



**REPORT
OF
THE SECURITY COUNCIL**

16 July 1963—15 July 1964

**GENERAL ASSEMBLY
OFFICIAL RECORDS : NINETEENTH SESSION
SUPPLEMENT No. 2 (A/5802)**

UNITED NATIONS

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UNITED NATIONS
New York, 1965

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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INTRODUCTION

The present report¹ is submitted to the General Assembly by the Security Council in accordance with Article 24, paragraph 3, and Article 15, paragraph 1, of the Charter.

Essentially a summary and guide reflecting the broad lines of the debates, the report is not intended as a substitute for the records of the Security Council, which constitute the only comprehensive and authoritative account of its deliberations.

With respect to the membership of the Security Council during the period covered, it will be recalled that the General Assembly, at its 1246th and 1254th meetings, on 18 October and 1 November 1963, elected Bolivia, Czechoslovakia and the Ivory Coast as non-permanent members of the Security Council to fill the vacancies resulting from the expiration, on 31 December 1963, of the terms of office of Ghana, the Philippines and Venezuela.

The period covered in the present report is from 16 July 1963 to 15 July 1964. The Council held 101 meetings during that period.

¹ This is the nineteenth annual report of the Security Council to the General Assembly. The previous reports were submitted under the symbols A/93, A/366, A/620, A/945, A/1361, A/1873, A/2167, A/2437, A/2712, A/2935, A/3137, A/3648, A/3901, A/4190, A/4494, A/4867, A/5202 and A/5502.

Part I

QUESTIONS CONSIDERED BY THE SECURITY COUNCIL UNDER ITS RESPONSIBILITY FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY

Chapter 1

THE PALESTINE QUESTION

- (a) **LETTER DATED 20 AUGUST 1963 FROM THE ACTING PERMANENT REPRESENTATIVE OF ISRAEL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL;**
LETTER DATED 21 AUGUST 1963 FROM THE ACTING PERMANENT REPRESENTATIVE OF ISRAEL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL;
- (b) **LETTER DATED 21 AUGUST 1963 FROM THE PERMANENT REPRESENTATIVE OF THE SYRIAN ARAB REPUBLIC ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

A. Communications to the Council

1. In a letter dated 20 August 1963 (S/5394), the Acting Permanent Representative of Israel requested an urgent meeting of the Security Council to consider a "grave act of aggression by Syrian armed forces", charging that on 19 August three members of the Israel settlement of Almagor in the Galilee had been attacked by at least ten Syrian soldiers, resulting in the murder of two of the farmers. The letter added that the incident was the gravest in a lengthy chain of Syrian border attacks resulting in a steady rise of tension and that Syria therefore should be condemned for its warlike actions. Subsequently, in a letter dated 21 August (S/5396), the Acting Representative of Israel transmitted to the Council a list of ninety-eight incidents in which, he stated, fire had been directed from Syria into Israel.

2. In a letter dated 21 August (S/5395), the Permanent Representative of the Syrian Arab Republic complained that on 20 August an Israel force of about fifteen armoured cars had opened fire on Syrian advanced positions from the Israel settlement of El Dardara within the demilitarized zone, and requested an urgent meeting of the Security Council to consider the "very grave situation which has arisen as a result of this new wave of aggression".

B. Consideration at the 1057th to 1063rd meetings (23 August-3 September 1963) and report of the Chief of Staff

3. At the 1057th meeting on 23 August 1963, the provisional agenda, consisting of the Israel and Syrian communications as sub-items (a) and (b) respectively, was adopted. The representatives of Israel and Syria were then invited to take seats at the Council table.

4. The representative of Israel called for swift and firm action by the Council on Syria's persistent violation of the Armistice Agreement and the United Nations Charter. Circumstances surrounding the attack on the Israeli farmers at Almagor suggested a calculated act of provocation linked with groundless

charges that the Israel army was massing to attack Syria. His Government's policy of self-restraint in the face of attack and provocation had been severely tested over a long period up to the events of the last week. But while it was determined to keep the borders quiet, it had to answer to its people for ensuring the integrity of those borders and for protection of the lives of its citizens. In order to preserve that measure of stability which existed under the armistice régime, the Council should condemn sharply the conduct of the Syrian Government and warn that it must cease.

5. The representative of Syria said that his Government would have preferred to have the difficulties resulting from implementation of the Armistice Agreement between Syria and Israel settled by the organ created for that purpose, the Mixed Armistice Commission. But the Israel delegation had refused to participate in the work of that body since 1951. The Security Council was now considering the matter under the pressure of intimations that Israel would resort to a large-scale attack should the Council not accede to its demands by condemning Syria. He declared that the Syrian authorities had not been responsible for the killing of the Israel farmers. The nature of the terrain made it impossible for Syrian soldiers to have carried out that attack. Denying that Israel was the victim, he gave details of recent attacks against Syria. He charged that Israel had undertaken massive concentration of troops in the "defensive areas" and in the demilitarized zone, contrary to the Armistice Agreement. Israel, he declared, had deliberately violated the Armistice Agreement provisions governing the demilitarized zone.

6. In a report dated 23 August (S/5401 and Corr.1), with subsequent additions (S/5401/Add.1-4), the Chief of Staff reviewed the situation along the Israel-Syrian armistice demarcation line. The report dealt with the events leading up to the current tense situation, with the Almagor incident, with the exchange of fire in the Dardara region and with subsequent developments. The Chief of Staff then proposed the adoption of certain measures to restore tranquillity in the area.

7. The problem concerning the use of lands in the demilitarized zone created by Article V, paragraph 5, of the Israel-Syrian General Armistice Agreement had been the cause of friction in the past. Both parties had previously expressed their willingness in principle to have the limits regarding the use of land established in the southern demilitarized zone, but there were conflicting views in respect of the date of a *status quo* and of what parcels should be included.

8. In connexion with the Almagor incident, the United Nations military observers had seen ten distinct ambush positions, fired cartridge cases and tracks leading from the direction of the Jordan River to the ambush positions and returning in the direction of the River. The Syrian delegate to the Mixed Armistice Commission and the President of the Syrian Council of Ministers had denied that any Syrians were involved in the incident.

9. In connexion with the exchange of fire in the central demilitarized zone on 20 August, which was the subject of the Syrian complaint (S/5395), the Chief of Staff stated that United Nations observers had seen burnt fields in five areas in Syria and had reported the presence, after several outbreaks of firing, of an armoured carrier in the Israel "defensive area", in violation of the General Armistice Agreement. On the Israel side, the observers saw a damaged bulldozer. The full texts of the investigations of the Israel and Syrian complaints to UNTSO concerning the incident were circulated in addenda to the report (S/5401/Add.2 and 3), and a further addendum (S/5401/Add.4) contained the texts of statements made by United Nations observers on duty at observation posts; they had been unable to observe which side had opened fire first. Subsequently, further Israel complaints were received regarding firing from Syrian military posts.

10. The Chief of Staff then reviewed measures taken and proposed by him to alleviate tension and restore tranquillity in the area. Both parties had undertaken not to fire, except in self-defence. He reported that on 20 August 1963 he had requested the co-operation of the parties for a visit of the areas defined in the last paragraph of the General Armistice Agreement, the so-called "defensive areas", and that he had subsequently suggested that a visit to the demilitarized zone should be included in the simultaneous visits to the "defensive areas". Both Syria and Israel had notified him of their acceptance of his proposal. He then referred to the findings which his predecessor (General Von Horn) had issued on 20 January 1960, fixing limits concerning the use of lands in the southern sector of the demilitarized zone without prejudice to the validity of legal claims presented by either party in the final settlement (Report by the Chief of Staff, S/4270, Annex V). He said that he intended to seek the co-operation of the parties to resume the materialization on the ground of the use of lands in that area, as well as in other parts of the southern and central sectors of the demilitarized zone.

11. The Chief of Staff added that the question of the resumption of regular meetings of the Mixed Armistice Commission had been a moot issue for many years in view of the parties' disagreement as to the competence of the Commission to discuss complaints relating to the demilitarized zone. Syria insisted that the complaints it had submitted in that respect must be considered prior to the consideration of any complaints submitted at a later date. Israel refused to attend a meeting at which such complaints would be

discussed. He intended to urge the parties to meet again within the Mixed Armistice Commission. It was to be regretted that they had not taken advantage of its machinery to request emergency meetings to consider their complaints of 19 and 20 August. He also stressed the necessity for United Nations observers to enjoy unrestricted freedom of movement, particularly in the demilitarized zone. He envisaged the possibility of using mobile and temporary observation posts as a deterrent against future incidents in the demilitarized zone.

12. Finally, the Chief of Staff suggested that an early exchange of prisoners held in Syria and Israel would help in relieving tension.

13. At the 1058th meeting (28 August), the Secretary-General informed the Council that inspection visits to the defensive areas and the demilitarized zone by UNTSO on 26 August, had produced no evidence of a military build-up on either side in the defensive areas in excess of the military strength permissible under the Armistice Agreement. There had been a favourable response to General Bull's appeal for observance of the cease fire.

14. The representative of Morocco observed that the question was not a simple matter of a localized frontier incident. The problem was infinitely more serious and, therefore, his delegation considered that the Council should tackle it with all necessary objectivity, without any pressure or mystification. Reviewing the background of the matter, he said that one fact stood out: Israel as a State was the product of a typical colonialist aggression that had reduced the Palestinian people to a state of degradation and misery. Referring to the death of two Israeli farmers, he said that analysis of the report of the Chief of Staff produced no proof that Syrians were responsible for the Almagor incident. Israel's complaint was based, in its accusation against Syria, upon simple and mere presumption.

15. The representative of the United States of America said that difficulties on the Syrian-Israel frontiers had broken out periodically ever since the signing of the General Armistice Agreement. The fundamental cause of those difficulties sprang from the failure of the two parties to live in peaceful—if armed—truce in accordance with the Armistice Agreement. Although the evidence cited in the report of the Chief of Staff was admittedly circumstantial, its implications were clear enough. The United Nations investigation, on the other hand, had not corroborated Syrian counter-complaints about incidents on 20 August 1963. In all justice and in the interest of law and order, the reprehensible act of murder deserved the strongest condemnation. The Truce Supervision Organization should be commended for the excellent work it was doing in this area. Likewise, the recommendations which General Bull had in mind for the strengthening of UNTSO must be implemented with the co-operation of the parties concerned if such incidents were to be avoided in the future.

16. At the 1059th meeting on 28 August, the representative of Israel said that measures to improve the situation should be worked out by General Bull with the parties. It was his understanding of the letter of the Chief of Staff to the Secretary-General that General Bull was simply informing the Secretary-General, and the Secretary-General was informing the Council, of matters which the Chief of Staff had taken up directly with the Governments concerned. The Chief

of Staff was concerned, and should be primarily concerned, with securing the willing co-operation of the parties and establishing with them a relationship of trust and harmony.

17. The representative of Israel then drew the attention of the Council to the sketch map of the demilitarized zone which the Israel delegation had put before the Council. The map showed that there were three Syrian military positions within a radius of some two thousand yards from the Almagor settlement and that the movements of the settlers would be under constant observation from those Syrian positions.

18. The representative of Syria did not agree with the map of the zone distributed by the Israel delegation. The map which accompanied the report of General Bull was the only map which could prove anything. In that report there were elements which incriminated the Israel authorities. On the other hand, he continued, according to the report it was not possible to affirm without any fear of making a mistake, that Syria was responsible for the murder of those two farmers. The firing had emanated from the demilitarized zone and it was Israel which had established fortified posts at several points in the zone. In any case, the question before the Security Council should have been submitted to the Mixed Armistice Commission as provided for in article VII of the Armistice Agreement between Syria and Israel. The authority of the Armistice Commission and its competence should be affirmed. Israel's boycott of the Commission had completely paralysed the activities of the Mixed Armistice Commission. Not only had it been unable to work, but the demilitarized zone had suffered grievously, and if the demilitarized zone had suffered, then the balance that had been created by the Armistice Agreement between Syria and Israel had also been shattered. That balance rested on two basic principles, namely, that both parties should be assured of safety within their own respective territories and that the Armistice Agreement had been signed for military and not political reasons.

19. The representative of the United Kingdom of Great Britain and Northern Ireland said that in the view of his delegation the circumstantial evidence established a very strong presumption that the attack at Almagor had come from Syrian territory. He could not doubt that when they reviewed the facts set out in the Chief of Staff's report, the Syrian authorities would set on foot the most rigorous inquiries to satisfy themselves that despite those facts the conclusion was unwarranted, or else to bring to book the irresponsible elements which had permitted that tragedy to occur. Concerning the Syrian complaint, his Government deplored all such incidents and all such exchanges of fire, which were in violation of the Armistice Agreement. But it was very difficult to pin the blame on one party or the other in such cases. He commended the measures taken and proposed by the Chief of Staff and hoped that means could be found by which the local machinery—in particular the Mixed Armistice Commission—could be reactivated and play its intended part.

20. The representative of Brazil stated that the complaints lodged with the Council by Israel and Syria must be considered in the whole context of the Palestine question. The report submitted by UNTSO established beyond doubt that the Almagor incident had taken place inside Israel territory and that the aggressors had withdrawn in the direction of the Jordan River. In relation to the Syrian complaint, the

report of General Bull, although inconclusive, made it clear that the two parties were responsible for breaches of the peace. The Mixed Armistice Commission, he concluded should be reactivated and the parties should be called upon to co-operate with UNTSO in carrying out the proposed measures.

21. At the 1060th meeting on 29 August, the representative of France said that the problems arising in that part of the world proved that an armistice agreement was not of easy application between States whose political objectives appeared to be irreconcilable, but the incompatibility of those objectives could in no way justify the threats to take justice into one's hands. The findings of the United Nations observers made it clear that responsibility for the Almagor attack need hardly be discussed. On the other hand, there was no proof which would show who opened fire first in the Dardara region. General Bull's proposals could on the whole be approved. It would be useful for the Council to be informed later by the Secretary-General of the progress made by the Chief of Staff in that regard.

22. The representative of Ghana said that the report of General Bull left no doubt that the murder in the Almagor settlement had been committed by persons who had crossed the demilitarized zone. However, the Syrian complaint had not been corroborated by the United Nations observers. While the Ghanaian delegation supported all measures employed by UNTSO, the Government of Ghana would continue to be preoccupied with the establishment of peace in the Middle East. The acceptance of Israel's existence as a State was germane to any effort to establish peace and stability in the Middle East. Scrupulous regard for the territorial integrity of neighbouring States would certainly enhance the prospects of peace in the region. In that regard, to eliminate one of the sources of the friction in the area, the President of Ghana had already advocated the permanent delimitation of the State of Israel.

23. The representative of the Philippines stated that evidence of the Almagor incident collected by the United Nations investigators, and described in the report of General Bull, pointed towards a calculated murder which must be condemned, like all such murders. General Bull's report was inconclusive regarding the complaint of Syria about an Israel attack in the central demilitarized zone. However, his delegation took note of the damage done to Syrian villages, as reported by the Chief of Staff. The easing of tension on the Israel-Syrian border did not depend merely on condemning reprehensible acts, but rather on the full adherence by the two parties to the Armistice Agreement. For that reason, his delegation supported the measures proposed by General Bull.

24. The representative of China noted that United Nations observers had found physical evidence on the scene of the Almagor incident indicating that the men involved had come from and retreated in the direction of the Jordan River. Basically, however, the difficulties between Israel and Syria lay in the failure of the parties to abide fully by the terms of the Armistice Agreement. He hoped that the parties would extend all co-operation to the Chief of Staff.

25. At the same meeting, the President drew the attention of the Council to the following draft resolution submitted jointly by the United Kingdom and the United States (S/5407):

"The Security Council,

"*Having heard* the statements of the representatives of Israel and the Syrian Arab Republic,

"*Taking into consideration* the report of the Secretary-General dated 24 August 1963,

"1. *Condemns* the wanton murder at Almagor in Israel territory of two Israel citizens on 19 August 1963;

"2. *Calls the attention* of the Syrian Arab Republic to evidence in the Secretary-General's report to the effect that those responsible for the killings appear to have been an armed group who entered Israel territory from the direction of the Jordan River and afterwards left in the same direction;

"3. *Notes with satisfaction* that the report of the Secretary-General indicates that, although there was an exchange of fire, there was no substantial show of force in the demilitarized zone on 20 August 1963;

"4. *Appeals* to the parties to co-operate in the early exchange of prisoners in accordance with the suggestion contained in paragraph 49 of the Secretary-General's report;

"5. *Notes* from the report of the Secretary-General that the Chief of Staff of the United Nations Truce Supervision Organization has proposed to the parties concerned certain measures to alleviate tension and restore tranquillity in the area;

"6. *Calls upon* the parties to offer to the Chief of Staff all possible co-operation in the pursuit of this end in conformity with the General Armistice Agreement;

"7. *Requests* the Secretary-General to report to the Security Council by 31 December 1963 on the progress made in regard to the measures proposed by the Chief of Staff."

26. The representative of the United States explained that the draft resolution dealt with the two major elements of the problem before the Council, namely the immediate incident with which the Council was seized and the United Nations machinery and the co-operation of the parties with that machinery on which the peace of the area largely depended.

27. The representative of Morocco said that paragraphs 1 and 2 of the draft resolution seemed to be based only upon suppositions taken to be true. The death of two Israelis might have been the result of mistrust or errors rather than the result of attacks. To condemn the Syrian Arab Republic in the matter—even if indirectly—lacking sufficient ground, would be to give disproportionate value to the Israel viewpoint. He therefore suggested that the Council postpone the vote on the joint draft resolution to give the parties time to weigh the matter and determine their positions definitively.

28. At the 1061st meeting on 30 August, the representative of Venezuela stated that the murder of two Israel farmers in Israel territory had been clearly established and that although the report of General Bull did not place this act at the door of the Syrians, it did appear that the murderers had entered Israel territory from the Jordan River frontier. Referring to the Syrian complaint, his delegation found that the information available did not seem to support the Syrian contention. However, it was clear that the Council was considering only a series of off-shoots of the situation which prevailed in the region.

29. The President, speaking as representative of Norway, stated that from the evidence produced by UNTSO, it was clearly established that the two Israel citizens had been killed well inside Israel territory and that the indications were that the perpetrators had come from and returned to Syrian territory. On the basis of the evidence provided, it was difficult to pass a firm judgement concerning the Syrian complaint. The Council had the right and duty to look ahead in an endeavour to forestall similar incidents and to create a more peaceful atmosphere in the area. He supported the measures proposed by General Bull, and considered that as a first step towards the reduction of tension an exchange of prisoners between Israel and the Syrian Arab Republic would be useful. The Norwegian delegation would vote in favour of the joint draft resolution, the most important provisions of which were those designed to make full use of United Nations machinery and to prepare the ground for improved relations between the parties.

30. The representative of Syria, commenting on the joint draft resolution, stated that the United Nations observers who had investigated the Almagor incident had not entered the demilitarized zone throughout the investigation. Thus, the thesis that the alleged act had apparently been committed by Syrians crossing the demilitarized zone could not be confirmed. According to the provisions of the Armistice Agreement, there should be no military forces in the demilitarized zone. However, paragraph 3 of the draft resolution, by stating that there had been no substantial show of force, had recognized that there had been some show of force which was in any case prohibited. The draft resolution in those circumstances was not valid.

31. At the 1062nd meeting on 30 August, the representative of Morocco introduced a number of amendments (S/5410 and Rev.1) to the United Kingdom-United States joint draft resolution (S/5407). The amendments called for the following alterations: (1) replacement of operative paragraph 1 by the following text: "*Regrets* the death of two persons at Almagor on 19 August 1963"; (2) deletion of operative paragraph 2; (3) replacement of operative paragraph 3 by the following text: "*Notes with regret* that the report of the Chief of Staff of the United Nations Truce Supervision Organization mentions the presence of an armoured personnel carrier in the Israel defensive area in violation of the General Armistice Agreement."; (4) insertion after operative paragraph 6 of a new paragraph reading as follows: "*Notes with regret* that since 1951 Israel has failed to co-operate with the Syrian-Israel Mixed Armistice Commission as provided for in the Syrian-Israel General Armistice Agreement." The Moroccan delegation proposed deletion of the second operative paragraph because it believed that the implications which it contained were not valid since differences of opinion had been voiced regarding the proofs contained in the report of the Secretary-General and since it was obvious that the facts expounded in the report made it clear that United Nations observers had not entered the demilitarized zone throughout the investigation. His delegation also considered that the resolution should note that the report of the Chief of Staff mentioned the presence of an armoured personnel carrier in the Israel defensive area and that since 1951 Israel had failed to co-operate with the Israel-Syrian Mixed Armistice Commission.

32. The representative of the Union of Soviet Socialist Republics stated that a careful analysis of the report of the Chief of Staff would show that it did not produce sufficiently convincing evidence to confirm Syria's guilt for the death of the two Israel citizens. The report contained assumptions, suppositions and certain conclusions, but assumptions could not replace facts. The Israel-Syrian conflict could not be considered in isolation from certain actions of Israel with respect to the Arab countries. Border incidents arose from violations of the Armistice Agreement. Without normalization of the general situation in the area, it would be difficult to eliminate individual incidents. As regards the joint draft resolution, the Soviet delegation considered that it contained one-sided accusations directed at Syria unsupported by facts. At the same time, the representatives of some countries evidently considered it advantageous to make even the current discussion in the Council an end in itself, in order to stir up feelings in the region. The Moroccan amendments, on the other hand, were reasonable and definitely constructive in character. Taking those amendments into account, the Security Council could and should work out a solution which would truly help to ease tension in the region.

33. The representative of Israel, commenting on the Moroccan amendments, stated that in view of the evidence produced regarding the murder at Almagor, it would be regrettable if the draft resolution did not use plain language about what had been deliberately done there. The report of the Chief of Staff had established Syria's culpability for the killing of the two Israel farmers. While evidence showed that an Israel police vehicle might have briefly entered the demilitarized zone during the exchange of fire, the Moroccan proposal that the draft resolution should take note of the presence of an Israel military vehicle could not be substantiated. Moreover, Israel's view of the provisions of the General Armistice Agreement was that everything that concerned activities within the demilitarized zones was a matter between Israel and the Mixed Armistice Commission. Through the Commission, Syria wished to obtain a *locus standi* with regard to the zone which Israel was not prepared to concede to it. It was for that reason that Israel did not think that the Armistice Commission was competent to deal with matters which concerned only the zones.

34. At the 1063rd meeting on 3 September 1963, the representative of Morocco stated that from the report of the Chief of Staff he could not assume that the tracks and foot prints which seemed to be the principal element of evidence were only those that had allegedly been made by an armed group coming from the Jordan River. Nor had the investigation been carried out at the time of the incident. He therefore thought that no proof had yet been established in any evident fashion to the effect that there was direct responsibility on the part of the Syrians in the murder of the two Israeli persons.

35. The representative of the United States said that the first two Moroccan amendments significantly changed the meaning and the balance of the draft resolution. They failed to take into account the evidence surrounding the Almagor incident and, if adopted, would cause the resolution to fail to deal with the first complaint being considered by the Council. Nor could the United States delegation support the third Moroccan amendment since, while there had been an

exchange of fire on 20 August, there had not been a substantial show of force in the demilitarized zone, as had been claimed. With regard to the fourth amendment, the United States would not consider it helpful to the Chief of Staff if the Council were to single out merely one aspect of his suggestions, namely the reactivation of the Mixed Armistice Commission.

