the efforts deployed at the United Nations and by the Organization of African Unity, to lead the United Kingdom to change the course of the dangerous evolution of that situation in Southern Rhodesia.

Considering the situation in Southern Rhodesia as "a threat to international peace and security", they requested that the Council should examine it in the light of the provisions of Chapter VII of the Charter, and invite the United Kingdom to take effective measures, including recourse to force, to restore normal conditions in Southern Rhodesia so that the Zimbabwe people might benefit fully from the provisions of General Assembly resolution 1514 (XV). The measures taken by the United Kingdom were inadequate and inappropriate in the context of the Southern Rhodesian problem. Economic sanctions alone were not enough. The measures did not include a total embargo on British exports to Southern Rhodesia, including especially oil. The embargo on tobacco would not have any immediate effect on the economy of Southern Rhodesia inasmuch as the recent harvest of tobacco had already been sold. Moreover, it was pointed out, for economic sanctions to have any visible effect on Southern Rhodesia it would be necessary to ensure that both South Africa and Portugal would not undermine the whole undertaking. In conclusion it was declared that the fact that the matter had been before the Security Council should not be interpreted as an intention on the part of the African countries to abandon any initiative for taking action if the Security Council were to abdicate its responsibilities or if any action by the Council were to be blocked by a veto, as had happened in September 1963. At their various meetings, the African Heads of State or Government had taken decisions on the question of Southern Rhodesia, and it would be very wrong indeed to think that those decisions would not be carried out.⁴³⁶

The representatives of Pakistan, * Algeria, * the Ivory Coast, Sierra Leone, * Ethiopia, * the United Republic of Tanzania, * Zambia, * Malaysia, Mauritania, * Jamaica, * Sudan, * Somalia, * and Jordan at the 1259th to 1264th meetings, held between 13 and 19 November 1965, stated that the illegal unilateral declaration of independence made by the Southern Rhodesian authorities had threatened international peace and security. The developments and events in Southern Rhodesia had given cause for the serious concern which had been expressed in the resolution passed by the Heads of African States and Governments at their conference at Accra in October 1965, which had called upon the United Kingdom to regard any such unilateral declaration of independence as constituting a threat to international peace, and to take the steps that such a situation required in accordance with the Charter in order to help to establish a majority Government in Southern Rhodesia. They pointed out that the United Nations, in its Committee of Twenty-Four, in the General Assembly and in the Security Council, had been seized of the question of Southern Rhodesia for a considerable time. The present state of affairs in Southern Rhodesia was the responsibility of the United Kingdom, which did not comply with resolutions 1747 (XVI), 1760 (XVII) 1889 (XVII) and 2022 (XX) of the General Assembly. They stated that the Council should conduct its deliberations in the light of Chapter VII under the terms of Articles 39 to 51. Noting that the measures proposed by the United Kingdom for dealing with crises were inadequate, they advocated "the most vigorous measures", including resort to force, to counter "the

⁴³⁶ 1258th meeting: paras. 31-136.

act of international piracy committed by the Government of Mr. Ian Smith".⁴³⁷

At the 1259th meeting on 13 November 1965, the representative of the United Kingdom introduced a draft resolution⁴³⁸ under the operative paragraphs of which the Security Council would: (1) refuse to recognize the unilateral declaration of independence by the former régime in Southern Rhodesia as having any legal validity; (2) reiterate its call to all States to refuse to recognize the illegal régime and unconstitutional régime in Southern Rhodesia; (3) call upon all States to refrain from any action which could give aid and comfort to that régime; and (4) call upon all States to lend all necessary assistance and support to the United Kingdom Government in making effective the measures, taken by that Government, including the financial and economic measures, to bring the rebellion in Southern Rhodesia to an end.

At the same meeting on behalf of the African delegations the representative of the Ivory Coast introduced a draft resolution⁴³⁹ under the operative paragraphs of which the Security Council would: (1) determine that the situation resulting from the declaration of independence constitutes a threat to international peace and security; (2) declare illegal the seizure of power by the racist minority settler régime in Southern Rhodesia; (3) call upon the United Kingdom and all other States to take immediate steps to protect the lives of the 4 million Africans and other inhabitants of the Territory who oppose this rebellion; (4) further call upon the United Kingdom Government, in addition to the measures it had proposed to take with regard to the situation in Southern Rhodesia, to suspend the 1961 Constitution; (5) call upon all States not to recognize the racist minority settler régime and to withdraw recognition of any State recognizing that régime; (6) demand that the rebellion by the racist minority settler régime be immediately crushed and law and order established in that African Territory; (7) demand further that majority rule be established in the Territory on the basis of the principle "one man, one vote"; (8) call upon all States to enforce on the illegal régime in Southern Rhodesia a complete interruption of economic relations, including an embargo on supplies of oil and petroleum products, and of rail, sea, air, postal, telegraphic, radio and other means of communication and severance of diplomatic and consular relations, in accordance with Article 41 of the Charter; (9) decide to take all the enforcement measures provided for under Articles 42 and 43 of the Charter against the racist minority settler régime; and (10) authorize the Secretary-General to ensure the immediate implementation of that resolution and to report as soon as possible.

At the 1264th meeting on 19 November 1965, the representative of Uruguay introduced a draft resolution⁴⁴⁰ jointly sponsored by Bolivia and Uruguay.

The Council agreed that it should be given priority of consideration.⁴⁴¹

At the 1265th meeting on 20 November 1965, the President (Bolivia) informed the Council that Bolivia and Uruguay had modified operative paragraph 1 of their draft resolution.⁴⁴²

At the same meeting the Council voted upon the joint draft resolution before it. The joint draft resolution was adopted by 10 votes in favour to none against with 1 abstention.⁴⁴³ The resolution⁴⁴⁴ read as follows:

"The Security Council,

"Deeply concerned about the situation in Southern Rhodesia,

"Considering that the illegal authorities in Southern Rhodesia have proclaimed independence and that the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, looks upon this as an act of rebellion,

"Noting that the Government of the United Kingdom has taken certain measures to meet the situation and that to be effective these measures should correspond to the gravity of the situation,

"1. Determines that the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia is extremely grave, that the Government of the United Kingdom of Great Britain and Northern Ireland should put an end to it and that its continuance in time constitutes a threat to international peace and security;

"2. Reaffirms its resolution 216 (1965) of 12 November 1965 and General Assembly resolution 1514 (XV) of 14 December 1960;

"3. Condemns the usurpation of power by a racist settler minority in Southern Rhodesia and regards the declaration of independence by it as having no legal validity;

"4. Calls upon the Government of the United Kingdom to quell this rebellion of the racist minority;

"5. Further calls upon the Government of the United Kingdom to take all other appropriate measures which would prove effective in eliminating the authority of the usurpers and in bringing the minority régime in Southern Rhodesia to an immediate end;

"6. Calls upon all States not to recognize this illegal authority and not to entertain any diplomatic or other relations with it;

"7. Calls upon the Government of the United Kingdom, as the working of the Constitution of 1961 has broken down, to take immediate measures in order to allow the people of Southern Rhodesia to determine their own future consistent with the objectives of General Assembly resolution 1514 (XV);

"8. Calls upon all States to refrain from any action which would assist and encourage the illegal régime and, in particular, to desist from providing it with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia, in-

⁴³⁷ For texts of relevant statements see:

1259th meeting: Pakistan,* paras. 1-14; Algeria,* paras. 34-46; Ivory Coast, paras. 44-71; Sierra Leone,* paras. 73-88.