36. The representative of the United Kingdom stated that his delegation saw little justification for the first or second Moroccan amendments. As had been said by several members of the Council, murder was an act demanding condemnation. Merely to regret such an incident did not go far enough. Moreover, while the report of the Chief of Staff drew no inference from the facts established, the circumstantial evidence pointed strongly towards certain conclusions and it was right therefore that the attention of the Government of the Syrian Arab Republic should be drawn to the evidence contained in the report. As regards the third amendment, it would be wrong to substitute for the paragraph which attempted to deal with the Syrian complaint as a whole one which, though possibly justifiable in itself, dealt only with one particular incident in the wider exchanges of fire the responsibility for which was not entirely clear. Concerning the last amendment proposed by the representative of Morocco, the Chief of Staff had referred to the reactivation of the Mixed Armistice Commission amongst the steps to be taken for a fuller implementation of the General Armistice Agreement.

37. The representative of Syria stated that it was regrettable that the draft resolution had turned the Security Council into a juridical body to hand down the law in a specific case. The Security Council was a political body of the United Nations and to try to attribute judicial faculties to it was not in keeping with the status of the Council as the highest body in questions of international peace and security. The representatives of the United States and the United Kingdom had brought to bear all the weight of the countries they represented to try to overwhelm his Government by saying that the two Israelis had been killed by Syrians, but the proof they submitted was groundless and he could ask the Security Council to set up a new investigation in this respect. The representative of Syria then drew the attention of the Council to the Security Council resolutions of 18 May 1951 (S/2157), 19 January 1956 (S/3538) and 9 April 1962 (S/5111). The latter resolution in operative paragraph 6 called for "strict observance of Article V of the General Armistice Agreement", providing for the exclusion of armed forces from the demilitarized zone. Those were balanced resolutions and they should have been referred to in the draft resolution.

Decision: *The amendments submitted by Morocco (S/5410/Rev.1) were not adopted. The vote was 2 in favour (Morocco, USSR), none against, and 9 abstentions. The draft resolution submitted by the United Kingdom and the United States (S/5407) received 8 votes in favour, 2 against (Morocco, USSR) and 1 abstention (Venezuela). The draft resolution was not adopted since one of the negative votes was cast by a permanent member of the Council.*

38. The representative of Morocco stated that since the Security Council had not seen fit to adopt the Moroccan amendments, his delegation had been obliged to withhold its support from the draft resolution. His delegation believed that the vote of the Soviet delegation in this connexion had come at a time when it was

absolutely necessary because a resolution such as the one presented to the Council would have solved neither the problem itself nor the highly tense situation in the area. The state of tension and insecurity along the demarcation lines was due to a large extent to Israel's refusal to submit to the obligations imposed upon it by the General Armistice Agreement and in particular that of participating in the work of the Mixed Armistice Commission. Accordingly, he considered that it would be useful to request the Secretary-General to ask the Chief of Staff to submit in detail a factual, non-political report about the prevailing conditions with regard specifically to the Armistice Agreements along the demarcation lines and in all of the demilitarized zones, as well as with regard to respect for the provisions of those Agreements by the parties concerned.

39. The Secretary-General, in reply, said that on the assumption that there was no objection by the Council, he would ask General Bull to prepare such a report. In view of the fact that such a report was a time-consuming work, he would not wish to promise submission in less than two months.

40. The representative of the USSR stated that it was regrettable that despite the previous practice whereby the Council had been able to find resolutions acceptable to both parties on matters before it, it had been impossible on this occasion to arrive at any solution acceptable to all members of the Council. He reiterated his delegation's opposition to tendentious accusations levelled against one of the parties. The charges against Syria were not based on unquestionable and proved facts. It was for that reason that the USSR delegation had clearly stated that the draft resolution was unacceptable and had supported the efforts of Morocco to find a solution acceptable to both the parties which had approached the Security Council. The Western Powers had demonstrated no inclination to alter their positions which had been frozen by themselves in pursuit of an acceptable solution. The USSR had voted against the United Kingdom-United States draft resolution in order to defend the interests of justice and to prevent an anti-Arab action. A resolution of that kind, unfounded as it was, could, if adopted, lead only to a dangerous inflaming of passions and to a further aggravation of the situation in the region. However, the Soviet delegation considered that the discussion of the matter by the Council had been of great significance and had attracted the attention of world public opinion.

41. The representative of the United States observed that the fact that the resolution had been vetoed did not in any way detract from the judgement of the majority of the Council on the complaints before it. The Security Council had a long-standing role with regard to peace-keeping in that area. Should it fail to act because of a Soviet veto, it could only injure the interests of peace in the area. Despite the veto, Israel and Syria as well as other parties to the Armistice Agreement continued to have a solemn responsibility to co-operate with General Bull in his efforts to ensure peace in the region. It was undoubtedly the will of the majority of the Council members that Syria and Israel should give General Bull their full co-operation in carrying into force the suggestions he had put forward for strengthening UNTSO. Concerning the Moroccan proposal for the submission of a report by the Chief of Staff, his delegation had not had an opportunity to see the proposal in writing or to study it. He would not, therefore, consider the

Moroccan proposal and the Secretary-General's helpful statement at that point in any sense binding on the Council.

42. The representative of Israel stated that no veto could wipe out the facts contained in the Secretary-General's report and reduce the general importance of the two-Power draft resolution supported by the overwhelming majority of the Council. His Government regarded its complaint as having been vindicated, and Syria as morally condemned.

43. The representative of Syria stated that his country had not been condemned either morally or materially, as the draft resolution had not been supported by the necessary majority of the Council. He appreciated the reasons for the veto cast by the Soviet Union. Not only was Syria ready to co-operate with the Secretary-General on all matters dealing with the measures proposed by the Chief of Staff, but it was even ready to plead its case before the Mixed Armistice Commission.

44. The representative of the USSR, commenting on the statement of the United States representative, said that as far as the Soviet delegation was concerned, the views of the Arab countries in that matter were of very great significance. He drew the United States representative's attention to the fact that, in addition to the Soviet Union, the representative of Morocco had voted against the draft resolution, while the representative of Venezuela had abstained. The Soviet delegation considered it necessary to stress the need for the effective observance of the Armistice Agreement and the importance of the statement made by the Secretary-General regarding the presentation of the report.

C. Other communications to the Council

45. By a letter dated 28 August 1963 (S/5405 and S/5405/Corr.1) addressed to the President of the Security Council, the Permanent Representative of the United Arab Republic transmitted the text of a resolution condemning Israel for violation of United Arab Republic air space on 23 July 1963, adopted by the Egyptian-Israel Mixed Armistice Commission on 5 August 1963, together with the text of the statement by its Chairman. The resolution found that several Israel aircraft had penetrated into the United Arab Republic air space, and had engaged in combat with UAR aircraft and decided that that hostile act was a serious violation of the General Armistice Agreement.

46. In a letter dated 29 August (S/5406) addressed to the President of the Security Council, the Permanent Representative of Iraq, in connexion with the discussion of the Israel and Syrian complaints by the Council, expressed his Government's concern at the threats to peace of the region arising out of Israel's attempt to annex the demilitarized zone, in violation of the Armistice Agreement. Referring to the Israel complaint, he stated that the evidence produced had been fabricated by the Israel authorities. The Security Council should reaffirm once more the Armistice Agreement and reject Israel's claim to sovereignty over the demilitarized zone.

47. In a letter dated 7 July 1964 (S/5801), the representative of Israel drew the urgent attention of the Security Council to a series of recent armed attacks by Syrian forces upon Israel citizens and

civilian activities in the vicinity of the Israel-Syrian border. The latter gave particulars of these charges, stating that the attacks constituted the most flagrant violation of the Israel-Syria General Armistice Agreement and that the deteriorating border situation was a serious threat to international peace and security.

48. In a letter dated 8 July 1964 (S/5805) the *Chargé d'affaires a.i.* of the Syrian Arab Republic

stated that on 2 July Israel forces had opened fire on Arab farmers and on a Syrian post. They had continued firing intermittently from 3 to 6 July. Syria had lodged an urgent complaint with the Mixed Armistice Commission and drew the attention of the Council to the new wave of acts of aggression and the great danger which threatened peace and security in the area.

Chapter 2

QUESTION CONCERNING THE SITUATION IN TERRITORIES UNDER PORTUGUESE ADMINISTRATION: LETTER DATED 11 JULY 1963 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL BY THE REPRESENTATIVES OF THIRTY-TWO MEMBER STATES (S/5347)

(Note: As was indicated in the previous annual report,² the representatives of thirty-two African countries, in a letter dated 11 July 1963 (S/5347) requested an early meeting of the Security Council to consider the situation in the territories under Portuguese domination. It stated that the state of war prevailing in some of those territories following the persistent refusal of Portugal to comply with the provisions of General Assembly resolution 1514 (XV) and of the Security Council resolution of 9 June 1961 (S/4835) constituted a definite breach of peace and security in the African continent as well as a threat to international peace and security.)

A. Communications to the Council

49. In a letter dated 19 July 1963 (S/5356), the Chairman 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 transmitted to the Security Council its report on the territories under Portuguese administration, reviewing the situation in the various territories and summarizing the discussion on the subject in the Special Committee. The report contained the text of the resolution adopted by the Special Committee on 4 April 1963³ under which that Committee had decided to draw the immediate attention of the Security Council to the present situation with the view to its taking appropriate measures, including sanctions, to secure compliance by Portugal with the various resolutions of the General Assembly and of the Security Council.

50. In a telegram dated 19 July 1963 (S/5358), the Emperor of Ethiopia appealed to the Security Council to put maximum pressure on Portugal to grant immediate independence to the African people still under colonial rule.

51. In a letter dated 22 July 1963 (S/5366), the Permanent Representative of Ghana transmitted a message from the President of Ghana to the Security Council, which stated that humanity was awaiting anxiously the outcome of the Council's deliberations which should lead to the complete end of Portuguese repression and to the total liquidation of the Portuguese empire in Africa.

² Official Records of the General Assembly, Eighteenth Session, Supplement No. 2 (A/5502), p. 38.

³ This resolution was transmitted to the Council by the Secretary-General on 5 April 1963 (S/5276) (see A/5502, p. 38).

B. Consideration at the 1040th to 1049th meetings (22-31 July 1963)

52. At the 1040th meeting on 22 July 1963, the Security Council decided to include the item in its agenda and invited, at their requests (S/5351, S/5354, S/5355, S/5357 and S/5359), the representatives of Tunisia, Liberia, Portugal, Sierra Leone and Madagascar to participate without vote in the consideration of the question.

53. Opening the debate, the representative of Liberia said that the four African Ministers had come to the Council on behalf of all Africa to help secure independence and freedom for those peoples of Africa who were still under colonial rule. He regretted that the Government of Portugal had absolutely refused to comply with the various General Assembly and Security Council resolutions and to co-operate with the United Nations. That Government had instead continued and intensified its armed action and repression in Africa. Under Article 73 and Chapters XII and XIII of the Charter of the United Nations, Portugal had accepted a sacred trust to promote the well-being of its territories for which it was accountable to the United Nations. Resolution 1542 (XV) of 15 December 1960 also established Portugal's international accountability. In spite of all that, Portugal had refused to fulfil its obligations and had tried to hide behind Article 2, paragraph 7, of the Charter. However Article 2, paragraph 7, was not relevant to territories which had been colonies of and were entities separate from Portugal. The representative of Liberia then returned to the Portuguese contention that the territories were integral parts of metropolitan Portugal. The 1930 Colonial Act had been accompanied by the idea of cultural assimilation and by the intensification of the exploitation of African labour. Despite the modifications made in 1935 and 1945 and in particular in 1951, when the colonies had been named "Overseas Provinces", the fundamentals of that Act had remained unchanged. The last alterations had been needed only to lay the groundwork for Portugal's entry into the United Nations.

54. Africans, he continued, were prepared to give Portugal full recognition for its historical exploration of the continent of Africa, but that could neither obscure nor confuse the facts of colonial repression. As a result of oppression the African population in the Portuguese territories was living in a political, economic and social status of serious inequality. The

pattern was the same for all the territories: a refuge for Portuguese nationals, a source of agricultural products and mineral resources, an area for the practice of the most grinding oppression and exploitation. Thus, plans for development of Angola had so far sought to build up a complementary relationship with the economy of Portugal and the allocation of investment gave priority to the development of basic facilities, the increase of exports, and the settlement of Europeans. Illiteracy was estimated to run as high as 99 per cent. Exploitation was rampant.

55. The African Governments were not prepared to condone the perpetuation of colonialism and slavery. They did not seek revenge, only justice for a cause in accordance with the principles of the Charter. The African States requested the Council to take action to ensure greater respect for and compliance with the resolutions of the United Nations, even if it meant the imposition of sanctions against Portugal. The situation was dangerous and threatened international peace. The Council should not await an explosion before acting.

56. The representative of Tunisia recalled that resolutions 1809 (XVII) and 1819 (XVII) adopted by the General Assembly in 1962 had already noted that the policy and acts of the Portuguese Government with regard to its territories and its refusal to heed the legitimate aspirations of the Angolan people constituted a threat to international peace and security. Despite those resolutions, the Portuguese Government had not ceased to use force and repression against the profound and legitimate aspirations of the African peoples of the Portuguese territories. The use of armed force had inevitably provoked the legitimate reaction of the African nationalists. Thus, a dangerous internal cycle had developed in which repression was followed by nationalist reaction, which the Portuguese authorities in turn attempted to stamp out with armed operations on a large scale. The fighting had overflowed the frontiers in Angola. In Portuguese Guinea it threatened to spread over to neighbouring countries. The bombardment of a Senegalese village by Portuguese military aircraft in March had made the situation worse. The fact that Portugal was ceaselessly increasing its military potential in the colonial territories and was arming the settlers was really alarming. In the light of those facts, credit could not be given to the Portuguese allegation that the conflict had been provoked from abroad. No nationalist movement, he said, could be conducted successfully without the confidence and support of the people. The representative of Tunisia urged the Council to take all appropriate measures in the light of the grave situation and to assume its responsibilities fully under the Charter. General Assembly resolutions 1807 (XVII) and 1819 (XVII) requested the Council to take appropriate measures, including sanctions, to secure Portugal's compliance with its obligations as a Member State and with United Nations resolutions. That was an extremely grave occurrence without precedent in the Organization.

57. At the 1041st meeting on 23 July, the representative of Madagascar said that Portuguese and South African problems had common features. In both cases there was a threat to peace, systematic refusal to comply with the decisions of the United Nations and a deliberate determination to ignore the injunctions of universal conscience. The Council could not continue to be powerless and passive in the face of the deliberate opposition of two Member States.

Prompt and effective action was necessary not only for the prestige of the Organization but even in the interest of Portugal. He asked the members of the Security Council to make the necessary choice, no matter how difficult it might be, and to support the African States. By doing so the faith in the United Nations of hundreds of millions of human beings would be restored.

58. The representative of Sierra Leone, reviewing the resolutions of the Security Council and of the General Assembly, noted that not a single one of the steps requested had been taken by Portugal. The authority of the two organs had thus been openly and continually disregarded and flouted. The request of the African States for positive action by the Security Council on the Portuguese territories was not a sign of hastiness but rather a proof of their maturity and of their devotion to the principles of the Charter, since failure to take account of the circumstances and to act would undermine the Organization. The African States were not afraid of acting by themselves if it was necessary. Their devotion to the Charter, however, made them come to the Security Council to ask the Council to take positive steps before Portuguese intransigence stirred up revolutionary wars of liberation in Africa with the possibility of involving ultimately the whole world. The Security Council must ask the Government of Portugal to decide, within a reasonably short time, to renounce once and for all its theory of the extension of Portugal into Africa and to recognize the inalienable rights of the people of Angola, Mozambique and Portuguese Guinea to self-determination. If the Government of Portugal did not give assurance of its undertaking to implement all the measures outlined in General Assembly resolution 1807 (XVII) of 14 December 1962, the African States would have to ask the Council to call upon all Members to impose economic and diplomatic sanctions against Portugal, and, if necessary, to consider further action under appropriate provisions of the Charter.

59. The representative of the Union of Soviet Socialist Republics stated that the Soviet Union fully shared the sentiments of the Heads of African States and Governments in requesting the final liquidation of colonialism on the African continent. It was one of the fundamentals of the era that colonialism and neo-colonialism were not only connected with exploitation, deprivation, human indignity, poverty and wretchedness of entire peoples but at the same time threatened international peace and security. It was, therefore, fully legitimate for the African States to appeal to the Security Council, which was faced with the duty to act under the appropriate provisions of the Charter. There was a direct link between the criminal policy of repression by Portugal of the national liberation movements in its territories and the military assistance given to Portugal by its allies within the North Atlantic Treaty Organization. He gave examples to show that the atrocities by the Portuguese authorities had been carried out in Angola, Mozambique and elsewhere with the military help provided by Portugal's NATO allies. There were also close links between the Portuguese colonizers and foreign monopolies. He named a number of American, British, Belgian, French, Dutch and West-German foreign companies which had controlling interests in the exploitation of the Portuguese territories. Colonialism had assumed the form of neo-colonialism, represented by military alliances and by regional blocs of capitalist countries, such as NATO

and the Common Market. Portugal had been able to disregard United Nations actions for years because it was acting under the protection of NATO.

60. Portugal's attitude of ignoring the decisions of the United Nations represented a threat to international peace and security. The Council should examine possible application of Article 39 of the Charter with a view to compelling Portugal to comply with decisions of the United Nations. If Portugal persisted still further in its policy and if its allies continued to give it military assistance, then the independent African States would naturally and justly give armed assistance to their brothers. If the Security Council wished to live up to its obligations it should request all States to apply against Portugal the sanctions that the African States had proposed in Addis Ababa. The question of the effectiveness of the United Nations, and of its main organ, the Security Council, was also involved. In view of the various decisions of United Nations bodies and of the demands expressed in the resolutions of all-African conferences in 1962 and 1963, the Soviet delegation believed that in accordance with the 1960 Declaration the régimes in the Portuguese colonies should be liquidated by the end of 1963. It fully supported the demands of the African countries that the Security Council should adopt a decision for the unequivocal implementation by all States of political and economic sanctions against Portugal in accordance with the provisions of the United Nations Charter.

61. At the 1042nd meeting on 24 July, the representative of Portugal deplored the reference in the thirty-two-Power letter to "territories under Portuguese domination", asking under what provisions of the Charter or on what precedents it was to be justified. The resolutions of the Addis Ababa conference were in clear violation of the Charter, and he would like to know how all the threats that had been uttered could be reconciled with Articles 1 and 2 of the Charter. In replying in detail to various charges made against his country, he stated that the Portuguese interpretation of Article 73 was not original and had been that of the vast majority of the Assembly at the time of the admission of Portugal. International accountability under Chapter XI had no similarity to that under Chapters IX or XII. Noting that the reports of the Sub-Committee on Angola had been cited in the discussion, he said that, as those documents had been compiled from anonymous testimonials and hearsay and had disregarded information supplied by the Portuguese Government, they were unacceptable to his Government. He declared that there were no unwritten laws; the requirements for voting were simple, and applied to anyone in any Portuguese territory so that there was no inequality of status. As for the contention that the status of overseas territories as Portuguese provinces was recent, the fact was that it dated back to 1633, and had been used consistently since. The charge that a Portuguese aircraft had bombed a Senegalese village in April 1963 had not been substantiated in the Security Council at the time and the offer of the Portuguese Government for impartial investigation had been rejected.

62. He declared that the conflict in Angola had been instigated and organized from outside. The fact that not the slightest precautionary measures had been taken showed that no internal trouble had been expected or feared. The terrorists who had crossed the border had been able to slaughter people without regard to colour precisely because there had been no security

forces. On the other hand, agitators living abroad had previously been threatening violence. Nevertheless the United Nations had not had a single word of disapproval. He quoted press organs of various countries in connexion with charges that African States had been aiding and encouraging violence in territories in Africa.

63. Similar data could be supplied in respect of other Portuguese territories in Africa. A double standard had developed in international affairs, and no attempt was made to see what Portuguese overseas policy really was. Reviewing the essential elements of that policy, whose very foundation was the equality of races, he referred to the new legislative efforts made in 1961 and 1962 to provide universal suffrage to the population in those Portuguese territories where it had not existed, and pointed out that in 1963 new legislation had been adopted and elections would be held to ensure the representative character of the integrated administrative structure of the territories at every level. Those efforts were made in accordance with Portugal's obligations toward its territories.

64. He denied the charge that Portugal had not co-operated with the United Nations. Thus his Government had accepted the proposal made by the United States that two international rapporteurs be appointed to investigate the situation in the Portuguese overseas territories. That proposal had been turned down by the African countries. Then the Portuguese Government had invited representatives of African countries to see for themselves the conditions in the Portuguese territories. No response or positive reaction had been received. A dialogue with the African representatives would still be a constructive step in the right direction. He concluded by addressing a personal invitation to the Foreign Ministers of Tunisia, Liberia and Sierra Leone, and to the Finance Minister of Madagascar to visit forthwith Angola and Mozambique.

65. The representative of Ghana said that the representative of Portugal had made it very clear that there was a conflict going on in Angola, Mozambique, Cabinda and Guinea. The very fact that African countries were behind the nationalists fighting for their independence meant a threat to international peace and security. He noted that the African States had not come to the Council in a hurry; they had never concealed their abhorrence of all forms of colonial domination and had long before indicated their concern over the Portuguese tragedy through resolutions of various African conferences.

66. The legality of the far-reaching and significant changes made in the Portuguese Colonial Act of 1951, by which the Portuguese Government had unilaterally decided that its colonies were integral parts of Portugal, was seriously compromised by the failure of that Government to ascertain the wishes of the people concerned. That the fiction might be ancient did not alter its character. How could Africans be changed into Portuguese, except by their own choice?

67. Moreover, Portugal had stubbornly and wilfully rejected all appeals and requests to adopt a humane and progressive colonial policy which would have the ultimate objective of relinquishing its hold on the African territories. Its failure to carry out the terms of the Council resolution of 9 June 1961 (S/4835) was absolutely incompatible with its obligations under Article 25 of the Charter.

68. Portugal's policy and its repression had spread the area of conflict in Africa. Apart from Angola, the fighting in so-called Portuguese Guinea was growing in intensity. Mozambique was also no exception. Reports on additional Portuguese troop movements underlined the potential danger of a wider conflict which might involve African States bordering on Portuguese territories. Portugal, which he termed a poor and virtually under-developed country, could not afford the luxury of a colonial war without the support of NATO. The choice must be made: support for Portugal, and thus for colonial wars of oppression, or support for Africa, which meant support for justice, human dignity and independence for Angola, Mozambique, Guinea and Cabinda. How could a Member State which was persistently violating the Charter be allowed to continue its membership in the Organization? The maximum action which could be taken by the Security Council would be to ostracize Portugal from the community of nations until it respected the decisions of the United Nations. But, to start with, the African States asked for the minimum action: the Council should decide that Portugal should take immediate steps to enter into negotiations with African political parties to determine the modalities of the transfer of power to Africans. It should decide on a total embargo on all supplies of arms and strategic materials destined for Portugal and to invite States to withhold all support and all forms of assistance to Portugal likely to be used for pursuing its colonial policies. The Council should decide to suspend Portugal from membership, in accordance with Article 5 of the Charter, if by the beginning of the eighteenth session of the General Assembly no positive steps were taken by the Portuguese Government to give effect to the decisions of the Security Council.

69. At the 1043rd meeting on 24 July, the representative of Brazil stated that the Security Council was competent to consider the question which had arisen from the non-compliance by Portugal with its obligations under Chapter XI of the Charter, and with Assembly resolutions 1514 (XV), 1541 (XV) and 1542 (XV) of December 1960. However Articles 5 and 6 could not be invoked in the case of the Portuguese non-compliance since preventive and enforcement action against Portugal had not previously been taken by the Council as required by the Charter.

70. The mounting hostility of the African States to the inflexible stand taken by Portugal was effectively contributing to the formation of a state of tension capable of endangering the maintenance of international peace and security. It was the duty of the Council to act to end the situation by means of the legal remedies provided for in Chapter VI of the Charter. Brazil would be obliged to depart from that position if, contrary to their hopes, the Portuguese Government persisted in its present colonial policy. His Government did not accept the Portuguese claim that the matter fell under Article 2, paragraph 7, of the Charter and believed that the only solution for the problem was in the evolution of those peoples toward self-determination and independence. It would not like to see the indispensable co-operation of Portugal jeopardized by the adoption of drastic measures, and hoped that self-determination of the Portuguese territories would be achieved by peaceful means and through the measures recommended in Article 33 of the Charter. Brazil could not but support the independence of Angola, Mozambique and other territories, provided it was also the

wish of their peoples. Portugal, he concluded, must accept the challenge of history and place itself in the forefront of the movement of self-determination.

71. The representative of the Philippines stated that the continued unrelenting and increased resistance to Portuguese rule in Africa seemed to stem from two fundamental causes: the unenlightened colonial policy of Portugal and the desire of the peoples concerned to be independent and sovereign. Although it would be unfair to paint a completely black picture of Portugal's overseas activities, the colonial record of Portugal was regrettable and unfortunate. So was the self-imposed civilizing mission that Portugal had claimed for itself in Africa. Portugal seemed to take for granted that its culture was superior to African culture and was to be imposed upon the Africans. But real culture had to be native-born and could never flourish through dictation or imitation. The conflict between Portugal and the nationalist movements in its colonies, he said, could be solved only by a peaceful parting of ways. The solution of the problem could not be postponed. He hoped that Portugal would realize before it was too late that its national interests would be best served by recognizing the rights of its territories to self-determination. He called for effective measures to persuade Portugal to discontinue its repressive colonial policy.

72. At the 1044th meeting on 26 July, the delegations of Ghana, Morocco and the Philippines submitted a joint draft resolution (S/5372), by which the Security Council, *inter alia*, expressing the conviction that the situation prevailing in the Territories under Portuguese administration in Africa was a threat to international peace and security, would: (1) confirm resolution 1514 (XV) of the General Assembly of 14 December 1960; (2) decide that the policies of Portugal in claiming the Territories under its administration as "overseas" territories and as integral part of metropolitan Portugal were contrary to the principles of the Charter and the relevant resolutions of the General Assembly and Security Council; (3) condemn the attitude of the Portuguese Government, its repeated violations of the principles of the United Nations Charter and its continued refusal to implement the resolutions of the General Assembly and of the Security Council; (4) determine that the situation in the Territories under Portuguese administration is seriously endangering peace and security in Africa; (5) demand the immediate implementation by Portugal of that part of operative paragraph 4 of General Assembly resolution 1807 (XVII) dated 14 December 1962 which read as follows: "(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 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) decide that all States should refrain forthwith from offering the Portuguese Government

any assistance which would enable it to continue its repression of the peoples of the Territories under its administration, and to take all measures to prevent the sale and supply of arms and military equipment for this purpose to the Portuguese Government; and (7) request the Secretary-General to ensure the implementation of the provisions of this resolution, to furnish any necessary assistance and to report to the Security Council by 30 September 1963.

73. The representative of Ghana explained that the joint draft resolution had been carefully prepared and properly weighed by the African Ministers through consultations with various groups of delegations in the Council. It was a mild resolution and constituted the minimum the African States could put forward. By it the sponsors sought nothing unreasonable; they adhered to the principles of the Charter and went so far as to understand the motivations of the members of NATO. In operative paragraph 6 the sponsors asked only for limited measures and not for a total embargo on military assistance. In operative paragraph 7, they requested that the issue be kept alive. The text left to the Secretary-General the choice of either undertaking consultations himself with the Portuguese Government as to the ways and means of implementing the resolution or of sending someone to talk with the representatives of Portugal.

74. The representative of Norway expressed understanding for the anxiety of the African States and their feeling of the need for an early remedy. His Government, he said, shared the view that the process of liberating Africa must be brought to a successful conclusion and that the United Nations should spare no efforts to that end without needless build-up of tension. It could not accept the thesis that the territories under Portuguese administration were overseas provinces of Portugal. It was a matter of regret to his delegation that Portugal had not heeded the resolutions passed by the Security Council and the General Assembly. He thought, however, that the possibility of influencing Portugal by persuasion and recommendation still existed. The most important task before the Council was to establish unequivocally the right to self-determination of the Portuguese territories. It might be desirable to designate a respected person or persons to visit the territories and to render assistance and advice regarding a rapid, but orderly and peaceful, application of the right to self-determination.

75. The representative of Venezuela supported the positions of the African countries. His delegation had never had any doubt concerning the true status of the Portuguese territories. The stand of the Portuguese Government was contrary to the Charter and to United Nations resolutions as well as to the spirit of the times. He stressed the importance of having the territories achieve their independence peacefully without dangerous haste or unjustifiable delay. He hoped that the Council, rather than embark upon a debate on whether the situation fell under Chapters VI or VII of the Charter, would be able to find the measure most appropriate and adequate for that specific case.

76. Answering some of the questions raised, the representative of Portugal stated that Portugal accepted Article 25 as it accepted the other provisions of the Charter, taking into account the practice, jurisprudence and doctrinal interpretation of that Article. As to General Assembly resolution 1603 (XV) of 20 April 1961 and the Security Council resolution S/4835 of 9 June 1961 on Angola, the representative of Portugal reiter-

ated that there had been no "repressive measures", as the resolutions had stated, but there had been measures of self-defence against terrorists and there had then been restoration of law and order in the territory. The hope expressed in the Council resolution—a peaceful solution in accordance with the Charter—had for all practical purposes been achieved.

77. The representative of Liberia regretted that the Portuguese Foreign Minister had made no reference to recognition of the right of self-determination and independence of the territories under Portuguese administration. The continuing deterioration of the situation since 1961 was a serious threat to peace in Africa. The Assembly and Council resolutions of 1961 had referred to the element of time and most Member Governments had expressed the feeling that the violation of human rights and continued repression might arouse popular feeling particularly in neighbouring countries. As for the current situation, five shiploads of Portuguese troops had sailed for Portuguese Guinea within a week. Surely those troops had not gone on an excursion.

78. On behalf of his African colleagues he thanked the representative of Portugal for his personal invitation to them to visit Angola and Mozambique but thought that the good faith of the Portuguese Government would have been demonstrated by an invitation to the Security Council to send a delegation to all the Portuguese territories, within the framework of the principle of self-determination.

79. At the 1045th meeting on 26 July, the representative of China stated that his delegation had consistently supported the aspirations of the non-self-governing peoples. Nationalism was the most elemental force of the time, but change had come so swiftly that there were still Governments which had not yet been able to adjust their policies to the new conditions. The role of the United Nations should be to see to it that the dissolution of empires was not accompanied, as often in the past, by armed conflicts. He noted that Portugal accepted the idea of inviting two high-ranking representatives of the United Nations to investigate the prevailing conditions in the Portuguese territories and considered that recommendations made on the basis of such an investigation would enhance the chances of a just settlement. A reaffirmation by Portugal of the principle of self-determination in application to its territories would also lessen tension there. In whatever action it might take, he concluded, the Council should hold the interest of the inhabitants as the primary consideration and should follow the paths of peaceful change. He hoped that Portugal would not hesitate to accept the realities of a changing Africa in accord with the highest self-interest of Portugal.

80. The representative of France said that his country which had given proof of its resolve to apply the principle of self-determination to the Territories for which it was responsible would be satisfied if that principle were universally applied in all cases where it should be fully exercised. However, a distinction should be made between what was advisable and what the Council could legitimately decide or even recommend. The Charter did not empower the United Nations to substitute itself for the administering Power in the evolution of dependent territories. He noted that the African Ministers had not *a priori* rejected the invitation of the Foreign Minister of Portugal. The French delegation did not believe that the question came within Chapter VII of the Charter, accordingly, it would not

support a resolution which would include sanctions, suspension or a total embargo on armaments. France understood the legitimate aspirations of the African peoples and was not insensitive to their anxiety and impatience. The remedy to the situation lay in free discussions between the parties concerned.

81. The representative of the United Kingdom of Great Britain and Northern Ireland said that allegations about his country and its allies in NATO were wholly without foundation. His delegation fully accepted that there were international aspects to the question which warranted discussion and action by the Council. Although it did not believe that there was an imminent or actual breach of the peace, it was prepared to admit that, unless the international friction engendered by the present situation in the Portuguese territories could be eliminated, the world might be presented at some later date with a threat to peace. The United Nations was an organization for peace. It was, therefore, incumbent upon the Council to seek peaceful solutions to the dispute. His delegation could not accept the proposition that, if the means of the Charter did not bring the desired results, resort to force would be permissible. He thought that credit should be given to what was good in Portuguese policy, and noted the revisions of the Organic Law, and Portugal's efforts to improve the economic and social well-being of its territories. But Portugal had not recognized that more was needed, and that there must be self-determination as well as self-government. The timing and the methods of implementing self-determination in the Portuguese territories were certainly the responsibility of Portugal as the administering Power. The real objective of the debate and the concern of the Council must be the well-being and interests of the inhabitants of the territories concerned, which was still the responsibility of Portugal. The Council should seek not to isolate Portugal but to bring it along with the rest of the colonial Powers. That was why the United Kingdom delegation could not support the joint draft resolution; its general tenor and many of the measures in it could be appropriate only to a situation where there was in fact a threat to the peace, which was not the case. The suggestions to appoint two high-level international rapporteurs or to accept the personal invitations extended by the Portuguese Foreign Minister to the African Ministers were positive and use should be made of them.

82. The representative of the United States of America supported the view that the Portuguese territories came under Chapter XI of the Charter. The United States had long supported the principle of self-determination; accordingly, it had continuously urged Portugal to accept that principle and to give it practical effect for the peoples of the Portuguese territories. The United Nations, he declared, must relentlessly strive for a solution to the problem through the creative paths of peace.

83. The question was a stalemate as well as a dispute. A stalemate, if not resolved, could explode at any time into violence with unpredictable consequences for the peace of the world. Most of the great achievements in decolonization in the last eighteen years had been accomplished with very little or no bloodshed. The same should be the goal in the case of the Portuguese territories. The core of the problem, he said, was the acceptance and the application of the right to self-determination. This did not mean any countries were seeking to deprive Portugal of its proper place in Africa. The United States had offered to give con-

sideration to any Portuguese request for material assistance in fulfilling certain aspects of its responsibility towards the economic and cultural development of its territories. Portugal's role in Africa would be ended only if it refused to collaborate in the great and inevitable changes which were taking place. If it did collaborate its continuing role was assured. The United States must emphatically reject the concept suggested to the Council that an acceptable means of solving such a problem was to aggravate the situation until it did indeed become a threat to international peace and security. That concept contradicted the provisions and the spirit of the Charter. It was the belief of the United States delegation that the right course was to reopen the channels of conversation between the African leaders and Portugal in the interest of the people of the territories. For that purpose it would be useful to designate a special representative of the Council to facilitate a meaningful dialogue between the Government of Portugal and appropriate African leaders. In that connexion he noted with gratification the invitation extended by the Portuguese Foreign Minister.

84. While in substance there was little with which the United States delegation disagreed in the joint draft resolution, it could not accept the language used, since that was likely to inhibit rather than promote possibilities of settlement, and could not vote for the draft as presented. Although the situation in the Portuguese Territories gave rise to very serious international friction, the United States did not agree that a threat to peace and security already existed or that the situation fell within the scope of Chapter VII of the Charter.

85. At the same meeting and at the 1046th meeting on 29 July, the representative of Sierra Leone quoted reports from a French news agency that on 26 July twenty-one persons had been killed and thirty-five wounded by Portuguese bombings in Portuguese Guinea to show that Portugal and not the African States were the primary source of the conflict. Although the Portuguese invitation would of course be transmitted to their Governments, he said he and his African colleagues were not interested in a tourist visit, or in seeing conditions in their own continent: they sought only that Portugal accept the right of self-determination of the peoples in the Portuguese colonies.

86. The representative of Tunisia regretted that it clearly appeared that the Portuguese Government regarded itself as bound by Article 25 only in so far as the obligations under that Article corresponded to its own interpretation. The basic reason underlying doubt on the opening of a serious dialogue with Portugal was the obstinacy of the Portuguese Government in taking refuge behind juridical fictions and its refusal to recognize the principle of self-determination. It was easy to understand, therefore, the reasons which prompted his colleagues and himself to decline the personal invitation of the Portuguese Foreign Minister. To appeal for direct negotiations between the Portuguese Government and the nationalist leaders might be praiseworthy, but did not seem realistic. In his view, a single realistic solution remained possible, namely peacefully to prevent the Portuguese Government from intensifying its repressive armed measures.

87. The representative of the Philippines, speaking as a co-sponsor of the draft resolution, reiterated that the paramount and overriding consideration must be the right of the peoples of the Portuguese territories to self-determination and independence. That was the starting-point for any dialogue with Portugal such as

had been urged to avoid driving Portugal into isolation. The United Nations had long wanted such a dialogue but the language used by Portugal had in no way helped to bring that about.

88. The President, speaking as the representative of Morocco, urged the Portuguese Government to move toward recognizing the personalities of the peoples under its rule and to abandon the doctrine according to which pieces of an empire should remain part of the metropolitan country. He took issue with the Portuguese complaints concerning assistance by independent States to peoples struggling for their freedom. The debate on Portuguese domination in Africa had ceased to be limited to a dialogue between Portugal and the anti-colonial countries of Africa, Asia and Latin America. Other countries, friendly with Portugal, no longer hesitated to express their disagreement. Europe had already turned its back on colonialism to which Portugal continued to cling.

89. At the 1047th meeting on the same day, the representative of the USSR said that the draft resolution was extremely moderate. Portugal's policy in Africa, which was characterized by acts of genocide, by an increased provocation of a generalized conflict throughout the African continent, and by stubborn and unprecedented non-compliance with all the decisions of the United Nations, deserved a more rigorous and more stringent evaluation. The draft resolution thus testified to the enormous patience shown by the African States. It did not contain new conclusions or new recommendations. The slightest amendment to weaken the proposal would amount to retreat from the utterly inadequate position already taken by the Organization. The Soviet delegation would vote in favour of the draft resolution which reflected the interests of the African States.

90. The representative of Ghana emphasized that the African Foreign Ministers had come to the Council not because the African States wanted to create a situation which could be considered a threat to peace, but because the threat already existed. Shooting was taking place in Guinea and in Angola. The African States were not opposed to any dialogue with Portugal, if the dialogue would settle the issue at stake namely self-determination. If the representative of Portugal were to state that his Government accepted that principle, the African representatives would be prepared to withdraw the draft resolution.

91. The representative of Portugal, replying to points made in the discussion, said that reference to troops being sent should be balanced by reference to troops being withdrawn; for a very long time the strength of the security forces had not been increased. The information at his Government's disposal did not substantiate the allegations by the Foreign Minister of Sierra Leone. Portugal had not used in any Portuguese territory any arms or ammunition supplied by NATO countries or supplied for NATO purposes.

92. Dealing with the debate as a whole, he reiterated the charge that the Charter was being amended through simple majority votes and that a new legality was being used against Portugal which Portugal could not use in self-defence.

93. It was stated that the threat to peace was proved by the conditions allegedly prevailing in the territories; but when qualified personalities were invited to come to see those conditions for themselves, it appeared that the conditions were no longer of any interest.

94. The draft resolution was a very grave and far-reaching document that his Government could not accept.

95. At the 1048th meeting on 30 July the representative of Madagascar read the text of a telegram (S/5376) from the Heads of African and Malagasy States meeting in Cotonou, which reaffirmed support of the Addis Ababa decisions, and he urged all members of the Council to vote in favour of the joint draft resolution.

96. The representative of the Philippines replied to statements made by the representative of Portugal, stressing that the views of his delegation were based on objective study of official sources and of reports by competent United Nations bodies.

97. The representative of Venezuela submitted the following amendments (S/5379) to the joint draft resolution (S/5372) by Ghana, Morocco and the Philippines: (1) delete the last preambular paragraph; (2) in the second operative paragraph, replace the first word "Decides" by the word "Affirms"; (3) in the third operative paragraph, replace the word "Condemns" by the word "Deprecates"; (4) in the fourth operative paragraph, replace in the second line the words "is seriously endangering" by the words "is seriously disturbing"; (5) in the fifth operative paragraph, replace the first three lines by the following words: "Urgently calls upon Portugal to implement the following:"—the rest of the paragraph would remain unchanged; (6) in the sixth operative paragraph, replace the first word "Decides" by the word "Requests"; (7) in the seventh operative paragraph, replace in the second line the words "any necessary assistance" by the following words "to furnish such assistance as he may deem necessary"; and (8) at the end of the same paragraph, change the date "30 September 1963" to "31 October 1963".

98. At the 1049th meeting on 31 July, the representative of Ghana informed the Council that the sponsors accepted the Venezuelan amendments (S/5379).

99. The representative of Norway stated that the Norwegian delegation would vote for the draft resolution as amended by Venezuela, on the understanding that operative paragraph 6, if adopted, was not directed against Portugal's own security needs in Europe.

Decision: *At the 1049th meeting on 31 July 1963 the draft resolution submitted by Ghana, Morocco and the Philippines (S/5372), as amended, was adopted by 8 votes to none, with 3 abstentions (France, United Kingdom, United States) (S/5380 and Corr.1).*

The text of the resolution as adopted read as follows:

"The Security Council,

"Having examined the situation in the Territories under Portuguese administration as submitted by the thirty-two African Member States,

"Recalling the Security Council resolution of 9 June 1961 and General Assembly resolutions 1807 (XVII) of 14 December 1962 and 1819 (XVII) of 18 December 1962,

*"Recalling General Assembly resolution 1542 (XV) of 15 December 1960 which declared the Territories under Portuguese administration to be Non-Self-Governing Territories within the meaning of Chapter XI of the United Nations Charter, as well as resolution 1514 (XV) of 14 December 1960, by which the General Assembly declared *inter alia* that immediate steps be taken to transfer all powers to the peoples of these Territories, without any conditions or reservations, in accordance with their freely ex-*

pressed wishes, without distinction as to race, creed or colour in order to enable them to enjoy complete freedom and independence,

"1. *Confirms* resolution 1514 (XV) of the General Assembly;

"2. *Affirms* that the policies of Portugal in claiming the Territories under its administration as 'overseas' territories and as integral parts of metropolitan Portugal are contrary to the principles of the Charter and the relevant resolutions of the General Assembly and Security Council;

"3. *Deprecates* the attitude of the Portuguese Government, its repeated violations of the principles of the Charter and its continued refusal to implement the resolutions of the General Assembly and of the Security Council;

"4. *Determines* that the situation in the Territories under Portuguese administration is seriously disturbing peace and security in Africa;

"5. *Urgently calls upon* Portugal to implement the following:

"(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 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* that all States should refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the peoples of the Territories under its administration, and take all measures to prevent the sale and supply of arms and military equipment for this purpose to the Portuguese Government;

"7. *Requests* the Secretary-General to ensure the implementation of the provisions of this resolution, to furnish such assistance as he may deem necessary and to report to the Security Council by 31 October 1963."

100. After the vote, the representative of Ghana said that the Council had in effect condemned the attitude of the Portuguese Government for its repeated violations of the principles of the Charter and for its refusal to implement the resolutions of the Assembly. The Council had taken a firm decision that the situation in the territories under Portuguese administration was seriously disturbing peace and security in Africa. He added that the most important point in the resolutions was the acknowledgement that there should be some self-determination and independence granted to the peoples of Angola, Mozambique, Guinea and Cabinda.

101. He suggested that the Secretary-General might begin consultations on self-determination with the For-

eign Minister of Portugal before the latter departed from New York.

102. The representative of the United States hoped that the resolution would not hinder, but would contribute to, the peaceful solution of the situation in the Portuguese territories. The United States had abstained primarily because it did not believe that it was drafted either in language or in form best calculated to achieve the results which they all sought as quickly and as harmoniously as possible. While it did not agree with some of the provisions, it did agree with the essential substance. His delegation firmly believed that the only way to achieve what was wanted in an orderly and peaceful manner was by negotiations in good faith on the basis of recognition and application of the principle of self-determination to the territories of Portugal in Africa. The United States would continue its policy of not providing arms or military equipment for use in the Portuguese territories.

103. The representative of the USSR reiterated that his delegation would have preferred more energetic measures than the resolution provided. But despite its defects, the resolution also contained positive aspects and the Council had in fact confirmed General Assembly resolution 1807 (XVII) and had thus made its implementation mandatory. The Charter gave the Council wide powers to assure that its decisions were actually carried out and there should be no illusions about being able to evade responsibility for non-compliance with resolutions which were of a mandatory character.

104. The representative of the United Kingdom regretted that the resolution had not been such as his delegation could have supported, as it contained several aspects which reflected his delegation's views. Without recognition by Portugal of the fundamental principle of self-determination, the Council could not hope for progress to be made; but it was not the responsibility of the Council to tell Portugal how to apply the principle. The United Kingdom did not supply arms to Portugal for use in its overseas territories and would not do so.

105. The representative of Brazil had voted in favour of the resolution with reservations as to the measures contemplated in paragraph 6, and considered that the resolution, as amended, fell within Chapter VI of the Charter.

106. The representative of France said that although the resolution contained, in substance, factors which his delegation could have supported—notably in respect of the right of self-determination—it was worded, even in amended form, in a way that went beyond the authority given the Organization by the Charter.

107. The representative of Liberia expressed appreciation of the positive action taken by the Council, which had far-reaching effects. On behalf of the independent African Governments, he hoped that Portugal would take immediate steps towards the implementation of the decision of the Council.

108. The representative of Sierra Leone also thanked the Council for its action and urged prompt implementation of that historic resolution.

109. The representative of Portugal said that the resolution was morally wrong and could not therefore be politically right. His delegation was unable to alter its position in respect of the resolution and in respect of all the developments which might result therefrom.

C. Report of the Secretary-General

110. On 31 October 1963, the Secretary-General reported to the Security Council (S/5448) that he had requested the Government of Portugal to inform him of the steps taken by that Government for carrying out the provisions of the Security Council resolution (S/5380) had particularly the specific measures contained in operative paragraph 5.

111. On 29 August the Permanent Representative of Portugal had transmitted to the Secretary-General the reply of his Government, in which it invited the Secretary-General to visit Lisbon for direct contacts with the Portuguese Government. On 31 August 1963, the Secretary-General had informed the Government of Portugal that he had assigned Mr. Godfrey K. J. Amachree, Under-Secretary for Trusteeship and Non-Self-Governing Territories, to visit Lisbon and to represent him. Subsequently, Mr. Amachree had visited Lisbon between 9 and 11 September 1963 and had had discussions with the Prime Minister of Portugal and other officials. As a result of Mr. Amachree's visit direct contacts had been initiated and discussions had taken place in New York between representatives designated by the African States and by Portugal. During those talks, the concept of self-determination had been the main subject of discussion, and the report provided details of the points of view advanced.