1260th meeting: Ethiopia,* paras. 3-28; the United Republic of Tanzania,* paras. 30-64; Zambia,* paras. 66-86, Malaysia, paras. 87-107; Guinea, paras. 109-125.

1261st meeting: Mauritania,* paras. 4-31.

1262nd meeting: Jamaica,* paras. 9-34.

1263rd meeting: Sudan,* paras. 25-41; Somalia,* paras. 43-58.

1264th meeting: Jordan, paras. 10-18.

⁴³⁸ S/6928, 1259th meeting, para. 31.

⁴³⁹ S/6929, 1259th meeting, para. 70.

⁴⁴⁰ S/6955, 1264th meeting, paras. 8-9.

⁴⁴¹ 1264th meeting, para. 3.

⁴⁴² 1265th meeting, para. 3.

⁴⁴³ 1265th meeting, para. 4.

⁴⁴⁴ S/RES/217 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 8-9.

cluding an embargo on oil and petroleum products;

"9. *Calls upon* the Government of the United Kingdom to enforce urgently and with vigour all the measures it has announced, as well as those mentioned in paragraph 8 above;

"10. *Calls upon* the Organization of African Unity to do all in its power to assist in the implementation of the present resolution, in conformity with Chapter VIII of the Charter of the United Nations;

"11. *Decides* to keep the question under review in order to examine what other measures it may deem it necessary to take."

In view of the adoption of the draft resolution of Bolivia and Uruguay, the representatives of the Ivory Coast⁴⁴⁵ and the United Kingdom⁴⁴⁶ stated that they would not press for a vote on the draft resolutions which they had respectively introduced.

SITUATION IN THE DOMINICAN REPUBLIC

INITIAL PROCEEDINGS

By letter⁴⁴⁷ dated 1 May 1965, the permanent representative of the USSR requested the President of the Security Council to convene an urgent meeting in order "to consider the question of the armed interference by the United States in the internal affairs of the Dominican Republic."

At the 1196th meeting on 3 May 1965, the Council decided⁴⁴⁸ to include the question in the agenda. The representative of Cuba was invited to participate in the discussion.⁴⁴⁹

The Council considered the question at its 1196th, 1198th, 1200th, 1202nd to 1204th, 1207th to 1209th, 1212th to 1223rd, 1225th to 1233rd meetings held between 3 May and 26 July 1965.

Decision of 14 May 1965 (1208th meeting):

- (i) *Calling for a strict cease-fire;*
- (ii) *Inviting the Secretary-General to send, as an urgent measure, a representative to the Dominican Republic for the purpose of reporting to the Council on the situation;*
- (iii) *Calling upon all concerned in the Dominican Republic to co-operate with the representative of the Secretary-General in the carrying out of that task.*

At the 1196th meeting on 3 May 1965, the representative of the USSR stated that the Council had been convened to deal with an armed intervention of the United States in the internal affairs of the Dominican Republic. Under the "false pretext of protecting American lives" fourteen thousand United States troops had already been landed on the territory of the Dominican Republic, and the city of Santo Domingo had actually been taken over by the United States forces. On 28 April, over 405 United States marines landed on Dominican territory and even if the United States version of its actions was to be accepted those troops would have been more than sufficient to evacuate United States citizens whereupon they would have been removed from that country. But even after the

question of convening the Security Council to consider the matter had been raised, 1700 more marines and 2,500 paratroopers were sent to the Dominican Republic. Moreover heavy armaments and even tanks had been utilized by the United States units in engagements with "patriotic" Dominican forces. It was thus clear that what was intended to be saved was a "reactionary dictatorship of the militarists" against which the Dominican people had taken up arms. Besides, no longer was a secret being made of plans to keep United States troops in the Dominican Republic even after order had been re-established in that country.

Furthermore, the representative of the USSR maintained that in sending troops to the Dominican Republic, the United States had not ascertained beforehand the view of the members of the Organization of American States (OAS), but had put before it a *fait accompli* as it had only been convened after their landing in Santo Domingo. Under those circumstances the concern and apprehension with which the other countries of the Americas viewed the interference by the United States troops was understandable.

The "aggression" committed by the United States against the Dominican Republic was fraught with the most serious consequences for the maintenance of international peace and security. The Security Council should therefore condemn the armed intervention of the United States in the internal affairs of the Dominican Republic as a violation of international peace and as an action incompatible with the obligations assumed by the United States under the United Nations Charter. The Council should further call upon the Government of the United States immediately to withdraw its troops from the territory of the Dominican Republic.⁴⁵⁰

At the same meeting the representative of the United States explained that despite the efforts of his Government and the Organization of American States to build a stable and free society capable of economic, social and political development, the people of the Dominican Republic had suffered from constant turmoil and political conflict since the overthrow of the Trujillo dictatorship. During the previous week that instability "erupted" and officials who had governed that country for a year and a half were violently forced out. As rival groups strove to capture power fighting broke out between and among them and the Dominican Republic was left without effective government for some days. As the situation deteriorated certain of the contending forces indiscriminately distributed weapons to civilians and as armed bands began to roam the streets of Santo Domingo, looting, burning and sniping, law and order completely broke down, and several foreign embassies were violated.

In the face of uncontrollable violence, the Government which had replaced the Reid Cabral Government also quickly crumbled in a few days. In the absence of any governmental authority, Dominican law enforcement and military officials informed the United States Embassy that the situation was completely "out of control", that the police and other authorities could no longer give any guarantee concerning the safety of citizens of the United States or of some thirty other countries. Faced with that emergency, the United States on 28 April had dispatched the first of its security forces sent to Dominican territory. Since their arrival, nearly 3,000 foreign nationals from thirty

⁴⁴⁵ 1265th meeting, para. 38.

⁴⁴⁶ 1265th meeting, para. 63.

⁴⁴⁷ S/6316, O.R., 20th year, Suppl. for April-June 1965, p. 70.

⁴⁴⁸ 1196th meeting: preceding para. 1.

⁴⁴⁹ 1196th meeting: para. 1.

⁴⁵⁰ 1196th meeting, paras. 11-30, 44, 51, 52.

countries had been evacuated without loss, although a number of United States military personnel had been killed or wounded. The United States had made a full report on the subject to the Organization of American States. It had also supported the dispatch by the OAS of an Inter-American Peace Committee which was already in Santo Domingo, and a proposal had been submitted to the OAS for other American States to make military forces available to assist in carrying out the mission of the Committee and of the OAS. Such a proposal was currently under consideration by the OAS Council.