112. From the Portuguese explanation of their position, the report stated, it might be inferred that the Portuguese Government had not denied the principle of self-determination for the peoples of its overseas territories. Although it was rather premature to be optimistic as to the outcome of the conversations held, the fact that representatives of African States and of the Portuguese Government agreed to meet in order to discuss the problems affecting the relations of their countries was in itself an encouraging development.

113. The Secretary-General also informed the Council that he had requested Member States to communicate to him information as to their action in respect of operative paragraphs 6 and 7 of the resolution. The substance of the replies of sixty-five Governments was reproduced in the report and in subsequent addenda (S/5448/Add.1-3).

D. Communications received between 13 November and 3 December 1963

114. By a letter dated 13 November 1963 (S/5460) the representatives of Algeria, Burundi, Cameroon, Central African Republic, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta requested an early meeting of the Security Council to consider the report of the Secretary-General (S/5448) and asked the Council to consider further measures for the implementation of its resolution of 31 July (S/5380 and Corr.1).

115. In a letter dated 3 December 1963 (S/5470), the President of the General Assembly transmitted to the Council the text of resolution 1913 (XVIII) adopted the same day on territories under Portuguese administration requesting the Security Council to consider immediately the question of territories under Por-

tuguese administration, and to adopt necessary measures to give effect to its own decisions, particularly those contained in the resolution of 31 July 1963.

E. Further consideration at the 1079th to 1083rd meetings (6-11 December 1963)

116. At the 1079th meeting on 6 December 1963, the Security Council included the report of the Secretary-General (S/5448 and Add.1-3), and the twenty-nine-Power letter (S/5460) in its agenda.

117. At the same meeting the Council agreed to accede to the requests that the Foreign Ministers of Madagascar, Tunisia, Portugal, Liberia and Sierra Leone (S/5463, S/5472, S/5473, S/5474 and S/5475) participate, without vote, in the discussion of the question.

118. The representative of Liberia expressed the African States' appreciation of the Secretary-General's initiative in establishing contacts between nine African States and Portugal. The African States were unable to accept the Portuguese interpretation of "self-determination" for it did not include the option of independence for the peoples of the Portuguese territories. The African States therefore called upon the Council again to define what it meant by self-determination. The invited attention to the fact that Portugal had failed to carry out the provisions of the previous resolution (S/5380 and Corr.1) and called on the Council to take such measures as would ensure that those provisions, and particularly operative paragraph 5, be implemented by Portugal without further delay.

119. The representative of Tunisia stated that although other colonial Powers and the overwhelming majority of Member States agreed that self-determination must include the alternative of independence, Portugal still persisted in its outmoded concept of self-determination and there was no indication that that attitude would be changed. There were also no changes in the factual situation concerning the Portuguese territories and the threat to international peace and security remained. The efforts of the Secretary-General had not yielded the desired results. It seemed that the Portuguese Government had undertaken the contacts with the African representatives in order to distract world public opinion from the reality of the repressive colonial war it continued to carry out in the territories under its domination. It was up to the Council to consider effective measures such as would lead the Portuguese Government to a sound and healthy understanding of its obligations under the Charter, and to abide by the pertinent resolutions of the General Assembly and the Council.

120. At the 1080th meeting on the same day, the representative of Madagascar said that in spite of African goodwill, the *pourparlers* between the African countries and Portugal had not been crowned with success, for Portugal had brought no new elements into the fundamental principles guiding its colonial policy. Portugal had presumably entered into contact with the African States to maintain the *status quo*. Instead it should recognize the wishes of the peoples it administered for independence and should enter into direct dialogue with the nationalists of the dependent territories. He offered the good offices of his delegation to Portugal in bringing about such a dialogue.

121. The representative of Sierra Leone rejected the Portuguese contention that the African States were responsible for the interruption of the discussion under

the auspices of the Secretary-General. The Portuguese Foreign Minister had come to the meeting with a view which he had known to be shared by no other Member State. He had distorted the African position at a press conference given by him in Lisbon on 28 November by implying that the African delegates regarded self-determination as valid only if it led to independence. The African representatives had never stated that; they maintained that while it seemed unlikely that any African people having the right to determine its future would prefer to remain Portuguese, if it did freely so choose, the choice would be respected. The African States, in fact, insisted that no choice should be excluded, whereas the Portuguese Government's accusations described what it sought to do itself.

122. At the 1081st meeting on 9 December, the representative of Portugal denied that the situation in the Portuguese territories threatened the peace and security of the world. As to the talks with the African representatives, the latter had not been interested in discussing the real conditions in the Portuguese overseas territories, or questions of peace and security. That being so, the African representatives were not entitled to continue making the same allegation. If Portugal resorted to actions engaged in by others against it—and accepted as legal—it would be held guilty of aggression. A continuation of such a situation would lead the Organization into absolute confusion. The overseas policy of Portugal was based on a multiracial concept. There were no doubts in the mind of his Government that the methods Portugal applied in its territories were legitimate and in the interest of the people of those territories. In contrast the actions taken by the Council on previous occasions were not helpful and were not in accordance with the best interest of the populations concerned. Stressing the demonstrated willingness of Portugal to co-operate with the United Nations, the representative of Portugal invited the Secretary-General officially to visit Angola and Mozambique at his discretion to ascertain the factual conditions in those territories.

123. The representative of Ghana said that his delegation could not share even the guarded optimism expressed by the Secretary-General in his report, for in the Portuguese concept of self-determination there was no room for the five steps contained in operative paragraph 5 of the resolution of 31 July 1963, which the African States considered vital. From the Portuguese position the African States were forced to conclude that Portugal did not intend to give to the native people a free choice to determine their future. Therefore, the Council should reaffirm the definition of self-determination laid down by the General Assembly, in order to convince Portugal that its definition of self-determination was outmoded.

124. The representative of Tunisia observed that it was not just the African countries, but the Security Council itself, which had determined that the situation in the Portuguese territories was seriously disturbing peace and security in Africa.

125. At the 1082nd meeting on 10 December, the representative of Morocco said that there was a fundamental difference of views between the policies of Portugal and the United Nations. He regretted that the latest statement of the representative of Portugal in the Council had not given any reassurance that Portugal would try to assume a role which would be sound and in which the Organization could believe.

126. The representative of Liberia noted that the representative of Portugal had not refuted the interpretation made of the Portuguese Government's intentions, namely that independence was not to be part of the choice. The African countries were ready to discuss the questions of peace and security and of educational and social development, but they had wanted to discuss self-determination first and then turn to the terms of the resolution of 31 July. A definition of self-determination would be merely a step in removing some of the obstacles to resolving the issue of the Portuguese territories.

127. The representative of Sierra Leone asked the representative of Portugal to make a clear-cut statement to remove any doubt whether the Portuguese concept of self-determination would allow all choices to the African peoples about their political future.

128. The representative of the USSR noted that the Portuguese Government had failed to carry out the decision of the Council. Both the African liberation movements and the independent African States had rejected the Portuguese version of self-determination for the Portuguese territories. It was inadmissible that the Portuguese attempts to deceive people regarding the concept of self-determination should enable the Portuguese Government to gain time to take further military actions. According to press and other reports Portugal had increased its repression. Citing reports that the Portuguese were using NATO arms against the civilian population, he said that without the support and protection of other Powers they would not dare to embark upon aggressive campaigns. It was evident that there was an alliance of extremists in Portugal, South Africa and Southern Rhodesia to unite all the reactionary, fascist and racist forces to crush the liberation movements in central and southern Africa, which created tension and serious apprehension on the part of the African countries. He called upon the Council to put an end to the provocative policies of the Portuguese Government and to compel the Portuguese colonialists to respect the rights of other peoples to freedom, independence and peaceful development.

129. The representative of Madagascar regretted that the representative of Portugal had merely repeated the Portuguese position as stated in the presence of the Secretary-General. The Government of Madagascar had expected at least a declaration of intentions from Portugal setting up a time-limit and programme for the strict and adequate application of General Assembly resolution 1514 (XV) and the Security Council resolution of 31 July 1963. The time had come when Portugal must be brought to book. Mozambique, Angola and the other territories were not Portuguese provinces; they were territories peopled by Africans justly and rightly desirous of expressing their African personality.

130. The representative of Ghana introduced the following joint draft resolution (S/5480) submitted by Ghana, Morocco and the Philippines:

"The Security Council,

"Having considered the Secretary-General's report as contained in document S/5448 and addenda,

"Recalling General Assembly resolution 1541 (XV) of 15 December 1960,

"Recalling further its resolution of 31 July 1963 (S/5380),

"Noting with appreciation the efforts of the Secretary-General in establishing contact between

representatives of Portugal and representatives of African States,

"1. *Regrets* that this contact has not achieved the desired results, because of failure to reach agreement on the United Nations interpretation of self-determination;

"2. *Calls upon* all States to comply with paragraph 6 of its resolution of 31 July 1963;

"3. *Deprecates* the non-compliance of the Government of Portugal with the resolution of 31 July 1963;

"4. *Reaffirms* the interpretation of self-determination as laid down in General Assembly resolution 1514 (XV) as follows:

'All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development';

"5. *Notes* General Assembly resolution 1542 (XV) of 15 December 1960 which enumerated, *inter alia*, Territories under Portuguese administration as falling under the category of Non-Self-Governing Territories within the meaning of Chapter XI of the Charter;

"6. *Believes* that action by the Government of Portugal to grant an amnesty to all persons imprisoned or exiled for advocating self-determination in these Territories will be an evidence of its good faith;

"7. *Requests* the Secretary-General to continue with his efforts and report to the Council not later than 1 June 1964."

131. At the 1083rd meeting (11 December), the representative of Portugal observed that nowhere in the previous resolutions relative to self-determination had that concept been linked with the question of granting international sovereignty to dependent territories, with any other predetermined results or with special options to be approved or imposed from outside. Since United Nations criteria for self-determination had varied considerably and had changed from time to time, one did not know what was meant by a United Nations concept of self-determination or of its implementation.

132. The representative of the Philippines had hoped that the Portuguese position would show some modification. Unfortunately, that was not the case. The Prime Minister of Portugal had made it clear on 12 August 1963 that his Government's position would not change. Portugal's definition of self-determination was a limited one and, in the last analysis, negated the very spirit of the principle.

133. The representative of France had been pleased to learn that conversations had taken place between Portugal and the African States. The French delegation accordingly felt that the Council might have achieved a broad consensus which would not require the adoption of any formal resolution, in order to encourage the resumption of the talks. His delegation could therefore only abstain in the vote on the joint draft resolution, which, he noted, referred to the resolution of 31 July, a measure which it had been unable to support because it confused what was desirable and what the Council had the right to decide or recommend. **France's views on the substance of the problem could not be open to misinterpretation, given the manner in**

which it had itself applied the principle of self-determination.

134. The representative of the United Kingdom reiterated that the timing and the implementation of self-determination were certainly the responsibility of the administering Power. But the principle was there and could not be ignored on that account. His Government urged Portugal to apply the principle to the peoples of its territories and urged the African States to consider the Portuguese offers to investigate conditions in the territories and to take every opportunity for sincere and constructive discussions. He sympathized with the general purpose of the draft resolution and could vote for it as a whole, but could not accept operative paragraph 3, on which he asked for a separate vote.

135. The representative of Venezuela expressed satisfaction over the fact that discussions between the parties concerned had taken place and considered that they should be continued.

136. The representative of Brazil did not consider that the positions of the Portuguese Government and of the African States on self-determination were irreconcilable. There were indeed some basic elements common to all the positions and those should be explored by the parties through consultations and renewed negotiations.

137. The representative of China found it encouraging that useful conversations had taken place and that both sides had stressed the necessity of a peaceful settlement of their differences.

138. The representative of Norway expressed appreciation for the efforts of the Secretary-General and for his success in bringing representatives of the African States and Portugal together. The Secretary-General should be encouraged to continue his efforts in the ways which he deemed best suited to further progress.

139. The representative of the USSR found the joint draft rather weak and inadequate but would support it. Portugal had not drawn the necessary conclusions, and his delegation was deeply convinced of the need for the Council to adopt a more energetic and effective decision to put an end to Portugal's repression.

140. The President, speaking as representative of the United States, supported the joint draft resolution. The talks held under the auspices of the Secretary-General had been useful in opening up a peaceful avenue to a solution of the problem, and he thought such contacts should be renewed. Portugal's willingness to sit down with African leaders to discuss the issue of self-determination should be commended as an earnest of its willingness to seek a peaceful solution in a United Nations context and in an African context. His delegation hoped for progress towards agreement on an early, peaceful and full exercise of self-determination, with full freedom of choice in the Portuguese territories. It believed that Portugal should co-operate and would use its efforts to assist in bringing that about.

Decision: *At the 1083rd meeting on 11 December 1963, the Security Council adopted operative paragraph 3 of the draft resolution submitted by Ghana, Morocco and the Philippines (S/5480) by 7 votes to none, with 4 abstentions (Brazil, France, United Kingdom, United States), and then adopted the draft resolution as a whole by 10 votes to none, with 1 abstention (France) (S/5481).*

141. After the vote, the representative of Ghana found it significant that the resolution had been adopted almost unanimously and hoped that the clear meaning of self-determination would no longer be a source of conflict with Portugal.

142. The representative of Tunisia expressed the hope that Portugal would not fail to explore the possibilities for establishing contacts with the leaders of the parties within and outside the Portuguese territories.

143. The representative of Liberia also expressed the hope that Portugal would accept the offer of the African States to put it in touch with African leaders from territories under Portuguese administration who were at present outside those territories.

144. The representative of Portugal stated that the Council had once more taken a mistaken decision. He recorded his formal and strong reservations regarding the resolution.

145. The representatives of Madagascar and Sierra Leone also thanked the Council for its decision. The latter appealed to the Foreign Minister of Portugal to report fairly to his people the opinion of the world that the time was getting late for holding to an indefensible position.

F. Report of the Secretary-General

146. On 29 May 1964, the Secretary-General reported to the Security Council (S/5727) that he had not received any information from the Government of Portugal concerning any steps it had taken to implement the resolutions of the Security Council. He further stated that he was in consultation with the Government of Portugal and the representatives of African States on the possibility of the talks between them being continued. However, he was not in a position to report any positive developments in that respect.

Chapter 3

THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA RESULTING FROM THE POLICIES OF APARTHEID OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA; LETTER DATED 11 JULY 1963 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL BY THE REPRESENTATIVES OF THIRTY-TWO MEMBER STATES

(Note: The eighteenth annual report of the Security Council⁴ contained a summary of a letter dated 11 July 1963 (S/5348) whereby thirty-two African States requested an early meeting of the Security Council to consider what they described as the explosive situation in the Republic of South Africa resulting from the policies of *apartheid* pursued by the Government of South Africa and its systematic refusal to comply with the United Nations resolutions on this question. The report also noted two previous communications which had been received by the Security Council concerning this question: (1) A letter dated 14 January 1963 (S/5235) by which the Secretary-General transmitted to the Security Council the text of General Assembly resolution 1761 (XVII) of 6 November 1962, and drew the attention of the members of the Council to operative paragraph 8 of the resolution which requested the Security Council to take appropriate measures, including sanctions, to secure South Africa's compliance with the resolutions of the General Assembly and of the Security Council and, if necessary, to consider action under Article 6 of the Charter; (2) An interim report dated 6 May 1963 (S/5310), submitted to the Security Council and to the General Assembly by the Special Committee on the Policies of *apartheid* of the Government of the Republic of South Africa established under paragraph 5 of General Assembly resolution 1761 (XVII).)

A. Second interim report of the Special Committee on the Policies of *apartheid* of the Government of the Republic of South Africa

147. By a letter dated 17 July 1963 (S/5353), the Special Committee transmitted to the Security Council

and the General Assembly a second interim report in which, recalling that in its resolution of 6 November 1962, the General Assembly had requested the Security Council to take appropriate measures, including sanctions, to secure South Africa's compliance with the resolutions of the General Assembly and the Security Council, the Special Committee submitted to the Council the following recommendations: (1) that the Security Council should affirm its support of General Assembly resolution 1761 (XVII); (2) that it should note that the Republic of South Africa had disregarded the Council's resolution of 1 April 1960 and had acted contrary to General Assembly decisions, thus creating a serious danger to international peace and security; (3) that it should urge the Republic of South Africa to abandon its policies of racial discrimination; (4) that it should condemn the repressive measures against opponents of *apartheid* and demand that all political prisoners should be released and that those persons under internment or other restraints for opposition to *apartheid* should be freed; (5) that it should emphasize the importance of the recommendation made in General Assembly resolution 1761 (XVII) that all Member States should cease the supply of arms and ammunition to South Africa, and should call upon States which continued to provide such assistance to cease it immediately and report to the Security Council; (6) that it should call upon Member States to take political and economic and other measures recommended by General Assembly resolution 1761 (XVII), beginning with an effective embargo on the supply of arms, ammunition and petroleum, and that the Council should consider the means to ensure the effectiveness of the embargo, including a blockade, if necessary, under the aegis of the United Nations; and (7) that the Council should invite the Secretary-General and the specialized agencies and other United Nations bodies to continue to co-operate with the Committee in implementing General Assembly resolution 1761 (XVII).

⁴ Official Records of the General Assembly, Eighteenth Session, Supplement No. 2 (A/5502), chapter 14.

148. By a cablegram dated 19 July (S/5358) and by a letter dated 22 July 1963 (S/5366) addressed to the President of the Security Council, His Imperial Majesty the Emperor of Ethiopia and the President of Ghana respectively appealed to the Security Council to take strong action and impose sanctions against the Republic of South Africa whose policies of *apartheid* they considered an affront to the dignity of Africans.

B. Consideration at the 1050th to 1056th meetings (31 July-7 August 1963)

149. The item was included in the agenda adopted by the Security Council at its 1040th meeting on 22 July 1963 and was considered by the Council at its 1050th-1056th meetings held between 31 July and 7 August.

150. At the 1050th meeting on 31 July, the President, with the consent of the Council, invited the Ministers for Foreign Affairs of Liberia, Tunisia, Sierra Leone and the Minister of Finance of Madagascar to participate in the Council's debate.

151. The President stated that in accordance with the decision taken by the Security Council at its 1041st meeting on 23 July, he had sent a telegram to the Minister for Foreign Affairs of the Republic of South Africa, inviting him to appoint a representative to participate in the Council's consideration of the item. He asked the Secretary of the Council to read the text of a reply dated 31 July.

152. The letter, circulated later as document S/5381, stated that the Government of South Africa had decided not to participate in the discussion by the Security Council of matters which it considered to be solely within the domestic jurisdiction of a Member State. South Africa had repeatedly explained at the United Nations that its policy was designed to lead to self-government, friendship and co-operation by and among the different races, each in its own area, which was considered a practical way to remove discrimination. The African States were trying to justify their interference in South Africa's internal affairs by the totally unfounded allegation that South Africa was a threat to international peace and security. The fact was that the African States, or some among them, had threatened peace and order in South Africa as evidenced by the resolution adopted at the Addis Ababa Conference and statements made by African leaders.

153. Opening the debate, the representative of Sierra Leone said that he and his colleagues from Liberia, Madagascar and Tunisia had been designated by the Conference of Heads of African States and Governments held in Addis Ababa in May 1963, to speak on behalf of the Organization of African Unity (OAU) on the question before the Council. That Conference had unanimously adopted a resolution circulated in document S/5348, supporting the findings and recommendations made by the Special Committee.

154. He recalled that the Security Council in its resolution of 1 April 1960 had recognized that the situation in South Africa had led to international friction which, if continued, might endanger international peace and security. That had been reaffirmed in General Assembly resolution 1761 (XVII) of 6 November 1962, which had also requested Member States to take certain measures which, it had been hoped, would persuade the Government of South Africa to abandon its policies of *apartheid* and thus remove the danger to peace and security in the African continent. The re-

sponse of the Government of South Africa to those and other decisions by the United Nations had been the enactment of a series of laws aimed at the complete destruction of the rights and liberty of the African population.

155. In addition, the Government of South Africa had, in the past two years, spent large sums of money accumulating weapons which were obviously intended to be used for repressive purposes. In that same arms build-up and in the multiplicity of laws against freedom lay the greatest threat to peace and security in the African continent.

156. Furthermore, the Government of South Africa had extended its policies of *apartheid* to South West Africa, a territory which it occupied illegally and oppressively, in violation of the obligations imposed by the Mandate of the League of Nations. The ultimate objective of South Africa's policy was to partition the African continent into "black" and "white" States, an objective which was completely unacceptable to the African States.

157. He urged the Security Council to take appropriate measures under the Charter to compel the South African Government to abandon its inhumane policies and practices of *apartheid* and to put an end to the unlawful occupation of South West Africa. Only timely and forthright action by the Security Council could prevent an explosion in South Africa which might have disastrous international repercussions.

158. The representative of Tunisia regretted that the Government of South Africa had refused to participate in the Council's deliberations and had once again invoked Article 2, paragraph 7, of the United Nations Charter. No reasonable interpretation of the Charter could possibly require the Council, which was the organ responsible for the maintenance of peace and security, to refrain from intervening until an explosion actually occurred in South Africa. The present situation not only fell within the scope of Articles 55 and 56, but also of Articles 34 and 35 of the United Nations Charter, for as long as racial laws continued to be enforced in South Africa, there would be no peace in Africa.

159. South Africa was the only country in the world today where questions of civil rights and fundamental freedoms were determined in law and practice by the colour of one's skin and where the notion of racial superiority had been made the official state doctrine. Under the system of *apartheid*, millions of Africans were deprived of their fundamental human rights and freedoms and were subjected to acts of discrimination, segregation and physical oppression comparable only to the racial phenomenon of Nazi Germany. It was for that reason regrettable that some of the Allied Powers which had fought against Nazism had, in the case of South Africa, continued to give that Government financial, technical and, above all, military support. As the report of the Special Committee had indicated, South Africa was engaged in building up its armed forces through large-scale purchases of armaments in several friendly countries, a development about which the African States were deeply concerned because of the dangers it posed to peace in the African continent.

160. The Tunisian delegation considered that the persistent refusal of the Government of South Africa to implement the resolutions of the General Assembly and the Security Council could only be interpreted as an unequivocal renunciation of its status as a Member

State of the United Nations. The time had come for the Security Council to take immediate and firm action to dispel any doubts as to the determination of the United Nations to ensure that the aims of the Charter were achieved in South Africa.

161. At the 1051st meeting of the Council on 1 August, the representative of Madagascar stated that the African States had appealed to the Security Council because they believed that the race conflict in South Africa constituted not only a continuing source of international conflict, but was a serious threat to international peace and security. The facts of the situation had been fully and objectively set out in the two reports of the Special Committee which were before the Council. The Government of South Africa had decided to impose by force a policy designed to safeguard the privileged position of 3 million whites and to subject the remaining 13 million inhabitants to a system of discrimination and oppression which grew harsher as the coloured population resisted its application.

162. Madagascar, where people from different races lived together harmoniously, could not conceive of one race imposing its supremacy upon another in the same country; the Universal Declaration of Human Rights must apply to South Africa, and no fiction of domestic jurisdiction should prevent the United Nations from taking steps to find a solution to the problem. It was impossible to continue to tolerate South Africa's refusal to abide by United Nations resolutions, without undermining the position of the United Nations. His delegation, along with other African States, called for the application of measures provided for in the United Nations Charter in cases where the behaviour of a State constituted a source of tension and a serious threat to international peace and security.

163. The representative of Liberia observed that since 1948, when the Nationalist Party had come into power, the Government of South Africa had enacted numerous laws designed to curb and control the social, political, economic and cultural life of the non-white population, such as the Group Areas Act designed to enforce residential segregation and which had resulted in the uprooting of many indigenous Africans from areas where they had lived for years; the Bantu Education Act which restricted education to standards much below those for the Europeans; the Unlawful Organization Act which had banned all nationalist organizations; the Bantu Law Amendment Bill which had imposed strict control on the movement of Africans into urban areas; the sabotage law under which any offence, including the furtherance of any aim which was intended to achieve a change in the social or political policy of the Republic, could be styled as sabotage. The implementation of those policies had been made possible by the economic success of South Africa in the full knowledge of those countries and agencies which had provided the foreign capital to South Africa.

164. The African States were deeply disturbed by the extraordinary expansion of South Africa's military and police forces which was designed to crush by brutal means the rights of the Africans. Citing figures on military expenditures, he said that the excessive military build-up could not possibly be justified on grounds of external defence and threatened the peace in Africa. The African States, therefore, asked the Security Council as the organ primarily responsible for the maintenance of international peace and security to call upon Member States, especially those engaged in the sale of

weapons to South Africa, to honour their commitments under General Assembly resolution 1761 (XVII) of 6 November 1962—which called for the severance of diplomatic relations with South Africa, the closing of ports to all vessels flying the South African flag, the boycotting of South African goods and the refusal to export goods to South Africa. It had been argued that to comply with the Assembly resolution would bring suffering to the Bantu population of South Africa, but as Chief Luthuli had himself stated in a plea to British workers, boycotts and sanctions would not affect the blacks more than the whites, and the blacks in South Africa were committed to suffering which would lead them to freedom.

165. At the 1052nd meeting of the Council on 2 August, the representative of Ghana declared that the problem of *apartheid* policies of the South African Government was one of the greatest human tragedies today, the gravity of which had been stressed in the two interim reports of the Special Committee. Those reports and the resolutions of the General Assembly and the Security Council were eloquent proof of the long and patient efforts of the United Nations to persuade the Government of South Africa to abandon its intolerable racial policies. It had been the continued disregard of those resolutions and the failure of the South African Government to co-operate that had led Member States to ask the Security Council to intervene in the solution of the question. Operative paragraph 8 of General Assembly resolution 1761 (XVII) had requested the Security Council to take appropriate measures, including sanctions, to secure South Africa's compliance with the resolutions of the General Assembly and of the Security Council on the subject, and, if necessary, to consider action under Article 6 of the Charter. Therefore, the responsibility for taking action had now devolved upon the Council.

166. The representative of Ghana emphasized that *apartheid* was a more serious problem than the racial discrimination which existed in many countries; whereas in countries like the United States the Federal Government had openly fought against racial discrimination and had used the law, and even force, to correct the situation, in South Africa the whole apparatus of government, supported by police and military force, and had been used to foster and enforce racial discrimination. His delegation agreed with the conclusion of the Special Committee's reports that the racial policies of the Government of South Africa were a negation of the principles and purposes of the Charter and that their implementation had led to international friction and endangered international peace and security.

167. He said that the quantity of military equipment sold to South Africa by certain Powers was causing great concern among the leaders of Africa. President Nkrumah of Ghana had recently expressed that concern and had asked whether those who had authorized the export of arms to South Africa had made any inquiry as to the real purposes for which those arms were required; why, he had asked, were so many small arms needed for the protection of South African whites and against whom were aircraft of a limited range, capable of carrying nuclear rockets and weapons, to be employed? The African States felt that the arms being supplied to South Africa were primarily intended to be used against the African population in South Africa and to serve as a warning to the African States of the risks they would run in championing the cause of freedom in South Africa.

168. His delegation hoped that the Security Council would take vigorous action. Peaceful persuasion had not succeeded in bringing about a change in the situation in South Africa. The Security Council should call upon all Member States to cease forthwith the supply of arms to South Africa and to isolate South Africa from the community of nations.

169. The representative of the United States of America stated that the task before the Council was to consider further steps which could be taken to induce the Government of South Africa to remove the evil of *apartheid*. Just as his country was determined to wipe out discrimination in its society, it would support efforts to bring about a change in South Africa. The great progress made in Africa was overshadowed by the racial bitterness and resentment caused by the policies of the South African Government; it was the duty of the Council to ensure that that situation did not deteriorate further and that the injustice of *apartheid* came to an end. The repeated efforts made by the United Nations and by many Member States had yielded no tangible results; there had been no forward motion, and, in fact, there had been calculated retrogression.

170. The United States Government had made diplomatic representations to South Africa on all aspects of *apartheid* and had observed to the South African Government that, in the absence of an indication of change, the United States would not co-operate in matters which would lend support to South Africa's present racial policies. It had decided to take one more important step in its arms policy towards South Africa by ending the sale of all military equipment to the South African Government by the end of the calendar year, except for existing contracts which were still to be fulfilled. His Government, however, reserved the right to interpret that policy in the light of requirements for assuring the maintenance of international peace and security.

171. As to action which the Security Council might take at the present time, his delegation believed that the application of sanctions under Chapter VII would not be in accord with the Charter. The founders of the United Nations had been careful to reserve the right of the Organization to employ mandatory coercive measures in situations where there was an actuality of international violence or such a clear and present threat to the peace as to leave no reasonable alternative but to resort to coercion. That was not the situation in South Africa, where there was still time to work out a solution through peaceful means, and any action by the Council should be aimed at promoting such a settlement. The application of sanctions was not likely to be effective and might provoke further intransigence on the part of the South African Government and harden the existing situation. Furthermore, the adoption of such measures, particularly if compliance was not widespread, might damage the authority of the United Nations and diminish the efficacy of the sanctions process envisaged in the Charter.

172. His delegation believed that further attempts should be made to build a bridge of communication, of discussion and of persuasion, and could not accept the view that bloodshed was the only alternative to *apartheid* or that the situation had to continue on its present collision course. Alternatives had to be found and explored before it was too late. He regretted that South Africa had chosen to absent itself from the discussions of the Council and appealed to that Government to

change course and to embark on a policy of national reconciliation and emancipation.

173. The representative of Brazil agreed that the situation in South Africa represented a serious threat to international peace and security requiring appropriate action by the Security Council. In the light of the failure of previous approaches to the problem, the Council must now decide whether it should continue to propose measures of persuasion or should advocate more energetic and coercive methods. That decision was by no means simple, as no nation was entirely free from some vestiges of racial discrimination. However, the Security Council could not remain indifferent to the concern of the African nations over the increase of armaments in South Africa. In the view of his delegation, the Council would be acting wisely if it adopted, without delay, measures to stop the supply of arms to South Africa, as well as other measures which would persuade the South African Government of the imperative need for a change. The sooner the minority of Europeans in South Africa realized that they could not maintain their policy of domination, the easier it would be for the country to go through the period of transition towards a just and peaceful social order.

174. At the 1053rd meeting of the Council on 5 August, the representative of the Philippines stressed that the concerted effort of the African-Asian countries to fight against South Africa's racial policy was not motivated by any desire to seek revenge on the white man, as had been erroneously asserted, but by the fact that after centuries of domination those countries were now fully aware of their rights and privileges and were determined to have them recognized and respected. Legal and peaceful means of protest against *apartheid* had been closed and the leaders and followers of the Pan Africanist Congress and of the African National Congress were either under house arrest or in prison.

175. The Special Committee, of which his delegation was a member, had emphasized the dangers of the extensive arms build-up in South Africa and the crucial role of Member States which were selling weapons and trading heavily with South Africa. It seemed to him that those countries had the power to influence effectively the course of events in South Africa.

176. The Philippines had initiated economic sanctions against South Africa in accordance with General Assembly resolution 1761 (XVII) and would support strong measures against South Africa, including a total arms embargo which would have a greater impact on the Government of South Africa than any other measure. The Council was in duty bound to act positively and promptly to prevent widespread conflict and to prepare the way for multiracial harmony.

177. The representative of Morocco felt that the tension created between the African States and the Government of the Republic of South Africa because of the latter's racial policies was undoubtedly of such a nature as to result in serious international complications. The system of *apartheid* which had been imposed on the overwhelming majority of the inhabitants of South Africa had also been imposed in South West Africa and was spreading to neighbouring British and Portuguese colonies where European minorities were dominant. South Africa's claim that its policy was designed to lead to self-government, friendship and co-operation among the different races was empty of any meaning in the light of the inhuman legislation aimed at the non-whites and the racial hatred engen-

dered by its application. The Western Powers were contributing to the increase of the military potential of South Africa to a dangerous degree, thereby encouraging the continuation of policies contrary to the very principles of law and justice upheld by those countries.

178. His delegation felt that the Security Council must not allow itself to be immobilized by juridical or other considerations and should take appropriate measures which would make the supporters of *apartheid* realize the danger which their defiance of United Nations resolutions was creating for international peace and security.

179. The representative of China observed that his delegation had consistently maintained that the promotion of human rights and freedoms was a paramount purpose of the United Nations, intimately related to the maintenance of international peace and security. Therefore, the competence of the United Nations in that respect was overriding. The *apartheid* policy pursued relentlessly by the Government of South Africa was morally indefensible and politically self-destructive. South Africa was undoubtedly moving in a collision course with African nationalism; while in the past several decades, African nationalist leaders had pursued a course of non-violence and peaceful resistance, in recent times they appeared to be committed to an active programme, and were supported by the majority of the independent African States. He believed that it was not too late for South Africa to face up to the realities of the situation and reverse its policy which was so glaringly out of step with the progress of mankind towards wider freedom and so clearly contrary to its own self-interest.

180. The representative of Venezuela said that his country could not accept the view that Article 2, paragraph 7, of the Charter prohibited the United Nations from dealing with a situation which flagrantly violated the human rights provisions of the Charter. Furthermore, the adoption of the resolution of 1 April 1960 (S/4300) had confirmed the Council's competence to deal with the question. The reservations which his delegation had recently expressed concerning the powers of the General Assembly to impose sanctions were based on juridical considerations which did not apply to the Security Council, since the Council was expressly authorized by the Charter to exercise that function. Therefore, his delegation would support measures which might be taken within the framework of the Charter to abolish *apartheid*.

181. At the 1054th meeting of the Council on 6 August, the representative of the Union of Soviet Socialist Republics observed that the policy of *apartheid*, which could only be compared with that of Nazi Germany, was not an isolated manifestation of racism but an inhuman system raised to the level of State policy and designed to maintain the supremacy of a small white minority over the majority of the indigenous population. As could be seen from the reports before the Security Council, the South African Government, through a series of Draconian laws, had reduced the indigenous population to a condition of slavery.

182. Not a single resolution, not a single decision urging the South African Government to end its shameful policy of *apartheid* had brought any positive response from the Verwoerd Government. On the contrary, with each passing day the racist South African régime, ignoring and sabotaging the decisions of the

United Nations, extended its practice of fomenting racial discrimination and proceeded further on the course of violating the United Nations Charter and the Universal Declaration of Human Rights. Speaking before the seventeenth session of the General Assembly, the Foreign Minister of the Republic of South Africa had stated that no criticism would make the Government of South Africa renounce its policy. More recently, the Prime Minister of South Africa had asserted that his country would not yield one iota in the pursuit of its racial policies.

183. In accordance with the trend of the times, certain Western Powers had verbally condemned *apartheid*, but in fact they had continued to give South Africa economic, military and political support. Quoting figures on foreign investment, he said that the interests of foreign monopolies were closely bound up with those of the South African racists, and had influenced the attitude of certain permanent members of the Council on the question of *apartheid*. As Mr. Louw, the South African Foreign Minister had declared, a world boycott against his country would fail because countries like the United States, the United Kingdom and the Netherlands would not want to lose a substantial source of raw materials. That explained why the Western Powers had voted against General Assembly resolution 1761 (XVII), particularly against paragraphs 4 and 8 of the resolution. As for the military situation, it was well known that the Western Powers within NATO were supplying South Africa with arms and other military equipment, which, though allegedly designed for defensive purposes, were being used for the repression of the African and Asian population and represented a threat to the security of the African continent. His delegation attached special importance to the banning of the delivery of arms to South Africa.

184. The Security Council should condemn the racial policies of the Government of South Africa as flagrant violations of the principles of the Charter, apply immediate economic, political and other sanctions against South Africa as provided for in General Assembly resolution 1761 (XVII), including an embargo on supplies of petroleum and petroleum products and consider the question of taking appropriate measures against the Republic of South Africa under Article 6 of the Charter.

185. At the same meeting, the representative of Ghana introduced the following draft resolution sponsored by Ghana, Morocco and the Philippines (S/5384 and Corr.1):

"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, as submitted by the thirty-two African Member States,

"Recalling the Security Council resolution of 1 April 1960 (S/4300),

"Taking into account that world public opinion had been reflected in General Assembly resolution 1761 (XVII) of 6 November 1962 and particularly in its operative paragraphs 4 and 8,

"Noting with appreciation the interim reports adopted on 6 May (S/5310) and 16 July 1963 (S/5353) by the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa,

"*Noting with concern* the recent arms build-up by the Government of South Africa, some of which arms are being used in furtherance of that Government's racial policies,

"*Regretting* that some States are indirectly providing encouragement in various ways to the Government of South Africa to perpetuate, by force, its policy of *apartheid*,

"*Regretting* the failure of the Government of South Africa to accept the invitation of the Security Council to delegate a representative to appear before it,

"*Being convinced* that the situation in South Africa is seriously disturbing international peace and security,

"1. *Strongly deprecates* the policies of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the Charter of the United Nations and contrary to its obligations as a State Member of the United Nations;

"2. *Calls upon* the Government of South Africa to abandon the policies of *apartheid* and discrimination as called for in the Security Council resolution of 1 April 1960, and to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of *apartheid*;

"3. *Calls upon* all States to boycott all South African goods and to refrain from exporting to South Africa strategic materials of direct military value;

"4. *Solemnly calls upon* all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa;

"5. *Requests* the Secretary-General to keep the situation in South Africa under observation and to report to the Security Council by 30 October 1963."

186. The representative of Ghana stated that, in the opinion of the sponsors, the draft resolution represented a minimum first step to be taken by the Security Council and that, if there was no change in the attitude of the South African Government by 30 October, they would expect the Council to adopt further and more effective measures to deal with the situation. He stressed the importance of operative paragraphs 3 and 4 of the draft resolution and appealed to all Members, especially the Western Powers, to support those measures. In connexion with operative paragraph 5, he emphasized that it was not the intention to interfere with the work of the Special Committee, which should continue to keep the situation under review.

187. The representative of the United Kingdom of Great Britain and Northern Ireland stated that the policies of *apartheid* were evil, totally impracticable, and would lead inevitably to disaster in South Africa. His Government's views on the question had been made clear to the Government of South Africa and to its leaders. The Security Council had the duty to do all it could in the situation, but it also had the duty to act in accordance with the terms of the Charter. In the view of his delegation, observance of Article 2, paragraph 7, of the Charter was of the greatest importance as a guarantee to Member States, particularly those which might find themselves in a minority, of reasonable immunity from interference by the majority in their internal affairs. At the same time, his delegation considered that the question of *apartheid* in the circumstances now existing was of such an exceptional nature as to warrant treating it as *sui generis*. Nevertheless, a distinction should be made between a situation which engendered international friction and one which consti-

tuted a threat to peace. In his view, there was no evidence that the actions of the South African Government, however repellent, threatened the territorial integrity or political independence of any Member State. He could not, therefore, agree that the Council should take measures, including sanctions, to enforce South Africa's compliance with the resolutions of the Assembly and of the Security Council.

188. The United Kingdom had special obligations in connexion with South Africa which had to be taken into account. First, the United Kingdom, by virtue of its special relationships, had responsibilities all over the world and in that connexion it could not ignore the geographical position of South Africa. Secondly, it was responsible for the administration and well-being of the territories of Basutoland, Bechuanaland and Swaziland. Thirdly, the United Kingdom's trade with and investments in South Africa were of great importance to the United Kingdom's external economic position and therefore had implications for world trade generally. Furthermore, long historical ties with South Africa compelled the United Kingdom to have a deep concern for the future of South Africa and its people.

189. His delegation believed that for the Council to take action under Chapter VII would be to exceed its powers under the Charter; however, it should express in clear terms its repugnance to the racial policies practised in South Africa, and the maximum pressure possible should continue to be exerted by Member States, in whatever way they considered appropriate, under the Charter, to persuade South Africa to change its racial policies before it was too late.

190. The representative of France declared that the measures proposed in the draft resolution would constitute direct interference in matters falling within the internal jurisdiction of a State. That was a matter of principle which his country regarded as one of lasting and universal importance. France, however, recognized that as relations between nations and peoples improved and multiplied, it became increasingly difficult for governments to violate Articles 55 and 56 of the Charter without arousing international public opinion. It was for that reason that his delegation had not opposed a debate in the Council which would put moral pressure on those concerned.

191. As its entire history showed, France condemned racial discrimination, and was concerned that no improvement had been made in the situation in South Africa, which caused it grave misgivings and deep anxiety. While his Government believed that the Security Council was not competent under the Charter to impose a modification of South Africa's policies by means of sanctions or peremptory measures it had nevertheless considered measures which might contribute to lessening the tensions. In that connexion, he wished to inform the Council that the French authorities would take all measures they deemed necessary to prevent the sale to the Government of South Africa of weapons which might be used for repressive purposes. The French delegation appealed to the Pretoria Government to decide to promote effective respect for human rights and fundamental freedoms without distinction as to race, in accordance with its obligation under the Charter.

192. At the 1055th meeting of the Council on 7 August, the President, speaking as the representative of Norway, said that the trend of legislation in South Africa was deplorable and indefensible, and proved

that the policy of *apartheid* was inhuman and had become increasingly dangerous. His delegation fully shared the concern and anxiety of the African States over the tragic situation in South Africa.

193. In the opinion of his delegation, one of the most disquieting aspects of the situation was the speed and scope of the military build-up which seemed to indicate that the South African Government was determined to go through with its racial policies by means of unlimited use of military power. It was incumbent upon the Security Council to make every effort to prevent a further military build-up and thereby avoid an increase in the suppressive powers of the Government of South Africa. Such a decision would serve as a warning to the South African Government that if it did not change its policy the United Nations would have to adopt more stringent measures. It would also give hope and encouragement to those South African citizens who were opposed to the Government's policies of *apartheid*. In view of the developments in the situation, the Norwegian delegation felt that the time had come for the Security Council to condemn in clear terms the racial policy of the Government of South Africa and to call for its abandonment.

194. The representatives of Sierra Leone, Tunisia and Liberia, supporting the draft resolution, noted that the measures therein proposed were the minimum preventive action which the Security Council was authorized to take under the Charter. The representative of Tunisia pointed out that his delegation would have preferred the draft resolution to contain a recommendation to the General Assembly on the suspension of the rights and privileges of South Africa as a Member of the United Nations. However, in view of the position taken by some members of the Council and in the hope of obtaining unanimous support for the draft resolution, its sponsors had refrained from making such a proposal at the present stage.

195. At the 1056th meeting of the Council on the same date, the representative of the USSR stated that the draft resolution, as already pointed out, represented the minimum of what the Security Council should adopt in the existing conditions in order to stop the wild debauch of racism in South Africa and eliminate that source of international tension. However, since the African countries had found it possible, at the present stage, to confine themselves to the measures contained in the draft resolution, his delegation would vote for it. Of course that did not mean that the Soviet Union had altered its profound conviction that more drastic measures were needed with respect to the racist South African régime.

196. At the request of the representative of the United States, a separate vote was taken on operative paragraph 3 of the draft resolution.

Decision: *At the 1056th meeting on 7 August 1963, the draft resolution submitted by Ghana, Morocco and the Philippines (S/5384) was put to the vote.*

Paragraph 3 of the draft resolution received 5 votes in favour (Ghana, Morocco, Philippines, USSR, Venezuela), none against, and 6 abstentions. The paragraph was not adopted, having failed to obtain the necessary majority. The draft resolution, as amended, was adopted by 9 votes to none, with 2 abstentions (France, United Kingdom). (S/5386.)

197. In a statement explaining his vote, the representative of the United States stressed that the decision of the sponsors of the resolution to change their original

formulation of the eighth preambular paragraph of the resolution from "is seriously endangering international peace and security" to "is seriously disturbing international peace and security" had made it possible for his delegation to vote for the resolution. As members of the Council were aware, Chapter VII of the United Nations Charter did not speak in terms of disturbances of the peace, but only of actual threats to or breaches of the peace; thus, the resolution's reference to disturbing the peace referred to those underlying elements of the situation which, if continued, were likely to endanger the maintenance of international peace and security. This was quite different from finding a fully matured threat to or breach of the peace in the present situation.

198. The representative of the United Kingdom regretted that in spite of the strongly felt opposition of the United Kingdom to *apartheid*, his delegation had been unable to vote with the majority. During the debate, unfounded charges had been made that the United Kingdom was indirectly supporting *apartheid*, and, therefore, his delegation could not accept the sixth preambular paragraph of the resolution.

199. Furthermore, his delegation had reservations about the terms of the paragraph which had now become operative paragraph 3. It was the position of his Government that no arms should be exported to South Africa which would enable the policy of *apartheid* to be enforced. Their export licensing system would make sure that arms of this nature would not reach South Africa. However, the resolution just passed called on all States to cease to provide military equipment of any type to South Africa. In view of arrangements of co-operation between the United Kingdom and South Africa for the protection of sea routes, the United Kingdom reserved its position in the light of the requirements regarding the supply of equipment appropriate to those purposes.

200. Lastly, his delegation was in agreement with the view held by the United States that the resolution should not be regarded as one falling within Chapter VII of the Charter.

C. Third report of the Special Committee

201. In a third report (S/5426 and Add. 1-2) submitted to the Security Council and the General Assembly on 13 September 1963, the Special Committee recommended, *inter alia*; that the Security Council and the General Assembly: (a) take note of the continued deterioration of the situation in the Republic of South Africa; (b) affirm that the policies and actions of the Republic of South Africa were incompatible with membership in the United Nations; (c) declare the determination of the United Nations to take all measures provided in the Charter to bring to an end the serious danger to the maintenance of international peace and security; and (d) call upon all United Nations organs and agencies and all Member States to take appropriate steps to dissuade the Republic of South Africa from its present racial policies. The Committee considered it essential that all Member States should be called upon to take measures to implement the relevant provisions of General Assembly resolution 1761 (XVII) and of the Security Council resolution of 7 August (S/5386). In that connexion, the Committee also recommended that Member States should be requested not to provide any assistance, directly or indirectly, in the manufacture of arms, ammunition and military

vehicles in South Africa, and to refrain from any form of co-operation with South African military and police forces.

202. The Committee further recommended that the General Assembly and the Security Council should consider, without further delay, possible new measures in accordance with the Charter, providing for stronger political, diplomatic and economic sanctions, suspension of the rights and privileges of the Republic of South Africa as a Member State, and its expulsion from the United Nations and the specialized agencies.