The United States Government had also notified⁴⁵¹ the President of the Security Council of the action it had taken to evacuate citizens of foreign nationality, and to set in motion the machinery of the OAS. The Council of the OAS had met on 29 April and, as a first step, had called for an immediate cease-fire on all sides. Other urgent actions had also been taken by the OAS, which in accordance with Article 54 of the Charter of the United Nations, had been duly communicated to the Security Council.

After giving an account of the attempts at arriving at a cease-fire by the OAS and the Papal Nuncio in Santo Domingo and the reasons why lawlessness and disorder continued to persist although a cease-fire had been agreed upon by the two contending forces, the representative of the United States welcomed the discussion of the Dominican situation in the Security Council, but pointed out at the same time that Article 33 of the Charter provided that efforts should be made to find solutions to disputes by peaceful means including "resort to regional agencies or arrangements". In the light of the actions already taken, it would thus be in keeping with the precedents established by the Security Council to permit the regional organization to continue to deal with that regional problem.⁴⁵²

At the same meeting the representative of the USSR disputed the argument that protection of the lives of United States citizens was the real motive for the United States intervention in the Dominican Republic, and observed that the United States had subsequently resorted to the argument that "the principal purpose for the intervention of the armed forces of the United States in the Dominican Republic was the fear of an emergence there of a second Cuba".

Recalling the record of United States intervention in Latin America he maintained that only the "excuse" had changed but the "essence" of United States interventionist policy remained the same.

In conclusion he maintained that the attempt to crush the struggle of that small country for freedom and independence could only be qualified as an act of direct aggression. Consequently, the Security Council was duty-bound to consider urgently, under Article 39 of the Charter, the question of the armed interference of the United States in the internal affairs of the Dominican Republic. Claims that the situation in the Dominican Republic was currently the subject of consideration by the OAS was simply a United States attempt to evade its responsibility and to divert the Council from carrying out its duty as called for by the United States aggression.⁴⁵³

At the 1198th meeting on 4 May 1965, the representative of the USSR introduced a draft resolution⁴⁵⁴ under which the Security Council would condemn the armed intervention of the United States in the internal affairs of the Dominican Republic as a gross violation of the Charter of the United Nations, and demand the immediate withdrawal of the armed forces of the United States from the territory of the Dominican Republic.

At the same meeting, the representative of the United States disputed the contention of the USSR representative that the United States had violated Article 2 (7) since in his view that Article dealt only with limitations on the authority of the United Nations itself⁴⁵⁵ and was therefore in no way relevant to the situation before the Council. Neither had there been any violations by the United States of Article 2 (4), since it was not employing force against the territorial integrity or against the political independence of the Dominican Republic.⁴⁵⁶ Moreover, American security forces, he asserted, had been dispatched to that "troubled country", not against the will of the Dominican authorities, but only when law enforcement and military officials, in circumstances where there was no government authority, had informed the United States Government that the situation was completely out of control.⁴⁵⁷

At the 1202nd meeting on 6 May 1965, the representative of the United States read before the Council the text of a resolution adopted on that date by the Organization of American States, whereby the Tenth Meeting of Consultation of Ministers of Foreign Affairs resolved: (1) to request the Governments of Member States to make contingents of their armed forces available to the OAS to form an Inter-American Force due to operate under the authority of the Tenth Meeting of Consultation; and (2) that that force would have as its sole purpose, in a spirit of democratic impartiality, that of co-operating in the restoration of normal conditions in the Dominican Republic, in maintaining the security of its inhabitants and the inviolability of human rights, and in the establishment of an atmosphere of peace and conciliation that would permit the functioning of democratic institutions.

The representative of the United States further referred to a declaration of his Government according to which the United States forces would be withdrawn from the Dominican Republic when the Unified Command of the OAS determined that the Inter-American Force was adequate for the purpose contemplated by the resolution adopted by the OAS on 1 May, and that they would not be needed as part of the Inter-American Force.⁴⁵⁸

At the 1204th meeting on 11 May 1965, the representative of Uruguay introduced a draft resolution⁴⁵⁹ whereby the Security Council, after taking note of several communications from the OAS and having regard to certain provisions of the United Nations Charter and the Charter of the OAS, would: (1) express deep concern at recent developments in the Dominican Republic; (2) reaffirm the right of the people

⁴⁵¹ S/6310, O.R., 20th yr., Suppl. for April-June 1965, p. 65.

⁴⁵² 1196th meeting: paras. 61-63, 66-88.

⁴⁵³ 1196th meeting: paras. 191-210. For discussion on the respective responsibilities of the Security Council and the OAS concerning this question, see chapter XII, Case 9.

⁴⁵⁴ S/6328, 1198th meeting: para. 3.

⁴⁵⁵ For discussion of this question, see chapter XII, Case 6.

⁴⁵⁶ For discussion relating to Article 2(4) see chapter XII, Case 4.

⁴⁵⁷ 1198th meeting: paras. 152-158.

⁴⁵⁸ 1202nd meeting: paras. 36-37; also see S/6333, 6 May 1965 for text of OAS resolution.

⁴⁵⁹ S/6346, 1204th meeting: paras. 3-4.

freely to exercise, without coercion of any kind, their sovereign right of self-determination; (3) urgently appeal to all contending factions in the Dominican Republic to cease hostilities and make every possible effort to achieve a peaceful and democratic settlement of their differences (4) invite the Secretary-General to follow events closely and take such measures as he might deem appropriate for the purpose of reporting to the Council on all aspects of the situation; (5) invite the Organization of American States (OAS) to keep the Council promptly and fully informed of its action with respect to the situation; and (6) invite the OAS to co-operate with the Secretary-General of the United Nations in the implementation of the resolution. In support of his draft resolution, the representative of Uruguay stated that at that stage of the debate the only road open to the Council was to try to reach an agreement on a draft resolution which, without pronouncing itself on the substance of the question, would nevertheless allow the Council to exercise its competence and, at the same time, unequivocally assert its authority. The draft resolution which had been submitted was, therefore, an attempt to obtain agreement on what might be an acceptable minimum.

On 13 May 1965, the representative of the USSR submitted amendments⁴⁶⁰ to the draft resolution of Uruguay, which provided *inter alia* for deletion of the reference to the OAS reports in the preamble; the addition in operative paragraph 1 of the words "and condemns the armed intervention of the United States of America in the internal affairs of the Dominican Republic as a gross violation of the Charter of the United Nations"; and the replacement of operative paragraph 5 by the provision "*Calls upon* the Government of the United States immediately to withdraw its armed forces from the territory of the Dominican Republic".

At the 1207th and 1209th meetings, held on 13 and 14 May 1965, after considering a procedural question⁴⁶¹ relating to participation in the discussion of the question before it, the Council decided⁴⁶² at the latter meeting to take note of the relevant Secretary-General's report⁴⁶³ and, under rule 39 of the provisional rules of procedure, to invite the representatives of both contending Dominican authorities mentioned in that report to address the Council at an appropriate time in order to supply it with whatever information they had.⁴⁶⁴

At the 1208th meeting on 14 May 1965, the representative of Jordan introduced a draft resolution⁴⁶⁵ jointly submitted by Ivory Coast, Jordan and Malaysia. He stated that it was intended as an urgent measure on the part of the Security Council with regard to the current developments in the Dominican Republic and to enable the Council to obtain a clear report from the appropriate organs of the United Nations on the situation in the Dominican Republic.