D. Report of the Secretary-General in pursuance of the resolution adopted by the Security Council on 7 August 1963

203. In pursuance with the above resolution, the Secretary-General submitted on 11 October a report (S/5438) which contained the reply from the Government of South Africa to his request for information concerning the implementation of the resolution. The South African Government reiterated its position that it did not recognize the right of the United Nations to discuss a matter which fell solely within the jurisdiction of a Member State. In spite of that position, the letter stated, the Security Council had adopted a resolution calling for an arms embargo on South Africa which was a denial of the right of individual or collective self-defence provided in Article 51 of the Charter. The steps which South Africa was taking to strengthen its defences should be seen not only in the context of the threats to South Africa by certain African States to which it had drawn attention in its communication to the President of the Council on 31 July 1963, but also in the perspective of comparative expenditures on armed forces by other countries of similar economic and industrial development. The letter added that the South African Government had done nothing to threaten the peace, and that as in its view the Council's resolution of 7 August could not be reconciled with the provisions of the Charter, it was therefore not binding on the Republic of South Africa or any other Member State. The report also contained the substantive parts of the replies sent by forty-four Member States to the Secretary-General's request for information concerning action which they had taken or were proposing to take to implement the 7 August resolution.

204. Addenda 1 to 6 to the report of the Secretary-General (S/5438) issued during October, November and December 1963, contained replies from twenty-five other Member States in connexion with the resolution.

205. On 19 November 1963, the Secretary-General circulated a report to the General Assembly and the Security Council (A/5614, S/5457) in pursuance of General Assembly resolution 1881 (XVIII) of 11 October 1963, which had, *inter alia*, requested the Government of the Republic of South Africa "to abandon the arbitrary trial now 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*," and requested all Member States to make all necessary efforts to induce the Government of the Republic to ensure that the provisions were put into effect immediately. In his report, to which three addenda were subsequently issued, the Secretary-General reproduced the substantive parts of replies

received from Member States to his communications bringing the resolution to their attention.

E. Consideration at the 1073rd to 1078th meetings (27 November-4 December 1963)

206. In a letter dated 23 October (S/5444 and Add.1) thirty-two African and Asian States requested the Security Council to consider at an early date the report of the Secretary-General of 11 October (S/5438). They pointed out that the reaction of the South African Government to the Security Council resolution of 7 August had been completely negative and that the situation in South Africa had been exacerbated by recent developments there.

207. At its 1073rd meeting of 27 November, the Security Council included the item on its agenda and invited the Foreign Ministers of Liberia, Madagascar, Tunisia and Sierra Leone, and the representative of India to participate in the debate.

208. The representative of Liberia, commenting on the reply of the South African Government to the Secretary-General, said that the statement that the South African military build-up was necessary because of the threats to South Africa by the African States was without foundation. Apart from the fact that no African State wanted to wage war against South Africa, the Council should note that the military build-up had started long before the meeting of the African States at Addis Ababa. Moreover, South African officials themselves had made it clear that the purpose of the military build-up had been and was to ensure the supremacy of the white minority.

209. Since the Security Council resolution of 7 August 1963 (S/5386), the South African Government had increased, rather than lessened, its repressive actions and had brought to trial Africans accused of sabotage; although the indictment had been quashed by the judge, the accused persons had been rearrested and the trial had been resumed despite the General Assembly's resolution 1881 (XVIII) of 11 October 1963, adopted by 106 votes, calling on South Africa to abandon the trial and to release the prisoners.

210. The Security Council must take measures to prevent a race war in South Africa which would inevitably involve all Africa and the rest of the world. Inasmuch as the means for peaceful change were non-existent, the choice was either sanctions or a racial violence for which South Africa and those indirectly supporting its policies would be responsible.

211. The representative of Tunisia observed that it had been hoped by all members of the Council that the Government of South Africa would gauge the feeling and scope of the warning which had been embodied in the Council's resolution of 7 August. But those hopes had been in vain and it was clear that the Government of South Africa had no intention of changing its policy either with regard to the African population or towards the United Nations.

212. South Africa had questioned the right of the Security Council to impose an arms embargo and had contended that resolution S/5386 could not be binding on any Member State; however, the last preambular paragraph of that resolution had expressed the conviction of the Council that the situation in South Africa was seriously disturbing international peace and security. He believed that, although not mentioned in the Charter, a disturbance of the peace constituted

more than a threat and fell between a threat to the peace and a breach of the peace. It was to limit the danger to the peace created by the persistence of the South African Government in continuing its racial policies, and not because South Africa was arming itself, that the Security Council, acting in accordance with its responsibilities for the maintenance of international peace and security, had called for the arms embargo. Furthermore, the measures decided upon by the Security Council in resolution S/5386 were binding on Member States under Article 25 of the United Nations Charter.

213. His delegation attached great importance to the implementation of the 7 August resolution by all Member States and considered that an embargo on strategic materials would be the logical corollary to the arms provision of that resolution.

214. At the 1074th meeting on 29 November, the representative of Ghana said that it was clear from the reports before the Council that the Government of South Africa had no intention of co-operating with the United Nations to seek a peaceful settlement of the problem and was determined to pursue its policy of defiance. The Government of South Africa could not talk about a threat from the African States; had they wanted to resort to force, they would not have brought the question to the Security Council. The truth was that the African States were not prepared to be silent spectators of the brutalities and injustices done to the so-called non-white population of South Africa.

215. The time had come for the friends of South Africa to take decisive action. In the view of his delegation, the United Kingdom and the United States, which had substantial investments in South Africa, could jointly or separately prevail upon the Government of South Africa to abandon its path to certain disaster. Sanctions, he added, if applied by all Members, could be an effective means of compelling South Africa to abandon its policies of *apartheid*.

216. The total rejection by the South African Nationalist Party of a multiracial government did not provide any basis for consideration of the proposal to give the whites in South Africa international guarantees for their security, property and fair share in government. If any guarantees were to be given, it was the African and coloured population which deserved them.

217. In conclusion, he considered that the Security Council should now invoke Article 5 of the United Nations Charter so that South Africa might be suspended from the exercise of the rights and privileges of membership in the United Nations.

218. The representative of India recalled that seventeen years ago, she had addressed the General Assembly's first session on the question of the treatment of the people of Indian origin in South Africa. Time had proved that India's desire was justice for all South Africans regardless of origin, colour, sex and religion. The Government of South Africa, on the contrary, had continued its senseless policies, and in flagrant disregard of the Charter and world public opinion had denied freedom and justice to millions of people and had created a situation which would inevitably lead to violence.

219. Under its laws men like Nelson Mandela, Walter Sisulu and others were condemned to long terms of imprisonment and solitary confinement for daring to ask that the ideals of the Charter be put into practice in South Africa.

220. The representative of India said that her delegation would consider any alternative to economic sanctions, but noted that no constructive proposal had been made by the trading partners of South Africa. The trade boycott conducted by the majority of the African and Asian States had caused South Africa the loss of only a fraction of its trade, and that was being made up by increased trade with certain Western countries. Only the firmest sanctions agreed upon and implemented by all Member States, including the United Kingdom and the United States, could, in her view, have any impact on the Government of South Africa and prevent the situation from reaching the point of no return.

221. The representative of Sierra Leone thought that the Security Council should now decide what action it should take against a Member State which continued to flout its authority and to deny to millions of non-whites the human rights and freedoms enshrined in the Charter. It would be fruitless to discuss whether any proposed action fell under one chapter or another of the Charter. The Charter was indivisible in its purposes and principles, especially when it came to prompt and united action to safeguard the peace. It was precisely because South Africa believed that certain Member States with which it had important trade and economic ties were not prepared to take concrete measures provided for in the Charter, that South Africa could continue to ignore United Nations decisions.

222. He said that the African States were ready to co-operate in finding solutions which would avert a tragedy, provided that measures proposed were not merely of a temporizing nature, but were aimed at achieving the full enjoyment of political, economic and social rights by the African majority in a State free of discrimination and divisions of any kind based on race, colour or creed. He added that the prerequisite condition for the attainment of that goal was the immediate and final renunciation of the policy of *apartheid*.

223. The representative of Norway stated that the question before the Council was one of restoring dignity and liberties of a population oppressed by a régime which had not shied away even from dictatorial methods. The South African Government was actively engaged in the establishment of so-called "bantustans", which were but a parody of self-government, and was in the process of forcibly uprooting Africans and transferring them to those areas. Thus the fate of the majority of the population was in the hands of a white minority which controlled powerful military forces designed, to some extent at least, for internal purposes.

224. The Norwegian Government believed that a further strengthening of the South African Government's military forces should be avoided, and that the Security Council, having already called for a cessation of the supply of arms to South Africa, might now call upon all States to cease the supply of equipment and materials for the manufacture of arms and ammunition within South Africa. The Council might also direct a new appeal to South Africa to release political prisoners and detainees and to follow more humane legal processes in accordance with the resolutions of the United Nations.

225. At the same time, the United Nations should start with practical efforts through the establishment of a group of experts to examine the situation in

South Africa and to study methods of resolving the problem through full, peaceful and orderly application of human rights and fundamental freedoms to all inhabitants, regardless of race, colour or creed. That measure would offer the authorities of South Africa yet another opportunity of assistance by the United Nations to move away from the present course leading to international catastrophe.

226. At the 1075th meeting of 2 December, the representative of Morocco stated that the Government of South Africa, by persisting in its negative attitude towards the United Nations decisions, intended to destroy the authority of the Organization and to reduce world censure of *apartheid* to a mere symbolic gesture. Unfortunately, that attitude had been somewhat encouraged by the fact that United Nations resolutions on South Africa had not had unanimous support, and by the reluctance of some Member States to adopt decisive and concrete measures. It was not enough, he added, that measures such as an arms embargo or economic sanctions were supported by the majority of Member States. In the last analysis the effectiveness of those measures must depend upon the position of one or another great Power, whose relations with South Africa would to a large extent determine their scope and effectiveness.

227. Those who had always advocated a moderate approach to the problem must now agree that at no time had South Africa taken into account the co-operation offered by the United Nations and that moderation had failed to yield the results expected. His delegation would support any draft resolution which would reflect the concern of the African peoples and would invite the Security Council to take concrete measures which would be unanimously supported.

228. The representative of Madagascar expressed the hope that the present discussions of the Council would lead to positive action which would put an end to the shameful policy of *apartheid*. The prestige and the very existence of the Organization was involved. The oppressed peoples of South Africa, driven to the limit of their endurance, and with no recourse available to them, might well turn to violence. It was the duty of the United Nations to prevent bloodshed in South Africa while there was still time.

229. His delegation wished to point out to the Government of South Africa that to maintain the present system strengthened the wall of suspicion and hatred which separated the populations of South Africa and made peaceful coexistence ever more difficult. In the view of his delegation, it was still possible to contemplate objectively measures which might make possible the establishment in South Africa of a multi-racial society which would not only guarantee equal rights and freedom to all citizens but would also properly safeguard the rights of the minority.

230. The representative of the Philippines stated that the issue in South Africa was not political or military but one of violations of human rights and fundamental freedoms proclaimed in the Charter and the Universal Declaration of Human Rights. The South African Government had denied that concern for human rights was universal, and had gone ahead, despite the latest Council resolution, with its implementation of repressive legislation designed to ensure the political and economic dominance of the white minority.

231. While the situation in South Africa had not reached the stage of actual conflict, tension mounted

every day, and unless prompt and effective measures were taken there would be a holocaust in South Africa with grave repercussions in Africa and elsewhere. The Security Council would be negligent in its duty to safeguard international peace and security if it remained blind to the dangers inherent in the situation.

232. The Philippine delegation believed that the countries with important trade relations with South Africa should seriously consider ways and means by which they could impose economic and diplomatic sanctions. In the view of his delegation, the arms embargo should be broadened and a new appeal should be made for the release of all political prisoners.

233. The representative of the USSR observed that the Council was again obliged to discuss the situation in South Africa, which remained a threat to international peace and security. Not only had the South African authorities shown marked hostility to the Council's resolution of 7 August, but they had undertaken a new wave of repression and trials designed to eliminate prominent members of the national liberation movement in the country. In the last few months, a large number of persons had been tried and had been given sentences ranging from life imprisonment to the death penalty for their opposition to *apartheid*. Moreover, the continued expansion of the South African military and police forces constituted a threat not only to the indigenous population which had experienced the repression of Sharpeville, but to other countries in Africa. It was well known that the South African Government was organizing military co-operation with the racist régime of Southern Rhodesia and with the Portuguese colonialists. The racist Government of the Republic of South Africa could not have persisted so long in its policy had it not been for the economic, political and military support of a number of Western Powers.

234. The time for half measures was long past. The Security Council, which bore the principal responsibility for the maintenance of international peace and security, must respond appropriately to the appeal of the African States for effective sanctions against South Africa. Only decisive measures could compel the South African Government to alter its policy of *apartheid* and racial discrimination.

235. With respect to suggestions which had been made regarding the establishment of a group of experts to study methods to overcome *apartheid* and to consider the role which the United Nations might play in the matter, his delegation, without questioning the motives which guided the authors of such proposals, wished to point out that such an approach might be used to divert attention from the main issue, which was to eradicate forthwith *apartheid* in South Africa. As for the kind of society which would be established in South Africa after the eradication of *apartheid*, that was a matter to be decided only by the peoples of South Africa themselves without external interference. The Security Council should not engage in endless studies directed at further delays and straying away from the heart of the matter. The Security Council must secure the compliance of the Republic of South Africa with the resolutions already adopted by the Security Council and the General Assembly.

236. At the 1076th meeting of the Council on 3 December, the representative of Norway stated that after long and searching consultations with members

of the Council and African Foreign Ministers participating in the debate, he had been given to understand that a draft resolution based on points which his delegation had outlined in its statement of 29 November would be welcomed and would receive wide support. Accordingly, he was submitting the following draft resolution (S/5469):

"The Security Council,

"Having considered the race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of South Africa,

"Recalling previous resolutions of the Security Council and of the General Assembly which have dealt with the racial policies of the Government of the Republic of South Africa, and in particular the Security Council resolution of 7 August 1963 (S/5386),

"Having considered the Secretary-General's report contained in document S/5438 and addenda,

"Deploping the refusal of the Government of the Republic of South Africa as confirmed in the reply of the Minister for Foreign Affairs of the Republic of South Africa to the Secretary-General received on 11 October 1963, to comply with Security Council resolution of 7 August 1963, and to accept the repeated recommendations of other United Nations organs,

"Noting with appreciation the replies to the Secretary-General's communication to the Member States on the action taken and proposed to be taken by their Governments in the context of that resolution's operative paragraph 3, and hoping that all the Member States as soon as possible will inform the Secretary-General about their willingness to carry out the provisions of that paragraph,

"Taking note of the reports of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa (S/5426 and Add.1 and 2),

"Noting with deep satisfaction the overwhelming support for resolution 1881 (XVIII) adopted by the General Assembly on 11 October 1963,

"Taking into account the serious concern of the Member States with regard to the policy of apartheid as expressed in the general debate in the General Assembly as well as in the discussions in the Special Political Committee,

"Being strengthened in its conviction that the situation in South Africa is seriously disturbing international peace and security, and strongly deprecating the policies of the Government of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the Charter of the United Nations and with its obligations as a Member State of the United Nations,

"Recognizing the need to eliminate discrimination in regard to basic human rights and fundamental freedoms for all individuals within the territory of the Republic of South Africa without distinction as to race, sex, language or religion,

"Expressing the firm conviction that the policies of apartheid and racial discrimination as practised by the Government of the Republic of South Africa are abhorrent to the conscience of mankind and that therefore a positive alternative to these policies must be found through peaceful means.

"1. Appeals to all States to comply with the provisions of the Security Council resolution of 7 August 1963;

"2. Urgently requests the Government of the Republic of South Africa to cease forthwith its continued imposition of discriminatory and repressive measures which are contrary to the principles and purposes of the Charter and which are in violation of its obligations as a Member of the United Nations and of the provisions of the Universal Declaration of Human Rights;

"3. Condemns the non-compliance by the Government of the Republic of South Africa with the appeals contained in the above-mentioned resolutions of the General Assembly and the Security Council;

"4. Again calls upon the Government of the Republic of South Africa to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid;

"5. Solemnly calls upon all States to cease forthwith the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa;

"6. Requests the Secretary-General to establish under his direction and reporting to him a small group of recognized experts to examine methods of resolving the present situation in South Africa through full, peaceful and orderly application of human rights and fundamental freedoms to all inhabitants of the territory as a whole, regardless of race, colour or creed, and to consider what part the United Nations might play in the achievement of that end;

"7. Invites the Government of the Republic of South Africa to avail itself of the assistance of this group in order to bring about such peaceful and orderly transformation;

"8. Requests the Secretary-General to continue to keep the situation under observation and to report to the Security Council such new developments as may occur, and in any case not later than 1 June 1964, on the implementation of this resolution."

237. Introducing the draft resolution, the representative of Norway pointed out that operative paragraph 5 of the draft resolution was the next logical step for the Council to take in connexion with the arms embargo called for in the Council's resolution of 7 August. He added that the paragraph in question had been drafted within the framework of the same provisions of the Charter on which the Council's previous resolution had been based. He further explained that the phrase "equipment and materials for the manufacture and maintenance of arms and ammunition" referred to machines and machine parts and tools, not to spare parts which could be used in a dual capacity either for civilian or military purposes.

238. Operative paragraphs 6 and 7 together represented the core of the ideas put forward by the Scandinavian countries. He said that the formulation of paragraph 6 was the result of careful consideration and consultation, particularly with the Secretary-General, who had indicated that he would be in a position to respond to that request. He added that the paragraph should not be regarded as intervention in matters which were essentially within the domestic jurisdiction. Its purpose was to seek an alternative, positive course lead-

ing to the full application of human rights and fundamental freedoms for all inhabitants in South Africa, and to consider what part the United Nations might play in that connexion. He expressed the hope that the South African Government would avail itself of the invitation extended to achieve a peaceful and orderly transformation of South African policy.

239. Finally, the representative of Norway stressed that nothing in the draft resolution should be construed as an attempt to delay consideration by the Security Council of any developments which might take place in South Africa.

240. At the 1077th meeting, also on 3 December, the representative of Brazil noted that some concrete measures had been taken in the Council's resolution of 7 August, whose scope and significance should be pondered carefully by the South African Government. A policy of isolating South Africa was under way. The draft resolution tabled by Norway was a further, though moderate, step in the unfolding of that policy. Its provisions would be rendered still more significant if supported by those States principally involved in trade of material and military equipment with South Africa. His delegation also agreed with the establishment of a group of experts which might be of considerable usefulness to the Government of South Africa in planning the gradual transformation of its present political and social organization based upon racial discrimination into a truly democratic nation.

241. The representative of China said that his delegation's views on *apartheid* were well known. In the General Assembly as well as in the Council his delegation had made it clear that China was unalterably opposed to racism and all its manifestations.

242. Recalling the history of *apartheid*, the representative of China said that it was difficult to believe that in this day and age the Government of South Africa could carry on a policy so glaringly out of step with mankind's march towards fuller freedoms. He thought that the African States had shown political prudence by not resorting to extreme action in the face of such frustrating circumstances. It was incumbent upon the Council to take practical measures in order to bring an end to the injustice created by *apartheid*. The arms embargo had been a step in the right direction. Other means might also be explored. His delegation would support the Norwegian draft resolution which would put further collective pressure on South Africa while at the same time calling for further examination of methods which could be usefully applied to bring about a peaceful and orderly transformation in South Africa.

243. The representative of Ghana welcomed the initiative of the Norwegian delegation. It was the first time, he observed, that such an initiative had been taken by a Nordic country on a matter which had been raised by African-Asian States. The draft resolution contained a number of valuable points, such as paragraph 5 which supplemented the embargo on arms and ammunition provided for in the 7 August resolution.

244. On the other hand, his delegation had grave doubts as to the need for establishing the group of experts envisaged in operative paragraph 6 of the draft. If its task was to persuade the Government of South Africa to abandon its racial policies then the African States would welcome it. What the African States feared, however, was that by agreeing to the

establishment of the group they would be committing themselves to solutions which might be recommended, such as partition of South Africa, which were unacceptable to them. The African States were also concerned that the existence of the group might tend to inhibit the Council or the General Assembly from considering the problem should the situation require it. In that context he welcomed operative paragraph 8 which requested the Secretary-General to report to the Security Council "such new developments as may occur. . .". Furthermore, the establishment of the group should in no way affect the work of the Special Committee whose reports had been welcomed by all. For the reasons indicated, his delegation would request a separate vote on operative paragraph 6 of the draft resolution.

245. In reply, the representative of Norway appealed to the representative of Ghana not to press for a separate vote on operative paragraph 6 of the draft resolution, pointing out that the Nordic countries considered that the paragraph was the core of their initiative. He added that without it Norway would not have moved the draft resolution.

246. The representative of Morocco supported the reservations made by the representative of Ghana concerning operative paragraph 6 of the draft resolution, stressing that if the paragraph was adopted it would in no sense restrict or replace the work of the Special Committee or be considered an argument for delaying or preventing a meeting of any competent body on the question.

247. The representative of Venezuela, supporting the draft resolution, expressed gratification at the explanations given by the representative of Norway, particularly with regard to the non-violation of Article 2, paragraph 7, of the Charter and with regard to the fear expressed by certain delegations that paragraphs 6 and 7 might delay or postpone the taking of more decisive measures by the Council.

248. At the 1078th meeting on 4 December, the representative of the United Kingdom recalled that when the Council had considered the question in August, it had not been prepared to agree that the situation in South Africa was one which called for action under Chapter VII of the Charter. In his explanation of vote on the 7 August resolution, his delegation had emphasized that it did not regard it as being a resolution under Chapter VII, and it followed that the measures which had been recommended in that resolution could not be mandatory. His delegation believed that the situation in South Africa still did not constitute a threat to the peace, a breach of the peace or an act of aggression within the meaning of Chapter VII.

249. Furthermore, his delegation believed that a peaceful solution of the problem could only come from a change of opinion within South Africa and not from the application of coercive measures. The goal set for South Africa could not be achieved swiftly. It was because of those considerations that his delegation welcomed the proposal contained in the Norwegian draft resolution for the establishment of a group of experts with authority to examine and recommend the best way of finding a solution to the present situation. Such a development would give hope to many in South Africa who were genuinely disturbed at the international isolation into which their Government was leading them and who were in a mood to re-examine many

preconceptions which they had accepted without much thought.

250. As regards operative paragraph 5 of the draft, his delegation would comply with it in the same sense as in relation to paragraph 5 of the 7 August resolution: that no arms would be exported to South Africa which might enable the policy of *apartheid* to be enforced. That would be extended to cover equipment and materials clearly designed and intended for the manufacture of such arms and ammunition. His Government, however, reserved its right to fulfil existing contracts.

251. As to the appeal to all States to implement resolution S/5386 of 7 August, his delegation wished to note that that resolution had been framed in such a way as to cease the supply of military equipment of any type to South Africa. However, his delegation remained of the view that the right of South Africa to self-defence under Article 51 of the Charter must be taken into account, and therefore reserved its position in the light of the requirements regarding the supply of equipment proper to those purposes. Because of those considerations, his delegation would request a separate vote on paragraph 1.

252. In supporting the draft resolution as a whole, his Government considered its recommendations as being consistent with the powers of the Council under Chapter VI of the Charter. They were directed to a special situation and did not, in his view, partake of the character of sanctions or other mandatory action envisaged under Chapter VII, Article 41, of the Charter.