⁴⁶⁰ S/6352.

⁴⁶¹ For discussion on participation, see chapter III, Case 1.

⁴⁶² 1209th meeting: paras. 47, 51.

⁴⁶³ S/6353, O.R., 20th yr., *Suppl. for April-June 1965*, pp. 118-122.

⁴⁶⁴ Pursuant to this decision, the Council invited Mr. Rubén Brache and Mr. Guaroa Velásquez to make statements before it at the 1212th meeting on 19 May 1965. After similar agreements of the Council, both representatives also made statements at the 1225th meeting on 16 June 1965, at the 1230th meeting on 20 July 1965, and at the 1232nd meeting on 26 July 1965. Mr. Brache also spoke before the Council at the 1231st meeting on 22 July 1965.

⁴⁶⁵ S/6355, 1208th meeting: para. 6.

At the same meeting, the joint draft resolution was unanimously adopted.⁴⁶⁶

The resolution⁴⁶⁷ read:

"*The Security Council,*

"*Deeply concerned at the grave events in the Dominican Republic,*

"1. *Calls for a strict cease-fire;*

"2. *Invites the Secretary-General to send, as an urgent measure, a representative to the Dominican Republic for the purpose of reporting to the Security Council on the present situation;*

"3. *Calls upon all concerned in the Dominican Republic to co-operate with the Representative of the Secretary-General in the carrying out of this task.*"

At the 1209th meeting, held on the same day, the Secretary-General reported⁴⁶⁸ that in implementation of the Council's resolution an advance party of Secretariat members led by his Military Adviser was leaving that night for the Dominican Republic, and on 15 May 1965, he reported⁴⁶⁹ the appointment of Mr. José Antonio Mayobre as his representative in the Dominican Republic. At the 1212th meeting on 19 May 1965, the Secretary-General further reported⁴⁷⁰ that his representative had arrived at Santo Domingo on 18 May.

Decision of 19 May 1965 (1212th meeting); Statement by the President

At the 1212th meeting on 19 May 1965, upon the suggestion of the representative of France, the President (Malaysia) made a statement expressing the unanimous desire of the members of the Council to request the Secretary-General to communicate to his representative in Santo Domingo its wish that his urgent efforts should be devoted to the immediate securing of a suspension of hostilities so that the humanitarian work of the Red Cross to search for the dead and wounded might be facilitated.⁴⁷¹

Decision of 21 May 1965 (1214th meeting): Rejection of the USSR draft resolution

At the 1214th meeting on 21 May 1965, the representative of the United States introduced a draft resolution⁴⁷² whereby the Security Council, after taking note of the OAS reports, and of the reports of the Secretary-General, would: (1) note with satisfaction the temporary suspension of hostilities agreed to for humanitarian purposes; (2) call for observance of a strict cessation of hostilities; (3) note that the Tenth Meeting of Consultation of the Ministers of Foreign Affairs of the American States had appointed its Sec-

⁴⁶⁶ 1208th meeting: para. 8.

⁴⁶⁷ S/RES/203 (1965), O.R., 20th yr., *Resolutions and Decisions of the Security Council, 1965*, p. 10.

⁴⁶⁸ 1209th meeting: paras. 56-57.

⁴⁶⁹ S/6358, O.R., 20th yr., *Suppl. for April-June, 1965*, p. 127.

⁴⁷⁰ 1212th meeting: para. 78. From 18 May to 19 June 1965, the Secretary-General submitted the following reports to the Security Council on the situation in the Dominican Republic: S/6365, 18 May 1965; S/6369, 19 May 1965; S/6371 and Add.1-2, 20 May 1965; S/6378, 23 May 1965; S/6380, 24 May 1965; S/6386, 27 May 1965; S/6408, 3 June 1965; S/6420, 7 June 1965; S/6447 and Add.1, 16 June 1965; and S/6459, 19 June 1965.

⁴⁷¹ 1212th meeting: paras. 127-128. In his report (S/6371/Add.1) of 21 May 1965, O.R., 20th yr., *Suppl. for April-June 1965*, p. 171, the Secretary-General informed the Council that the negotiations for a temporary suspension of hostilities in the Dominican Republic had been successfully concluded on 20 May 1965.

⁴⁷² S/6373, 1214th meeting: paras. 21-25.

retary-General to represent it in the Dominican Republic and had entrusted him with carrying out the objectives established by the OAS; (4) urge the OAS to intensify its efforts to establish the basis for the functioning of democratic institutions in the Dominican Republic and in particular to assure observance of the cease-fire agreed upon in the Act of Santo Domingo; (5) request the representative appointed by the Secretary-General, in carrying out the responsibilities assigned to him by the Security Council, to co-ordinate with the Secretary General of the OAS in the light of the OAS resolution of 20 May 1965.

At the same meeting, the representative of Uruguay introduced a revised text⁴⁷³ of his draft resolution submitted on 11 May 1965.

At the same meeting, the draft resolution submitted by the USSR on 4 May 1965, was voted upon and not adopted.⁴⁷⁴

Decision of 22 May 1965 (1217th meeting): *Requesting that the truce at Santo Domingo be transformed into a permanent cease-fire*

At the 1216th meeting on 22 May 1965, the representative of the USSR submitted a revised text⁴⁷⁵ of the amendments to the revised draft resolution submitted by Uruguay. The six USSR revised amendments were rejected⁴⁷⁶ in separate votes. The revised draft resolution of Uruguay was voted upon as a whole, and was not adopted,⁴⁷⁷ having obtained 5 votes in favour, 1 against, and 5 abstentions.

At the same meeting, the representative of the United Kingdom introduced a draft resolution⁴⁷⁸ whereby the Council would call for a continued and complete cessation of hostilities, and would call on all concerned to intensify their efforts to that end and to do nothing to prejudice the achievement of that immediate and urgent aim.

Also at the same meeting, the representative of France submitted a draft resolution⁴⁷⁹ to request that the suspension of hostilities in Santo Domingo be transformed into a permanent cease-fire.

At the 1217th meeting on 22 May 1965, after the representatives of the United Kingdom and the United States had indicated⁴⁸⁰ that they would not object to precedence being given to the French draft resolution over their own, the French draft resolution was adopted⁴⁸¹ by 10 votes to none, with 1 abstention.

The resolution⁴⁸² read:

"The Security Council,

"Deeply concerned at the situation in the Dominican Republic,

"Recalling its resolution of 14 May 1965,

"1. Requests that the suspension of hostilities in Santo Domingo be transformed into a permanent cease-fire;

"2. Invites the Secretary-General to submit a report on the implementation of the present resolution."

⁴⁷³ S/6346/Rev.1, 1214th meeting: paras. 50-60.

⁴⁷⁴ S/6328, 1214th meeting: paras. 123-125.

⁴⁷⁵ S/6352/Rev.2, 1216th meeting: para. 40.