253. He expressed the hope that the South African Government would at long last pay due regard to the views and feelings of all the nations of the world.

254. The representative of France, recalling the French tradition against racial discrimination, stated that what gave his delegation great difficulty was operative paragraph 1 concerning implementation of the 7 August resolution, as the reasons which had led his delegation to abstain on that resolution remained valid.

255. Paragraphs 2, 3 and 4, apart from the wording of certain passages, were acceptable to France, which hoped in particular that an end would be put to South Africa's systematic disregard of all the resolutions of the United Nations.

256. As for the recommendation made in operative paragraph 5, his delegation had stated that the French authorities would take whatever measures they considered necessary in order to prevent the sale to the Government of South Africa of any weapons which might be used for oppressive purposes. Those measures would be applied by his Government in the future as regards equipment and materials for the manufacture and maintenance of such weapons.

257. His delegation had given equal attention to operative paragraphs 6 and 7 of the draft and had endeavoured not to yield to the temptation of scepticism in so doing. It seemed to him that a small, highly reputed group of experts, placed under the aegis of the Secretary-General, might perhaps, through an impartial study of the question, make an appreciable contribution in seeking a path which might lead out of the present impasse. He expressed the hope that the authorities of the Republic of South Africa would not misunderstand the aim of such a study, which was not to impose any foreign laws, but to assist the Govern-

ment of South Africa in finding possibilities which might still be open to reorient its policy in a manner compatible with the United Nations Charter.

258. The representative of the USSR stated that the situation in South Africa did not call for endless study but for the immediate implementation of United Nations resolutions. The General Assembly had already set up a Special Committee to examine the policies of *apartheid*; another organ to study the same question would only result in procrastination and interference with the rights of the South African people to decide for themselves the kind of society they preferred. Moreover, there was no indication in the draft resolution as to the qualifications required of the experts nor any mention of the criteria on which to base their work. Because of those considerations, the USSR delegation could not support paragraphs 6 and 7 and proposed that a separate vote should be taken on those paragraphs, having regard to the proposal made by Ghana at the previous meeting.

259. As for the draft resolution as a whole, although it contained a few positive paragraphs, it was too moderate and limited in scope. His delegation would have preferred the adoption of firmer and more effective measures against South Africa.

260. The President, speaking as the representative of the United States said that the position of his Government was based on certain principles which it considered essential in the search for a solution to the present impasse in South Africa: that an enduring solution could not be imposed from outside, but a change must be brought about primarily by the South Africans themselves, white and black, and that external conditions should be created within the framework of the Charter to bring about that change by peaceful means.

261. His delegation believed that the Security Council must continue to press for a solution which would lead to the enjoyment of human rights and freedoms for all peoples of South Africa. To achieve that objective the Council might proceed along two lines of action. One was to help bring about a peaceful evolution in South Africa towards a free and just society not only through the weight of world opinion, but also through the various means of investigation, inquiry, studies and recommendations available to the United Nations. The other was to make recommendations to Member States which would diminish the chances of a major explosion in South Africa because of international tensions created by *apartheid*. The Norwegian draft resolution, which his delegation supported, contained valuable proposals in both those directions.

262. The United States would implement the recommendation embodied in paragraph 5 of the draft resolution within the same terms and conditions of its arms policy stated in connexion with the adoption of the 7 August resolution. His delegation did not consider that the situation in South Africa fell within Chapter VII of the Charter and therefore did not consider a recommendation for coercive action as appropriate or authorized by the Charter.

263. The United States supported the proposal for the establishment of a group of experts because it believed that, in the circumstances, that approach was more appropriate to the search for a realistic solution of the problem. No one could predict what the results would be. It was for the experts to choose their own

approach and reach their own conclusions on the basis of the facts as they found them.

264. In conclusion, he stated that action by the Council was only part of the total effort to hasten the end of *apartheid*. Members of the Organization had an obligation, under the Charter, to act individually to use their influence to bring about a change in South Africa. His country, as one which maintained diplomatic and other relations with South Africa, endeavoured through various ways to fulfil that responsibility.

265. The representatives of India, Liberia and Tunisia commended the representative of Norway for his efforts to obtain agreement on a draft resolution, which, though not fully meeting the requirements of the situation, contributed positive elements towards the solution of the problem. They also expressed misgivings about operative paragraphs 6 and 7 of the draft. They pointed out that in order to do effective work the group of experts would have to ascertain the views of the leaders of the non-white community in South Africa, a procedure which they doubted South Africa would allow.

266. At the request of the representative of Norway, the representatives of Ghana, and the United Kingdom did not press for a separate vote on operative paragraphs 6 and 1 respectively.

Decision: *At the 1078th meeting on 4 December, the draft resolution submitted by Norway (S/5469) was adopted unanimously (S/5471).*

F. Fourth report of the Special Committee

267. On 23 March 1964, the Special Committee submitted a report to the Security Council and the General Assembly (S/5621), drawing their attention to the new grave developments in the Republic of South Africa, namely that some political prisoners opposed to *apartheid* had just received death sentences and others were threatened with the same penalty. To meet the grave situation, the Special Committee recommended that the Security Council should call on the South African Government to refrain from executing those persons sentenced to death for offences arising from opposition to the Government's racial policies; to end current trials under arbitrary laws and grant an amnesty to all persons imprisoned because of their opposition to *apartheid*; to desist from taking further discriminatory measures; and to refrain from all other actions likely to aggravate the situation. The Special Committee also recommended that the Security Council request States maintaining close relations with the South African Government to do all in their power, separately and collectively, to secure compliance with those minimum demands.

G. Report of the Secretary-General in pursuance of the resolution adopted by the Security Council on 4 December 1963

268. In a report issued on 20 April 1964 (S/5658 and Corr.1), the Secretary-General stated that, in pursuance of operative paragraph 6 of the Council's resolution of 4 December 1963 (S/5471), he had appointed, in January 1964, the Group of Experts and had requested the Government of South Africa to provide facilities for the Group to visit South Africa in the

discharge of its duties. On 5 February, the Government of South Africa, in reply to the Secretary-General, had stated that it considered the main objective of the proposed visit of the Group to South Africa as an unparalleled attempt at deliberate interference in the internal affairs of the Republic. The Group of Experts had been established under a resolution which could not but be regarded as another flagrant example of the "double standard" applied by the United Nations. The Group consisted of persons who had no first-hand knowledge of the situation in South Africa and who could not be regarded as independent and impartial observers. They would be obliged in their findings to satisfy the aims and designs of those States which were conducting a persistent and hostile campaign against the Republic of South Africa.

269. The Secretary-General's report also included the report of the Group of Experts, in which it was emphasized that the basic principle for a peaceful and constructive settlement of the question in South Africa was that all the people of South Africa, by free and democratic consultation, co-operation and conciliation, decide the future of their country. The continuation of the present situation in which the majority of the South African people were denied just representation was bound to lead to violent conflict and tragedy for all. In order to give effect to this principle, the Group recommended the establishment of a fully representative national convention which would consider the views and proposals of all those participating and set a new course for the future. The South African Government should be invited to take part in discussions under United Nations auspices on the formation of the national convention, and a special body should be appointed for that purpose. For the convention to succeed, the Group stated, an amnesty must be granted to all opponents of *apartheid*, whether on trial, in prison, under restriction or in exile.

270. The Group also recommended the establishment, under the United Nations, of an Educational and Training Programme for non-white South Africans abroad. It suggested that the United Nations should call on all Member States to make financial contributions to the programme. Referring to General Assembly resolution 1761 (XVII) of 6 November 1962, the Group stated that while many African and other States had responded to the Assembly's call for sanctions, the fact remained that the South African economy was not seriously affected by the actions so far undertaken. For sanctions to be effective, they must be put into effect with the co-operation of South Africa's principal trading partners, particularly the United Kingdom and the United States. Pending the reply of the South African Government on the proposal for a national convention, a study should be undertaken of the logistics of sanctions by experts in the economic and strategic field.

271. The Group of Experts further recommended that the Security Council should endorse the proposal for a convention and should fix an early date for a reply from the South African Government. Moreover, the Security Council should invite all representative groups in South Africa to communicate their views on the agenda for the convention before the date set for the reply of the South African Government. If no satisfactory reply was received, the Security Council, in the Group's view, would be left with no effective peaceful means of helping to resolve the situation in South Africa, except to apply economic sanctions.

272. Addenda 1-4 to the report of the Secretary-General (S/5658 and Corr.1) contained the substantive part of the replies received by the Secretary-General, up to June 1964, from 63 countries in connexion with the implementation of the resolution of 4 December 1963 (S/5471).

H. Fifth report of the Special Committee and other communications received by the Council

273. In a letter dated 10 April 1964 (S/5651) the representative of the USSR referred to the summary punishment by South African racists of leaders and participants in the struggle against *apartheid* and stated that racial discrimination in South Africa had been intensified in spite of the unequivocal demands of the General Assembly and the Security Council. He drew attention to the piling up of arms by the South African régime, the expansion of the army and to the virtual transformation of the country into an armed camp which, he said, represented a threat to the indigenous population in South Africa and to the other African States. Stating that the South African Government would not have persisted so long in its policies without the support of a number of Western countries, especially the members of NATO, he called for the immediate application by the Security Council of economic, political and other sanctions against South Africa.

274. In a letter dated 27 April (S/5674), fifty-seven African and Asian delegations, plus Jamaica, requested the Security Council to resume consideration of the situation in South Africa in the light of the Secretary-General's report of 20 April (S/5658) and the new developments in South Africa, particularly the imposition of death sentences on a number of African political leaders.

275. In a letter dated 22 May (S/5723 and Corr. 1), the Permanent Representative of South Africa stated that his Government regarded the subject matter of the report of the Group of Experts as essentially within its domestic jurisdiction. Without prejudice to that position, his Government wished to point out that the views expressed by the Government of South Africa in its communication of 5 February to the Secretary-General concerning the Group of Experts had been more than borne out by the contents of their report. That report consisted to a large extent of inaccuracies, distortions and erroneous conclusions based on false premises. He cited instances of what he held were misrepresentations of South Africa's policies and actions and contended that in reaching their conclusions the Group had drawn heavily on sources known to be communist oriented or under communist control. As for the proposal for a national convention, his Government, for obvious reasons, saw no useful purpose in commenting on such a proposal. He concluded by stating that South Africa had no aggressive intentions against any other State, but was equally resolved to defend itself against external aggression or subversion, from whatever source.

276. In a fifth report submitted on 25 May (S/5717), the Special Committee, after further reviewing the situation in South Africa, recommended, *inter alia*, that the Security Council: declare that the situation in South Africa constituted a threat to the maintenance of international peace and security; take effective measures to save the lives of the South African leaders condemned for acts arising from their opposition

to the policies of *apartheid*; call on all States and international organizations to use their influence in order to ensure the fulfilment of the minimum measures requested in the Special Committee's last report; request all States which maintained relations with South Africa, especially the United States, the United Kingdom and France, to take effective measures to meet the present grave situation; and decide to apply economic sanctions in accordance with Chapter VII of the Charter, as long as the Government of South Africa continued to violate its obligations as a Member of the United Nations.

277. Attached as annex II to this report was the report of the delegation of the Special Committee which attended, as observers, the International Conference on Economic Sanctions against South Africa, held in London on 14-17 April 1964. It was stated that the Conference, after a study and discussion of papers by well-known experts on the various aspects of the question of economic sanctions against South Africa, had concluded that economic sanctions were politically timely, economically feasible and legally appropriate. To be effective, sanctions should be totally and universally applied, and must have the active participation of the main trading partners of South Africa.

I. Consideration at the 1127th to 1135th meetings (8-18 June 1964)

278. At its 1127th meeting on 8 June 1964, the Security Council resumed consideration of the item under the following amended title:

"The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Republic of South Africa: letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of thirty-two Member States (S/5348)".

As sub-headings, the following documents were listed:

(a) Letter dated 27 April 1964 addressed to the President of the Security Council by the representatives of fifty-eight Member States (S/5674); (b) Report by the Secretary-General in pursuance of the resolution adopted by the Security Council at its 1078th meeting on 4 December 1963 (S/5658 and Corr.1 and Add.1-2); (c) Reports of the Special Committee on the Policies of *apartheid* of the Government of the Republic of South Africa (S/5621, S/5717).

279. The President, with the consent of the Council, invited the representatives of Madagascar, Indonesia, India, Sierra Leone, Liberia, Pakistan and Tunisia to participate in the discussion.

280. The representative of Liberia told the Council that despite United Nations resolutions, the Government of South Africa had increased its repressive measures against the non-white population and had proceeded with the trial of prominent South African leaders whose only crime was their opposition to *apartheid*. He urged the Council, as a humanitarian act, to take appropriate action to save the lives of those who had been and were being tried under arbitrary laws and procedures in South Africa.

281. With reference to the recommendations of the Group of Experts, he said that the African States supported the proposal for a national convention fully representative of the whole population of South Africa which would provide a minimum of communication

in a country where communication between the Government and the majority of the people was non-existent. Nevertheless, in view of the South African Government's rejection of the Group's report, the African States had no other alternative than to urge the Security Council to apply economic sanctions as the only peaceful means of resolving the issue.

282. Opposition to sanctions had developed in some countries on the ground that they would be illegal and impracticable and would hurt the African people. In the opinion of his delegation, economic sanctions against South Africa were legal because *apartheid* as practised in South Africa had in fact become a threat to international peace and security; that had been clearly implied by the Security Council resolutions of August and December 1963. As to the alleged impracticability of sanctions, the recent International Conference on Economic Sanctions against South Africa had shown that, while there would be economic losses accruing to individual countries involved in trade with South Africa, those would be small compared with the losses which would be sustained if South Africa exploded into a full-scale racial war. It had noted that such sanctions would require the full and active participation of certain members of the Security Council and other States trading with South Africa in order to prevent South Africa's evasion of the effect of sanctions by diverting its trade. The Conference had also shown that while the economy of South Africa was vulnerable to economic sanctions, the dependence of world trade on South African economy was extremely small and it would not be greatly affected.

283. The argument that economic sanctions would hurt those who were intended to benefit was only advanced by those who opposed change in South Africa. The Africans were used to privation and were prepared for more; they themselves had repeatedly asked for sanctions because they believed that a relatively short, if sharp, sacrifice was preferable to an indefinite period of suffering. The objective of sanctions was to produce a sufficient break-down in the operation of the South African economy to create a situation in which *apartheid* would be brought to an end. The Security Council could provide the world with the means to achieve that end.

284. The representative of Sierra Leone said that the Government of South Africa, in flagrant disregard of the Council's resolution of 4 December, had brought charges, based on arbitrary laws, against the nationalist leaders of the struggling masses of South Africa. Three leaders had already been sentenced to death, and judgements were awaited on Nelson Mandela, Walter Sisulu and other anti-*apartheid* leaders at the Rivonia trial. Urgent action by the Council was needed if the lives of those nationalist leaders were to be saved. Under Article 41 of the Charter, the Council could demand that the South African Government reprieve forthwith the three nationalist leaders sentenced to death and end the farcical trials which were in progress. Under the same Article the Council was empowered to impose economic sanctions on South Africa.

285. The representative of Morocco said that the Council's resumption of its debate on the question reflected more than ever the gravity of the situation in South Africa. By denouncing the report of the Group of Experts in such violent terms, the South African Government had given unmistakable proof of

its refusal to co-operate with the United Nations in seeking a peaceful solution to a problem which had become a real threat to the maintenance of international peace and security. In the view of his delegation, the Security Council should carefully consider the conclusions and recommendations contained in the various reports before it. Those conclusions confirmed what the African States believed, namely, that the existence of powerful economic ties between South Africa and the countries of Europe and North America constituted one of the mainstays of the policies of *apartheid*. The African and Asian States, therefore, considered that the main trading partners of South Africa were as responsible as the South African leaders for perpetuating a situation which was revolting to the conscience of mankind. It was time that those countries which had vigorously condemned South Africa's *apartheid* joined the great majority of the Members of the Organization in efforts to compel the white minority of South Africa to give up its odious racial practices.

286. In view of the gravity of the situation, the Security Council must, without delay, consider the possibility of applying economic sanctions, which were being increasingly supported by a large number of Member States and had been recommended by the Group of Experts in its report. At the same time, the Council should exert all its moral influence to stop the political trials and the forthcoming execution of the death sentence imposed on some of the nationalist leaders for actions arising from their opposition to *apartheid*. The Security Council should also take action along the lines recommended by the Group of Experts for the setting up of an education and vocational programme, particularly for South African refugees, which would enable them to attain the level of education and training deliberately denied to Africans by the South African authorities.

287. As a member of the Group of Experts, he wished to record his strongest protest against the accusations and allegations made by South Africa in its letter of 22 May. The report of the group was the result of an impartial and serious study of the actual situation in South Africa and took into account the views of many groups representative of all sectors of opinion in that country. If the South African Government was convinced of its own arguments, it should have come to the Council to present them.

288. The representative of Morocco then introduced a draft resolution, co-sponsored by the Ivory Coast (S/5752), under the operative paragraphs of which the Security Council would: (1) *Urge* the South African Government: (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 arbitrary trial in progress, instituted within the framework of *apartheid*; and (c) to grant an amnesty to all persons already imprisoned, interned or subjected to other restrictions, and particularly to the defendants in the Rivonia trial; (2) *Invite* all States and organizations to exert all their influence in order to induce the South African Government to comply with the provisions of this resolution; and (3) *Invite* the Secretary-General to follow closely the implementation of the resolution and to report thereon to the Security Council at the earliest possible date.

289. The representative of Morocco requested that the Council consider the draft resolution on an urgent basis and proceed to vote on it immediately.

290. The representative of India said that the Council was meeting under the shadow of an impending tragedy. The Rivonia trials had shown the world to what extent South Africa could flout world opinion and continue on its insane course. South Africa's laws had made the country worse than the Nazi concentration camps for 13 million non-white people; but the spirit of the people struggling for freedom and equality would not yield to the pressures and policies of the South African Government, however much those might be supported by external assistance.

291. It was discouraging to see that the United Kingdom was still supplying South Africa with machine tools and other military equipment. South African leaders had reportedly stated that the recent build-up of the nation's defence forces was to give the country a bigger "fist" to prevent an internal uprising by its black majority, with outside help. South Africa was reported to have built the strongest military and naval force in its history. Those developments were a further example of South Africa's defiance of United Nations and international opinion and, therefore, a threat to the peace of the world.

292. The representative of India paid tribute to the work of the Group of Experts and the Special Committee. The studies made by the Experts Group and the International Conference on Economic Sanctions pointed to two reasons for South Africa's defiance of world opinion and its determined pursuit of its racial policies: first, the economic prosperity which had enabled South Africa to go it alone; and second, the fact that that prosperity was dependent on the help received from some of the big Powers. No one minded any nation becoming rich and prosperous, but when economic prosperity was used for repression, it was the duty of all Member States to undermine that support lest the problem, which had already assumed undesirable proportions, should become a real threat to world peace by unleashing violence. Recalling that her country had been the first to enforce economic sanctions against South Africa, she stressed that sanctions could not be effective unless supported by the big Powers. South Africa's trading partners, which had pronounced themselves against *apartheid*, should put their words into practice and apply economic sanctions. Partial or limited sanctions would not do; the only answer was total economic boycott.

293. The representative of the USSR fully supported the draft resolution submitted by the Ivory Coast and Morocco. The people of the Soviet Union were deeply concerned about the fate of the people of South Africa and demanded that the United Nations take effective measures to save the lives of the leaders of the national liberation movement and free them from detention. Those feelings had been expressed in a message from the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics to the President of the Republic of South Africa calling upon the South African Government to abrogate the death sentences against the men who were fighting for human rights and freedom in South Africa.

294. In accordance with the principles of humanitarianism and the equality of peoples of all races and nationalities, and with the principles of the United Nations Charter, the Soviet Union strongly urged that an end should be put to *apartheid* in the Republic of South Africa, and supported the demands of all honest-minded people throughout the world for the

immediate cessation by the racists of the Republic of South Africa of their repression of the leaders and members of the national liberation movement.

295. At the 1128th meeting of the Council on 9 June, the representative of Morocco announced that the sponsors of the draft resolution had decided to revise its text as follows (S/5752/Rev.1): (1) to redraft the first preambular paragraph; (2) to delete in sub-paragraph (b) of operative paragraph 1 the word "arbitrary" preceding the word "trial", and to change the final phrase reading "instituted within the framework of *apartheid*" to "instituted within the framework of the arbitrary laws of *apartheid*"; (3) to add in sub-paragraph (c) of operative paragraph 1 the words "for having opposed the policy of *apartheid*" after the word "restrictions"; and (4) to delete the words "and organizations" in operative paragraph 2 of the draft resolution.

296. The President, speaking as the representative of the Ivory Coast, associated himself with Morocco's appeal for the immediate, unanimous adoption of their draft resolution. In less than a year, an increasing number of people had been arrested, tortured, prosecuted and convicted under laws which were considered by all to be arbitrary, and no argument of domestic jurisdiction could justify delay while innocent men were being murdered.

297. The representative of Norway said that there was widespread fear that the banning of all forms of non-violent means of opposing *apartheid* would force the oppressed Africans to opt for violence, with grave consequences for the future of South Africa. His delegation joined in the appeal to the South African Government to cease its dangerous policy of oppression, and would vote for the joint draft resolution.

298. The representative of Bolivia said that since it was a humanitarian act to save the lives of those being tried at Rivonia, his delegation did not hesitate to support the draft resolution which he hoped would be heeded by the South African Government.

299. The representative of Czechoslovakia spoke of the new wave of repression and terror unleashed against the African patriots which had aroused the indignation of the Czechoslovak people and said that his delegation would vote in favour of the draft resolution.

Decision: At the 1128th meeting on 9 June 1964, the revised draft resolution submitted by the Ivory Coast and Morocco (S/5752/Rev.1), was adopted by 7 votes to none, with 4 abstentions (Brazil, France, United Kingdom, United States) (S/5761).

The text read as follows:

"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 of 7 August 1963 (S/5386) and 4 December 1963 (S/5471) called upon the Government of South Africa to liberate all persons impri-

soned, 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 South African Government:

"(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 in order to induce the South African Government 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."

300. The representative of the United States, in explaining his vote, said that his delegation had abstained because it believed that the Security Council should not take action while the trials were still in progress, since that might be construed as interference in the judicial processes of a Member State. He reiterated that his Government shared the concern of other members of the Council about the circumstances giving rise to the security trials in South Africa, about the laws under which opponents of *apartheid* were being detained and tried, and the consequences which could ensue both from the trials and from persistence in the policies of which the trials were one aspect.

301. The representative of the United Kingdom stated that while his delegation fully understood the humanitarian motives which had inspired the sponsors of the resolution, and agreed whole-heartedly with those who had condemned the repressive legislation enacted by the South African Government, it had not found it possible to vote for the resolution because the phrase "arbitrary trial" used in the third preambular paragraph implied criticism of the judiciary process in South Africa rather than of the laws under which the courts operated. Moreover, the timing of the resolution and its effects required careful consideration. South Africa might regard the resolution as a grave interference in its judicial processes at the very moment when the trial was *sub judice*. Such a reaction might not be in the interest of the defendants awaiting judgement at the Rivonia trial.

302. The representative of France stated his delegation had abstained on the resolution because, among other considerations, it felt that its timing was such as to rob it of effectiveness and even to produce results contrary to those envisaged.