⁴⁷⁶ 1216th meeting: paras. 44-49.

⁴⁷⁷ 1216th meeting: para. 69.

⁴⁷⁸ S/6375, 1216th meeting: para. 107.

⁴⁷⁹ S/6375, 1216th meeting: para. 123.

⁴⁸⁰ 1217th meeting: paras. 22, 33-35.

⁴⁸¹ 1217th meeting: para. 46.

⁴⁸² SEC/RES/205 (1965), *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council, 1965*, pp. 10-11.

At the 1218th meeting on 24 May 1965, the representative of the United States, after reporting to the Council that the Act establishing the Inter-American Force had been signed on 23 May, and that all United States forces in the Dominican Republic were consequently assigned to that Force, together with contingents from Brazil, Costa Rica, Honduras and Nicaragua, stated that in the light of actions taken by the Security Council and by the OAS, he withdrew⁴⁸³ his draft resolution from the Council's further consideration.

Decision of 25 May 1965 (1219th meeting): *Adjournment*

At the 1219th meeting on 25 May 1965, the President (Malaysia) made a statement noting that a *de facto* cessation of hostilities had continued to prevail in Santo Domingo, that the Secretary-General had informed him that there had been no new developments concerning its observance since his last report, and that he would promptly make available to the members of the Council information sent to him by his representative as and when it was received. He therefore proposed that the Council should adjourn on the understanding that should any particular situation demand it, he might call it into immediate session. There being no objections to that statement, the President adjourned the meeting.⁴⁸⁴

Decision of 21 June 1965 (1228th meeting): *Adjournment*

At the 1228th meeting on 21 June 1965, the President (Netherlands) after recalling the informal consultations he had undertaken with members of the Council with the aim of finding a formula for a statement agreeable to all, stated that he would adjourn the Council meeting in order to continue the informal consultations in the hope of being able to present a generally agreed formula. There being no objections, the President adjourned the meeting.⁴⁸⁵

Decision of 26 July 1965 (1233rd meeting): *Statement by the President*

At the 1229th meeting on 20 July 1965, the Council had before it a report⁴⁸⁶ by the Secretary-General covering the period 19 June to 15 July 1965, and reports from the OAS and several other communications from the OAS and the "Constitutional Government" of the Dominican Republic.

At the 1233rd meeting on 26 July 1965, the President (USSR) stated⁴⁸⁷ that after consultations held among the members of the Council, he had been authorized to present the following summing up of the discussion held during the past few meetings of the Council on the Dominican situation:

"The information received and the reports of the Secretary-General, dated 16 July and 21 July 1965, on the situation in the Dominican Republic testify to the fact that in spite of the Security Council's resolutions of 14 May and 22 May 1965 violations of the Council's call for a strict cease-fire have taken place. There have been brought to the attention of the Council acts of repression against the civilian population and other violations of human rights, as

⁴⁸³ 1218th meeting: paras. 5-8, 21.

⁴⁸⁴ 1219th meeting: paras. 36, 37, 44.

⁴⁸⁵ 1228th meeting: paras. 6, 7.

⁴⁸⁶ S/6530, and Corr.1, *O.R.*, 20th yr., *Suppl. for July-Sept. 1965*, pp. 86-95.

⁴⁸⁷ 1233rd meeting: para. 2.

well as data on the deterioration of the economic situation in the Dominican Republic.

"The interventions made by the members of the Council have condemned gross violations of human rights in the Dominican Republic, have expressed the desire that such violations should cease, and have indicated again the need for the strict observance of the cease-fire in accordance with the resolutions of the Security Council.

"At the same time it has become apparent that the members of the Council consider it necessary that the Council continue to watch closely the situation in the Dominican Republic and that therefore the Secretary-General, in accordance with the previous decision of the Council, will continue to submit reports to the Council on the situation in the Dominican Republic."⁴⁸⁸

The President further stated⁴⁸⁹ that he would convene the Council should a request to that effect be made by a member of the Council or if the President deemed it necessary to do so.

The question remained on the list of matters of which the Security Council is seized.

COMPLAINT BY SENEGAL

Decision of 19 May 1965 (1212th meeting): *Deeply deploring any incursion by Portuguese military forces into Senegalese territory, reaffirming the Council resolution 178 (1963) on a previous complaint, and requesting once again the Government of Portugal to take all effective and necessary action to prevent any violation of Senegal's sovereignty and territorial integrity*

By letter⁴⁹⁰ dated 7 May 1965 to the President of the Security Council, the representative of Senegal requested that the Council be convened as soon as possible to consider "the repeated violations of Senegalese air space and territory by the Portuguese authorities". In the letter it was stated that despite the Council's resolution⁴⁹¹ of 24 April 1963, in which Portugal was requested to take whatever action was necessary to prevent any violation of Senegal's sovereignty and territorial integrity, violations of Senegal's air space and territorial integrity continued on a growing scale, and villages and crops were being set on fire. Since the adoption of the aforementioned Council resolution, the Government of Senegal had noted thirteen violations of its territory by Portugal, some of which⁴⁹² had already been brought to the attention of the Security Council. In view of the acts committed by the Portuguese authorities, the Government of Senegal considered that the Council should again request Por-

tugal to cease the violation of Senegalese territory. In any case, the letter added, "the Government of Senegal cannot for long remain inactive when its frontier villages are constantly being attacked and burned and its air space and national territory violated".

At the 1205th meeting on 12 May 1965, the Council included the item on its agenda.⁴⁹³ The question was considered by the Council at the 1205th, 1206th and 1210th to 1212th meetings between 12 and 19 May 1965. At the 1205th meeting on 12 May 1965, the representatives of Senegal and Portugal⁴⁹⁴ and at the 1210th meeting on 18 May 1965 the representative of Congo (Brazzaville)⁴⁹⁵ were invited to participate in the discussion.

At the 1205th meeting on 12 May 1965, the representative of Senegal* in his initial statement referred to the previous consideration by the Security Council of a violation of Senegalese air space at the village of Bouniak, and to the resolution then adopted by the Council in which Portugal was requested to take whatever action might be necessary to prevent any further violations of Senegalese territory. However, during the past two years since the adoption of that resolution, Portugal had committed sixteen new violations of Senegalese territory and air space. Senegal had not wished to draw the attention of the Council at the time of each of those violations, but during the past three months, in view of their increasing seriousness, it had been obliged to bring those incidents to the attention of the Council. In the course of the new violations, Portuguese troops had invaded the Senegalese villages of Thiamoulé (on 18 April 1964), Sara Coube (on 14 June 1964), Salikegne (on 6-8 January 1965), N'Gobry (on 15 February 1965), Bambatoding (on 11-12 April 1965), Sambalounda (on 14 April 1965) and Bambato (18-20 April 1965), opening fire on the villagers and causing considerable material damage. Portuguese soldiers had also crossed the frontier in the neighbourhood of the villages of Coumbacara (on 10 July 1963), Bambato (on 14 August 1964) and N'Gore (on 27 February 1965), and had also participated in incidents occurring in Senegalese territory on 29 September 1964 and on the night of 28 February-1 March 1965. There had been overflights by Portuguese planes at the villages of Tanaff (on 4 April 1964), Djidadji Balante (on 5 July 1964), Dofia (23 January 1965) and Saré Koubé (8 March 1965). Bullets, cartridge shells, tear-gas bombs and a hand-grenade had been found at the sites where the incidents had taken place. In addition to that evidence, two soldiers of the regular Portuguese Army and a Portuguese intelligence agent had been arrested by the Senegalese authorities. In answer to all the charges of Senegal, the only allegation made by Portugal was that each of its actions had been in the nature of a counter-attack, since they had been preceded by a Senegalese attack. However, Portugal could not submit any evidence in support of its allegation. As a precautionary measure, to avoid incidents, Senegal had no military force stationed along the frontier of more than 350 kilometres, but only a few guards patrolling it on bicycles. The representative of Senegal requested the Security Council to ask Portugal to take all measures to end incursions by its armed forces into Senegalese territory, and to abide by its decla-

⁴⁸⁸ The following were subsequent reports on the situation in the Dominican Republic submitted by the Secretary-General to the Security Council during the period covered by this Supplement: S/6542, 21 July 1965; S/6553, 22 July 1965; S/6615, 17 August 1965; S/6649 and Corr.1, 2 September 1965; S/6822, 23 October 1965 and Add.1-3, 26-30 October 1965; S/6975, 25 November 1965; S/6991 and Add.1, 3 December 1965; S/7025, 17 December 1965; S/7032, 20 December 1965 and Add.1-34, 22 December 1965 - 31 May 1966. For communications from the Secretary General of the OAS concerning the situation in the Dominican Republic see chapter XII, part V, pp. 209-213.

⁴⁸⁹ 1233rd meeting: para. 3.

⁴⁹⁰ S/6338, O.R., 20th yr., Suppl. for Apr.-June 1965, p. 105.

⁴⁹¹ S/RES/178 (1963), O.R., 18th yr., Resolutions and Decisions of the Security Council, 1963, pp. 1-2.

⁴⁹² S/6177 and S/6196 of 8 and 24 February 1965, O.R., 20th yr., Suppl. for Jan.-Mar. 1965, pp. 47, 68.

⁴⁹³ 1205th meeting: para. 1.

⁴⁹⁴ 1205th meeting: para. 2.

⁴⁹⁵ 1210th meeting: paras. 2-4.

ration of intention made two years earlier, during the debate of the Council that resulted from the first incident at Bouniak. Moreover, the Council should strongly condemn Portugal for the violations of Senegalese territory and air space, which had been committed despite the solemn warning issued to Portugal by the Security Council in its resolution 178 (1963).⁴⁹⁸

At the 1206th meeting on 13 May 1965, the representative of Portugal * stated in reply that the allegations by Senegal were "too vague and unidentifiable". Those which were included in the notes sent by the Senegalese representative to the Security Council and subsequently issued as documents S/6177 of 8 February and S/6196 of 24 February 1965, could not be held to substantiate the Senegalese request for a Council meeting, since they had already been refuted by the notes of the Government of Portugal contained in documents S/6192 of 17 February and S/6240 of 16 March 1965. Moreover, the charges were unsubstantiated and did not correspond to the facts. Portugal was most scrupulous in respecting the inviolability of the territory of its neighbours, whether it was Senegal or any other State. At the outset, the Government of Portugal wished to reiterate that the first duty of parties to a dispute, under Article 33 of the Charter, was to seek a solution by peaceful bilateral arrangements, before submitting any charges to the Security Council. If the Government of Senegal felt itself in any way aggrieved by Portugal it had at its disposal ways and means to approach Portugal for a bilateral peaceful settlement. There were thus no *prima facie* grounds for the Council's debate on the Senegalese allegations. Apart from one instance when, on 18 October 1963, due to a navigation error in bad weather, a Portuguese aircraft had strayed into Senegalese air space, for which the Portuguese Government had conveyed its regrets and explanation to the Government of Senegal, there had been no violations of Senegalese air space by Portuguese aircraft. Neither had there been any violations of Senegalese territory by Portuguese security forces or military personnel, which scrupulously obeyed orders to respect Senegalese territory. Moreover although armed raiders from Senegal constantly attacked Portuguese Guinea, the Portuguese security forces had rigorous orders to respect the frontier of Senegal, and the Council could be certain that these orders were being obeyed. The representative of Portugal further maintained that investigations by the Portuguese authorities had led to the conclusion that not a single instance of violations of Senegalese territory or air space had been found to have taken place. In conclusion, he stated that the Government of Portugal wished once more to invite the Government of Senegal to set up an inquiry team to investigate the specific violations alleged by Senegal. The inquiry team could consist of three persons, one appointed by each Government and the third, the president, by either the Secretary-General of the United Nations or the President of the Security Council, in consultation with the two Governments concerned.⁴⁹⁷

At the same meeting the representative of Senegal, * in reply to the Portuguese representative, stated that his Government had made no recourse to Article 33 of the Charter since it could not have any confidence in a party showing such "obvious bad faith". He pointed out that Portugal, declaring its intention to

respect scrupulously the sovereignty and territorial integrity of Senegal, and in spite of the solemn warning given to it by the Security Council in resolution 178 (1963), had committed sixteen new violations of Senegalese territory in two years.⁴⁹⁸

At the 1210th meeting the representative of Ivory Coast introduced a draft resolution⁴⁹⁹ jointly sponsored by Ivory Coast, Jordan and Malaysia.

At the 1212th meeting on 19 May 1965, the joint draft resolution was adopted unanimously.⁵⁰⁰

The resolution⁵⁰¹ read:

"The Security Council,

"Taking note of the complaint by Senegal against Portugal contained in documents S/6177, S/6196 and S/6338,

"Having heard the statements of the representatives of Senegal and Portugal concerning violations of Senegalese territory by the Portuguese military forces,

"1. *Deeply deplores* any incursions by Portuguese military forces into Senegalese territory;

"2. *Reaffirms* its resolution 178 (1963) of 24 April 1963 (S/5293);

"3. *Requests once again* the Government of Portugal to take all effective and necessary action to prevent any violation of Senegal's sovereignty and territorial integrity;

"4. *Requests* the Secretary-General to follow the development of the situation."

The President (Malaysia) stated that the Council had concluded the debate on the item.^{501a}

SITUATION IN TERRITORIES IN AFRICA UNDER PORTUGUESE ADMINISTRATION

Decision of 23 November 1965 (1268th meeting):

- (i) *Deploring the failure of the Government of Portugal to comply with previous resolutions of the Security Council and the General Assembly and to recognize the right of the peoples under its administration to self-determination and independence;*
- (ii) *Calling upon Portugal to give immediate effect to the principles of self-determination as set forth in previous General Assembly and Security Council resolutions;*
- (iii) *Requesting all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the people of the African Territories under its administration, to take all necessary measures to prevent the sale and supply of arms and military equipment to the Portuguese Government for that purpose, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition to be used in the Territories under Portuguese administration, and to inform the Secretary-General on measures undertaken in implementation of this request of the Security Council;*

⁴⁹⁸ 1206th meeting: paras. 76-88. For discussion relating to the provisions of Chapter VI of the Charter, see chapter X, Cases 3 and 5.

⁴⁹⁹ 1210th meeting: paras. 84-94.

⁵⁰⁰ 1212th meeting: para. 37.

⁵⁰¹ S/RES/204 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 12-13.

^{501a} 1212th meeting: para. 72.

⁴⁹⁸ 1205th meeting: paras. 4-32.

⁴⁹⁷ 1206th meeting: paras. 3-46.

- (iv) *Requesting the Secretary-General to ensure the implementation of the resolution, to provide such assistance as he deemed necessary and to report to the Security Council by 30 June 1966*

By letter ⁵⁰² dated 2 August 1965, the permanent representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Dahomey, Democratic Republic of the Congo, Ethiopia, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia requested an early meeting of the Security Council to consider once again the situation in the Territories in Africa under Portuguese administration. The letter recalled the Security Council resolution 183 (1963) of 11 December 1963 deprecating the non-compliance of Portugal with its previous resolution 180 (1963) of 31 July 1963, in which it had determined the situation in the African Territories under Portuguese administration as seriously disturbing peace and security in Africa and called upon Portugal urgently to implement measures aimed at the immediate granting of independence to those Territories in accordance with the aspirations of the people.⁵⁰³ Since then, the letter further stated, Portugal had "not only persisted in its flagrant refusal to implement the measures called for in the resolutions of the Security Council and the General Assembly", but had also "intensified its repressive measures and military operations against the peoples of these Territories with a view to defeating their legitimate aspirations to self-determination and independence". In pursuing its policies, Portugal had continued to use the military and other assistance extended to it by a number of Governments, including some of its military allies. Furthermore, it had committed numerous violations of the territorial integrity of independent African countries adjacent to the Territories under its administration. Those developments had caused concern and anxiety at the meetings of the Heads of African States or Governments in Cairo in July 1964, at the meetings of Heads of State and Government of Non-Aligned Countries at Cairo in October the same year, and at the meetings of Ministers of the Organization of African Unity at Nairobi in February and March 1965. The Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, following its recent visit to Africa, had in its resolution of 10 June 1965, considered the attitude of the Portuguese Government as constituting a threat to peace and security in Africa. In the light of those developments, it seemed clear that "the obstinacy of Portugal in its desire to perpetuate its domination over the colonial Territories under its administration constitutes a serious threat to peace and security".

By letter ⁵⁰⁴ dated 15 October 1965, the representatives of Liberia, Madagascar, Sierra Leone and Tunisia informed the Security Council that they had been instructed by the Organization of African Unity to

bring before the Council the question of African Territories occupied by Portugal and the question of apartheid in South Africa. Accordingly, they requested an urgent meeting of the Security Council to discuss those questions.

At the 1250th meeting on 4 November 1965, the Council included the item in its agenda.⁵⁰⁵ It considered the question at the 1250th, 1253rd to 1256th, and 1266th to 1268th meetings held between 4 and 23 November 1965. In the course of those meetings, the Council invited the representatives of Liberia, Madagascar, Portugal, Sierra Leone and Tunisia to participate in the discussion. The Council also invited, at its 1255th meeting, the representative of the United Republic of Tanzania to participate in the discussion.⁵⁰⁶

The representatives of Liberia, * Madagascar, * Sierra Leone, * Tunisia, * speaking at the 1250th meeting, and the representative of the United Republic of Tanzania, * speaking at the 1255th meeting, called the Council's attention to the fact that Portugal had not as yet complied with Security Council resolution of 31 July 1963 which determined the situation in African Territories under Portuguese administration as seriously disturbing peace and security in Africa, and which called on Portugal to implement a number of measures, including the immediate recognition of the right of the peoples of the Territories to self-determination, and negotiations with authorized representatives of the people with a view to the granting of independence to those Territories in accordance with the aspirations of the people.⁵⁰⁷ They noted that exploratory talks initiated by the Secretary-General under that resolution between nine African states on the one hand and Portugal on the other, had failed because of the unacceptable interpretation which Portugal had placed on the word "self-determination". It was recalled in this connexion that non-compliance by Portugal with the provisions of that resolution had led the Council to adopt its resolution 183 (1963) of 11 December 1963, in which it reaffirmed the interpretation of self-determination contained in General Assembly resolution 1514 (XV) and deprecated Portugal's non-compliance. Despite those actions by the Council, the situation in the African Territories under Portuguese administration had since deteriorated, with the Portuguese Government stepping up its repressive measures against the popular movement for independence. In 1963, fighting against the Portuguese Government occurred only in Angola and Guinea but its scope was limited; following the rebellion of the people of Mozambique against Portuguese repression, the struggle for liberation had then been waged on three fronts. The extent of the fighting was illustrated by Portuguese military build-up in those territories. There were reportedly 60,000 armed forces in Angola, 40,000 in Mozambique and 20,000 in Portuguese Guinea. In Mozambique, owing to aid from the North Atlantic Treaty Organization (NATO), Portugal had been able to establish eight new military bases. The Portuguese colonial war efforts in African Territories

⁵⁰⁵ 1250th meeting: para. 7. See also chapter III, Case 15.

⁵⁰⁶ 1250th meeting: para. 9; 1255th meeting: para. 2.

⁵⁰⁷ For texts of relevant statements, see 1250th meeting: Liberia, * paras. 13-17, 20-26, 38-40, 47-52; Madagascar, * paras. 125-129, 135-136; Sierra Leone, * paras. 104-110, 115-117; Tunisia, * paras. 55-67, 74-80, 97-101; 1253rd meeting: Portugal, * paras. 3-7, 29, 38-50; 1255th meeting: United Republic of Tanzania, * paras. 82-84. For discussion concerning self-determination, see chapter XII, Case 1.

⁵⁰² S/6585, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 147-149.

⁵⁰³ For proceedings leading to the adoption of these resolutions, see *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, chapter VIII, pp. 209-213.

⁵⁰⁴ S/6791, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 197-198.

under its administration were reportedly costing Portugal some 350,000 dollars a day. At present Portugal maintained the largest foreign army on the African continent, and the cost of the war in terms of human lives to both Portugal and the nationalists was incalculable.

While it had been argued by NATO suppliers of aid in arms to Portugal that that aid had not been meant for use in Portuguese overseas Territories, it would be in the interests of all if the NATO powers concerned would seek to verify that those arms were not in fact used in the Portuguese colonial war against the population of Territories under its administration. In the absence of such verification, the best assurance that could be given would be that there should be no supply of arms to Portugal under any arrangements whatsoever. In calling attention to the fact that the embargo on weapons, munitions and war materials called for by the Security Council was not being fully applied the representatives maintained that Portugal had thus been able to intensify its colonial war. As the threat to peace and international security became, consequently, more precise at that time than it had been two years ago, the Security Council was expected, while reinforcing the measures already adopted, to decide on serious economic measures to make Portugal change its policy and implement the pertinent resolutions of the Security Council and the General Assembly.⁵⁰⁸

At the 1253rd meeting, on 8 November 1965, the representative of Portugal * stated in reply that the charges made by the African representatives did not bring out any new facts or developments of direct concern to the Council. The matter brought before the Council was more proper for consideration by the Fourth Committee or the two political committees of the General Assembly. He noted that the report on which the accusations had been based was not an independent document; it reflected the views of the same delegations on whose behalf the African representatives had addressed the Council. As for alleged NATO aid, he further stated, Portugal did not utilize and had no intention of utilizing it in Africa. Moreover, Portugal manufactured and supplied 95 per cent of its own military requirements and needs and had therefore no need for outside sources. The charges that Portugal had been threatening international peace and security, which had never been substantiated, were being repeated so as to "create the impression that our policy is actually a danger to someone". In answer to charges of incursions into the territory of Senegal, Portugal had in the past offered to have them investigated by a tripartite commission appointed by the United Nations, which offer had always been rejected by Senegal.

Far from being the aggressor, Portugal had been the victim of aggression. In 1965 alone, its air space over Portuguese Guinea had been violated 140 times.⁵⁰⁹ It could then no longer be denied that there existed a vast network of foreign interests, ranging from government and political parties to business enterprises and private foundations, which were

endeavouring to disturb the peace in Angola and in Mozambique. As had been reported by the Press, a number of African countries, including Ghana, Tunisia, United Republic of Tanzania and others, had provided training grounds for foreigners infiltrating into Portuguese Territories and had clandestinely shipped arms and equipment for them. It was therefore time for the Council to investigate the charges levelled against Portugal, and to accuse the real aggressors, to investigate the foreign training bases and military sanctuaries whence the infiltrators had been operating.

At the 1266th meeting on 22 November 1965, the representative of Tunisia introduced a draft resolution,⁵¹⁰ jointly sponsored by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone, Tunisia and, later, Madagascar.⁵¹¹

Speaking in connexion with the various provisions of the draft resolution, the representative of Portugal * noted, *inter alia*, that certain paragraphs tended to confuse the principle of self-determination with the modalities of implementation and were in effect an attempt to interfere in the internal administration of the territories.⁵¹² Furthermore, even if the allegations against his Government had been proved, operative paragraph 8, which called upon all states "to take all the necessary measures either separately or collectively to boycott all Portuguese imports and exports", dealt not only with matters falling under Chapter VII of the Charter, but was clearly out of proportion to the issues involved.⁵¹³

At the 1268th meeting on 23 November 1965, the representative of Uruguay submitted amendments⁵¹⁴ which would substitute the word "endangers" for the words "seriously disturbs" in operative paragraph 1 of the seven-Power draft resolution and replace operative paragraphs 6 and 7 of that draft resolution with a single paragraph requesting all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the people of the Territories under its administration, and take the necessary measures to prevent the sale and supply of arms and military equipment, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition. Those amendments were approved by the Council at the same meeting.⁵¹⁵ At the request of the representative of Uruguay, the Council voted separately on paragraph 8 of the seven-Power draft resolution, which called on all States "to take all the necessary measures either separately or collectively to boycott all Portuguese imports and exports". The Council rejected the paragraph by 4 votes in favour, none against, with 7 abstentions.⁵¹⁶ At the same meeting, the Council adopted the seven-Power draft resolution, as amended, by 7 votes in favour, none against, with 4 abstentions.⁵¹⁷ The resolution read:⁵¹⁸

"The Security Council,

"Having examined the question of the situation

⁵⁰⁸ S/6953/Rev.1, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 382-384.

⁵⁰⁹ S/6953/Add.1, replaced by S/6953 Rev.1.

⁵¹⁰ For discussion of this question see, chapter XII, Case 1.

⁵¹¹ 1266th meeting, para. 32.

⁵¹² S/6965.

⁵¹³ 1268th meeting, paras. 15-16.

⁵¹⁴ 1268th meeting, para. 19.

⁵¹⁵ 1268th meeting, para. 30.

⁵¹⁶ S/RES/218 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 18-19.

⁵⁰⁸ For discussions relating to the provisions of Chapter VII of the Charter, see chapter XI, Case 2.

⁵⁰⁹ On 8 November 1965, the representative of Portugal sent a letter to the Security Council listing the 140 violations of the air space of Portuguese Guinea, which it charged had taken place in 1965. S/6886, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 334-342.

in the Territories under Portuguese administration submitted by thirty-two African States,

"*Recalling* its resolutions 180 (1963) of 31 July 1963 and 183 (1963) of 11 December 1963,

"*Noting with deep concern* the continual refusal of Portugal to take the necessary steps to implement the aforementioned resolutions of the Security Council,

"*Considering* that in spite of the measures laid down by the Security Council in paragraph 5 of resolution 180 (1963), the Government of Portugal is intensifying its measures of repression and its military operations against the African population with a view to defeating their legitimate hopes of achieving self-determination and independence,

"*Convinced* that the implementation of the pertinent resolutions of the Security Council and the General Assembly, and in particular Council resolutions 180 (1963) and 183 (1963), is the only means to achieve a peaceful solution of the question of Portuguese Territories in accordance with the principles of the Charter of the United Nations,

"*Recalling* General Assembly resolution 1514 (XV) of 14 December 1960,

"1. *Affirms* that the situation resulting from the policies of Portugal both as regards the African population of its colonies and the neighbouring States seriously disturbs international peace and security;

"2. *Deplores* the failure of the Government of Portugal to comply with previous resolutions of the Security Council and the General Assembly and to recognize the right of the peoples under its administration to self-determination and independence;

"3. *Reaffirms* the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV) and in Security Council resolution 183 (1963);

"4. *Calls upon* Portugal to give immediate effect in the Territories under its administration to the principle of self-determination as referred to in paragraph 3 above;

"5. *Reaffirms* its urgent demand to Portugal for:

"(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence;

"(b) The immediate cessation of all acts of repression and the withdrawal of all military and other forces at present employed for that purpose;

"(c) The promulgation of an unconditional political amnesty and the establishment of conditions that will allow the free functioning of political parties;

"(d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with General Assembly resolution 1514 (XV);

"(e) The granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples;

"6. *Requests* all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the people of the Territories under its administration, and to take all the necessary measures to prevent the sale and supply of arms and military equipment to the Portuguese Government for this purpose, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition to be used in the Territories under Portuguese administration;

"7. *Requests* all States to inform the Secretary-General on whatever measures are undertaken towards implementation of paragraph 6 of the present resolution;

"8. *Requests* the Secretary-General to ensure the implementation of the provisions of the present resolution, to provide such assistance as he may deem necessary and to report to the Security Council not later than 30 June 1966.

The question remained on the list of matters of which the Security Council is seized.⁵¹⁹

⁵¹⁹ The following were subsequent communications on this question during the period covered by this Supplement: S/7011, 14 December 1965; S/7041, 22 December 1965, and S/7057, 29 December 1965.