303. The representative of Brazil pointed out that his Government felt that since the matter was under review by a court of justice, the Council should refrain from any action which might be construed as intervention in the due process of law in a Member State.

304. At the 1129th meeting of the Council on 10 June, the representative of Indonesia said that each new measure which the Government of South Africa took to consolidate the system of *apartheid* brought closer the danger of a violent racial conflict in South Africa. His delegation wished to add its voice to those which had already been raised in an appeal to the Council to apply coercive measures, primarily those listed in Article 41 of the United Nations Charter, backed, if necessary, by a blockade as provided for in Article 42. The imposition of collective economic sanctions was the only peaceful means left to deal with the situation. Seventeen years of persuasion, exhortation and condemnation had signally failed to have any effect on the Verwoerd Government; another resolution merely condemning South Africa and requesting it to reverse its policy would be tantamount to inaction. Furthermore, as the studies by experts at the London Conference had shown, sanctions would not be fully effective unless collectively imposed by all nations and backed by an efficiently policed blockade. Although the General Assembly, in resolution 1761 (XVII), had recommended sanctions against South Africa, the Security Council was the only organ with the power to authorize mandatory collective action once it had determined the existence of a threat to peace, a breach of the peace or an act of aggression, within the meaning of Article 39 of the Charter. That prerequisite determination had not been made because the Western nations with veto power in the Council had categorically refused, for well-known reasons, to concede that the situation in South Africa constituted a threat to peace and had taken a stand on the letter of the law. The attempts by Western Powers to distinguish the threat to peace which they had admitted was inherent in the situation in South Africa from the threat to peace which would, in their opinion, justify the Council's invoking the measures provided for in Articles 41 and 42, would seem to indicate, at least in the present case, that coercive measures could be invoked only when the threat was so imminent as to require an emergency meeting of the Council to try to prevent bloodshed virtually the next day. But Article 39 indicated that the first duty of the Council was to safeguard the peace, to prevent the occurrence of an actual threat, rather than restore peace after a breach had taken place. His delegation trusted that the Western Powers, who in the vote on resolution S/5761 had allowed legal considerations, albeit important ones, to outweigh political and humanitarian considerations, would rise to their responsibilities and support the application of economic sanctions. Even the threat of sanctions by the Security Council would, in his delegation's view, have a persuasive effect on the South African Government.

305. The representative of Pakistan stated that his country, as one of the three States most directly involved in the question of the treatment of the people of Indian and Pakistani origin in South Africa, was proud to be in the vanguard of the campaign for the extinction of *apartheid*. The statements made by the previous speakers and the reports placed before the Council pointed out clearly the danger inherent in the situation in South Africa and dispelled any ambiguity

as to the measures which were needed to prevent a racial conflict of incalculable consequence for peace in Africa and in the world. He hoped that the Council would give those reports and statements urgent and practical consideration. It was plain that since previous United Nations resolutions had been treated with contempt by the South African Government, the imperative need now was for tangible action to compel the South African Government to abandon its reprehensible policy.

306. His delegation was heartened by the adoption of the resolution concerning the arbitrary trials of the opponents of *apartheid*, but considered that the problem confronting the United Nations was of greater dimension than that of putting an end to a specific measure or practice of the South African Government. In the last analysis, the issue was the freedom and self-determination of the peoples of South Africa. His Government shared the belief that a definitive solution of the problem could not be evolved except by the establishment of a fully representative national convention which would decide on the future shape and structure of the country; while South Africa functioning in opposition to the majority of its population would continue to be the gravest problem of international peace and security. In the view of the African Ministers of Foreign Affairs who met at Lagos in February 1964, total sanctions represented the only remaining means of peacefully resolving the explosive situation in South Africa.

307. The representative of Madagascar said that the system of *apartheid* maintained by the Government of South Africa had wiped out mankind's victories in the sphere of freedom; it was a step backwards to the days of slaves and masters, to a society where force was stronger than right and where men could be subjugated, imprisoned and tortured under a set of arbitrary laws universally condemned. The reports before the Council clearly showed that repression had become more and more pitiless and the ire of the oppressed manifested itself with ever-increasing violence which became more difficult to restrain. His delegation believed that something could and should be done to stop that monstrous spiral. For one thing, the recommendations of the Group of Experts should be implemented. His delegation could not accept an admission of inability on the part of the United Nations to act and trusted that the great nations which had unanimously condemned *apartheid* would join in a decision to apply economic sanctions against South Africa, and thus prove to the Asian and African States that they wished to participate in the solution of a problem which was a permanent threat to peace and security in Africa.

308. The representative of Tunisia said that the reaction of the South African Government to the latest resolution of the Council and to the recommendations submitted by the Group of Experts made it apparent that any attempt at moderation or co-operation with the South African Government was doomed to failure. The policy of repressive measures, arbitrary detention, persecution and summary trials of the South African leaders for their opposition to *apartheid* proved once more that the Pretoria authorities were determined, in spite of all United Nations decisions, to stifle by terror and force any opposition to their policies.

309. He paid tribute to the Secretary-General for his efforts and diligence in presenting the report to

the Council. His delegation was also grateful to the Group of Experts for the devotion and enthusiasm with which they had pursued their difficult task and for the positive elements which they had contributed in the search for a solution of the problem. However, the situation in South Africa, which daily became more aggravated and threatened at any moment to become a violent conflict, required urgent action by the Council. A national convention might lead to the beginnings of a solution of the problem, but the preliminary contacts would take months, and if fruitful results were obtained, years would pass before a satisfactory solution could be achieved. Moreover, such a convention could not be convened without South Africa's goodwill.

310. In the light of the refusal of the South African Government authorities to co-operate with the United Nations and to abide by its obligations as a Member State, the representative of Tunisia said that the Council should advocate economic measures as laid down in Chapter VII of the United Nations Charter. In that connexion he drew the attention of the Council to the studies and recommendations made by the London Conference on Economic Sanctions against South Africa, which had concluded that economic sanctions were politically timely, economically possible and legally appropriate. However, to be effective, economic sanctions should be total and universally applied and must have the active participation of the main trading partners of South Africa. It was time, he said, for the Security Council to shoulder its responsibilities under the Charter and institute economic sanctions against South Africa. Such a decision would meet the request of the African States and the legitimate aspirations of the non-white population of South Africa, which saw in sanctions the only road to liberation.

311. At the 1130th meeting of the Council on 12 June, the representative of Morocco referred to the life sentences just imposed on eight of the defendants in the Rivonia trial in South Africa. He read a statement by Chief Albert Luthuli regarding the sentences in which, among other things, the Chief appealed to the United Kingdom and the United States to apply full-scale sanctions that would precipitate the end of the system of *apartheid*.

312. The representative of Czechoslovakia said that the United Nations could not be indifferent to a system which was a replica of Hitlerian fascism. He stressed the social and economic discrimination practised by the South African Government against the majority of the African population: the non-whites were forced to live at a level which was ten times lower than that of the white minority; the average salary of the African working in the mines was fifteen times less than that of the whites, and the same applied to the salaries of Africans in industry and agriculture. Infant mortality was eight times higher among the Africans than among the whites while the allocation of money for an African student was one-tenth of that provided for the children of the whites. Those were some of the features of a system which was the worst manifestation of capitalism and colonialism. From time to time the representatives of the Western Powers criticized the system of *apartheid* to calm down the African delegations, but did not translate their words into deeds. On the contrary, they increased their investments in South Africa and supplied weapons which strengthened the racist régime. His delegation wished to draw attention particularly to the increasing eco

conomic and military co-operation between the Governments of West Germany and South Africa.

313. After eighteen years of discussion and condemnation of *apartheid*, the Security Council should undertake practical action along the lines indicated in resolution 1761 (XVII) of the General Assembly and apply the economic and other measures provided for in Article 41 of the Charter. There were no insurmountable technical or economic problems involved in applying sanctions; the problem was to induce the Governments having important economic relations with South Africa to act in accordance with their responsibilities as Members of the United Nations and with their own statements condemning South Africa's policies as contrary to the purposes and principles of the Charter.

314. The representative of China said that his delegation profoundly regretted that the situation in South Africa had deteriorated further. The world community did not expect the South African Government to reverse its policies overnight, but it did expect it to show some degree of co-operation with the United Nations and thus demonstrate its willingness to carry out its obligations as a Member of the Organization.

315. Commenting on the report of the Group of Experts, the representative of China regretted that the South African Government had refused to receive the Group. If the report contained inaccuracies and distortions as alleged by South Africa in its letter of 22 May, the South African authorities had only themselves to blame. His delegation felt that the proposal for a national convention should receive the most careful consideration by the Council; however, the Council should take into account the necessity for preparation and careful study for the proposal to be translated into reality. What was needed was a sound and enduring solution of the *apartheid* question and that, given the nature of the problem, could not be achieved quickly. He said that if the Security Council had so far refrained from taking coercive action against South Africa it was because it still hoped that a fruitful dialogue might yet be possible between the United Nations and the South African Government as well as between the white and the non-white population of that country.

316. At the 1131st meeting on 15 June, the representative of the USSR said there could be no doubt that the South African authorities met the demands of the United Nations and of the peoples of the world with violence and were determined to carry out and expand their policy of *apartheid*. That policy was well understood by all: it meant reservations, famine, slums, disease, mass movements of population, the most cruel exploitation, police raids, legal lawlessness. The transformation of South Africa into a military and police State was in consonance with that policy. He pointed out that the South African military budget for 1964-1965 was 25 per cent more than that for 1963-1964. According to data furnished by the Special Committee, in the last four years the production of weapons, military equipment and explosives in South Africa had increased 80 per cent, and in spite of the Security Council's resolutions of 7 August and 4 December 1963, South Africa continued to obtain powerful warships, planes and helicopters from abroad. Such militarization was a threat to the indigenous population and to all Africa.

317. Without the economic, political and military support given by several Western Powers, South Africa could not have continued its *apartheid* policies.

He recalled that in October 1963 the Chairman of the Special Committee had mentioned the United Kingdom, the United States, France, Italy, the Federal Republic of Germany, Japan, the Netherlands and Belgium as the countries directly or indirectly condoning the policy of *apartheid*. The scope of the investments of NATO countries in South Africa and of the profits they derived was also significant. About 175 American firms were active in South Africa, and United Kingdom capital investments there officially amounted to £1 billion sterling. According to the British newspaper *The Observer*, average dividends in South Africa amounted to 12.6 per cent as compared to 6.6 per cent in Western Europe. The United Kingdom and the United States represented about 40 per cent of South Africa's exports and about 50 per cent of its imports. Those were the factors which influenced the position of the Western Powers in the matter of taking effective measures against South Africa.

318. In the view of his delegation what was needed now were sanctions, which had been called for by the Organization of African Unity and by so many African leaders. The Security Council was in duty bound to respond affirmatively to those appeals. In the present critical situation economic sanctions would constitute the minimum measure which could be employed against the Government of South Africa. His Government had no diplomatic, consular or other relations with the South African Government and was ready to support effective and urgent measures to bring *apartheid* to an end.

319. The representative of Norway said that in his view, it ill behoved a Government to criticize the Group of Experts for basing its findings on insufficient facts concerning that Government's policies after having refused to co-operate with it. Norway supported the main conclusion of the Group of Experts and hoped that the Council would subscribe to it unanimously. However, the application of sanctions in time of peace was a very serious matter involving the Organization's relations with a Member State as well as the future direction of the Organization itself, as would be remembered from the example of the League of Nations' application of sanctions against Italy.

320. Notwithstanding the serious doubts raised, his Government was ready to support and co-operate in a technical and practical study of the feasibility, effectiveness and implications of measures which could be taken under the United Nations Charter. Only when the Council had a comprehensive report on those aspects of the matter, could it in turn decide on the legal aspects of the question and on the policy to be pursued. It was the considered view of his delegation that such a study should be carried out by experts representing all members of the Security Council and appointed by them.

321. The representative of the United Kingdom regretted that the Government of South Africa had refused to receive the Group of Experts, for his delegation continued to believe that there could be no real progress in that country until some form of dialogue could be set in motion with its Government. It was vital to determine what was the direction in which constitutional advance might be found. The Experts' report made only one proposal to that end: the establishment of a fully representative national convention. That could be an ideal way to proceed, especially if coupled with the steps proposed for an amnesty for political opponents of the South African Government, but his

delegation regretted that alternatives to the convention had not been set out in the report, particularly in view of the implication that if the proposal for the convention was not accepted, the Council should then move to coercion—a somewhat extreme position. In his delegation's view, changes in South Africa must come about from within the country and should be acceptable to the people as a whole in accordance with their rights and aspirations.

322. As to the proposed educational and training programme, while his delegation agreed that equal educational opportunities in South Africa were essential if the goals of constitutional progress were to be achieved, it was doubtful how far useful planning as suggested in the report could proceed unless the South African Government was itself prepared to consult with the specialized agencies in the matter. The appeal for an amnesty was to be endorsed on the assumption that it was not the intention to include persons guilty of crimes punishable in any ordered society. His delegation saw more difficulty in the proposed invitations to all concerned to communicate their views on the agenda for a convention. The South African Government was a Member of the United Nations; it seemed to his delegation that for the Organization to address itself to bodies outside the South African Government at the same time that it was trying to enter into a dialogue with that Government would be to prejudice its attempts from the start.

323. Turning to the Group's recommendation for a study of the logistics of sanctions, the United Kingdom representative said that before endorsing such a recommendation the Council should consider the purpose behind it: that was to be found in that part of the report where the Group suggested the application of economic measures as an alternative. His delegation did not think that it was for the members of the Expert Group to recommend to the Council so serious a step as the application of economic sanctions, which could be taken only in accordance with Article 41 of Chapter VII of the Charter. A decision under Article 39 of that Chapter was a pre-condition for such a step and, in his delegation's view, no threat to the peace existed at the present time. It was difficult to argue from the events recorded in the report of the Special Committee that the situation had so far deteriorated as to offer immediate danger to international peace. The report reflected the conviction of its authors that only coercion could produce a solution of the South African problem, but the countries which would have to bear the main burden of the recommended measures were entitled to ask whether such measures would in fact ensure a solution. Furthermore, any economic embargo required enforcement, and Members should not delude themselves that a peaceful solution and coercion could be reconciled. Of course, the logistics of sanctions could be studied, but however thorough the study, the fact remained that, to ensure the effectiveness of economic sanctions, the sanction of force would have to be at least in the background. If sanctions failed, would the Council be prepared to attempt by force to compel South Africa to change its policies? The United Kingdom, while opposed to *apartheid*, remained convinced that a change must come about by peaceful means.

324. At the 1132nd meeting of the Council on 15 June, the President, speaking as the representative of the Ivory Coast, observed that the conclusions of experts, of impartial observers, and of church authorities were

that there was a threat to international peace and security in the continuance of the policies of *apartheid* and that the Security Council must find there was such a threat within the terms of Article 39 of the Charter. The recommendations of the Group of Experts could not be lightly set aside or rejected and might well constitute provisional measures as provided in Article 40 of the Charter. In the meantime, the Council should order a careful study of the possible application of Article 41. He felt that only the United Kingdom, the United States and France could save the peace from the threat posed by *apartheid*; if they found the proposals of the African countries inapplicable, then they should make alternative suggestions. For, while they paralysed the Council, they were giving time to South Africa fully to carry out its nefarious plans.

325. The representative of Bolivia stated that *apartheid* was not only a matter which affected the relations between South Africa and the African and Asian States but had become a matter affecting South Africa's relations with the whole Organization. His delegation had hoped that the Council might be able immediately to take positive measures as requested by the African-Asian representatives, but, being aware of the difficulties involved, it would support any suggestions considered appropriate such as the creation of a special committee of experts to study methods for resolving the question.

326. At the 1133rd meeting of the Council on 16 June, the representative of Norway submitted the following draft resolution (S/5769) co-sponsored by Bolivia:

"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 Member States in their letter of 27 April 1964 (S/5674),

"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 of 4 December 1963 (S/5471),

"Recalling the resolutions of the Security Council of 7 August 1963 (S/5386), 4 December 1963 (S/5471) and 9 June 1964 (S/5761),

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

"Deploping 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 to:

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

"(b) 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) 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 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 subject 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 their views on such measures to the Committee no later than 30 November 1964, and 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 this resolution."

327. Introducing the draft resolution, the representative of Norway pointed out that the fifth preambular paragraph of the draft should be considered in relation to operative paragraph 12; they constituted a restatement both of the definition of the situation by the Security Council and the steps which Member States were requested to take with regard to arms, ammunition and military equipment. With reference to the operative paragraphs 8, 9 and 10, dealing with the study of measures which the Council could take under the Charter, the representative of Norway emphasized that the proposed study was intended to furnish the Council with details on what such measures would entail, their feasibility and their implications. The study would not be concerned with legal or political aspects of those measures, for those were questions for the Council itself to decide. He believed that on the whole the draft resolution reflected the strength and weakness of a negotiated compromise; he hoped that it would receive unanimous support.

328. The representative of the United States stated that South Africa's racial policies had forced upon the United Nations the task of trying to persuade a Member State to alter a course of action which affected not only its own peoples, but the racial situation in the world at large. His delegation regretted the life sentences imposed in the Rivonia trial; the sentences and the actions that had led to them were another distressing sign of the tragic interaction between repression and violence which continued to frustrate any progress towards conciliation and negotiation.

329. Referring to the reports of the Special Committee and of the Group of Experts, he said that, while his Government had a number of reservations about certain aspects of those reports and in particular did not subscribe to the Group's recommendations regarding the application of economic sanctions, it shared the intense concern which they reflected, and regretted that the South African Government had not chosen to allow the Group to visit the country and thus enhance the accuracy of its report. His delegation saw merit in the recommendation for a national convention, as it had always believed that the ultimate solution in South Africa must be worked out by the people of South Africa themselves on the basis of a free and equal exchange of views among all segments of the population. He hoped that the South African Government would respond favourably to such a concept and would seek such assistance, within and outside the United Nations, as might be useful. With regard to the recommendation for a training and education programme for South Africans, the United States was prepared to examine opportunities to contribute to it financially and in terms of scholarships.

330. On the question of sanctions, his Government continued to believe that the situation in South Africa, though charged with dangerous implications, did not provide a basis under the Charter for the application of coercive measures; nor could it support the concept of an ultimatum to the South African Government which might be interpreted as threatening the application of coercive measures. However, the Group of Experts had suggested that a study of sanctions be undertaken. His delegation would support and par-

ticipate in a properly designed study; that, however, would not commit his Government to support at any specific time the application under the Charter of coercive measures with regard to the South African situation or any other situation. His Government would continue to adhere to the resolutions of the Security Council and continue to search for ways of impressing upon the Government of South Africa the need for a policy of justice and equity for all its people.

331. The representative of Bolivia declared that his delegation had viewed with sympathy the idea of setting up a group of experts, and, having participated in the negotiations conducted by the representative of Norway, was happy to co-sponsor the draft resolution.

332. At the 1134th meeting on 17 June, the representative of Brazil stated that the issue in South Africa was one of international concern because of the continued and flagrant violation by a Member State of its commitments under the United Nations Charter. On the other hand, it was difficult within the framework of the world community to devise means and ways to cope with South Africa's conduct, which amounted to overt defiance of the United Nations. Commenting on the recommendations made by the two committees, he said that the proposal to convene a national convention, while an important step toward racial harmony in South Africa, could not be implemented without the co-operation of the Government of South Africa. The record of eighteen years gave very little reason for optimism. He thought there was greater merit in the education programme for non-white South Africans outside their country, and suggested that the Council immediately transmit the proposal to the Secretary-General for urgent consideration and subsequent submission to the General Assembly at the nineteenth session. With regard to proposals relating to measures to be taken by each Member State, he felt that such an avenue was actually the only one left open to the world community to press for an improvement in the racial situation in South Africa. As for the question of economic sanctions, his delegation supported the appointment of an expert committee whose findings would enable the Council to reassess the situation and recommend the sanctions which might be advisable or feasible.

333. The President, speaking as the representative of the Ivory Coast, said that while the draft resolution had certain positive measures, it did not express the views of the African States and fell far short of what had been asked of the Council. He observed that the composition of the proposed expert committee would render it inoperative because the position of three of its members was not only well known, but they had stressed that they would not be bound by the committee's conclusions. However, his delegation would vote for the draft resolution with three reservations: the right to ask for a new meeting of the Council, should circumstances warrant it, would not be impaired; the Special Committee should continue its work; and the General Assembly would continue to discuss the question of *apartheid* at its forthcoming session.

334. The representative of Morocco, expressing similar views on the draft resolution, stressed that the task of an expert committee, as his delegation understood it, was to study the possibility of the application of sanctions against South Africa. That was what was implied in the recommendation made by the Group of Experts for a study of the logistics of sanctions.

335. The representative of the USSR declared that the draft resolution bypassed the question of sanctions and for that reason was weak and unsatisfactory and not in keeping with the needs of the situation. The Western countries had again refused to support the demands of the African and Asian countries to put an end to the lawlessness of the fascist régime in South Africa. His delegation believed that the only effective action would be the immediate application of economic, political and other sanctions, and therefore would not vote for the draft resolution.

Decision: *At the 1135th meeting on 18 June 1964, the draft resolution submitted by Bolivia and Norway (S/5769) was adopted by 8 votes to none, with 3 abstentions (Czechoslovakia, France, USSR) (S/5773).*

336. The representative of the United Kingdom reiterated his delegation's views concerning the non-applicability of Chapter VII of the Charter and said that in participating in the study to be made by the expert committee, his delegation was in no sense committed, now or at any time in the future, to support measures of coercion against South Africa.

337. The representative of Czechoslovakia explained that his delegation had abstained because it considered the resolution inadequate and unrealistic. The resolution expressed hopes for co-operation which the South African Government had already refused, and lacked provision for the application of concrete measures long overdue. Furthermore, the statements made by the representatives of the United States and the United Kingdom clearly indicated that such further studies would not change their attitude regarding sanctions.

338. The representative of France stated that his Government had always condemned racial discrimination but did not consider that the United Nations could intervene directly in the internal affairs of a Member State. France wanted to see changes in South Africa, but the measures envisaged in the resolution seemed likely only to harden attitudes.

339. The representative of Liberia expressed disappointment that so mild a resolution had not been adopted unanimously. The African and Asian States would have preferred more resolute action on the part of the Council. However, his delegation had accepted the resolution, though with reservations, because the decision to study measures was a slight move forward.

340. The representative of Sierra Leone said his delegation would certainly have liked a stronger resolution, preferably a decision to impose economic sanctions. The resolution of 4 December 1963 had recognized that the policy of *apartheid* was seriously disturbing international peace. Since then the situation had deteriorated, and it had been hoped that the Council would have felt able to consider it a threat to the peace.

341. The representative of India stated that his country remained committed to the full implementation by all Member States of General Assembly resolution 1761 (XVII). Operative paragraph 8 of the resolution just adopted by the Council fell short of his delegation's expectations. It had not been made clear that the expert committee would be concerned only with the logistics of sanctions. Furthermore, his delegation understood that the resolution did not preclude the Security Council or the General Assembly or the Special Committee from discussing *apartheid* or taking action before the expert committee had reported.

342. The representative of Pakistan considered the resolution's endorsement of the principle that all the people of South Africa should be brought into consultation to decide the future of their country was of great significance, but added that there would be great dissatisfaction throughout the world that the Council had not yet found it possible to apply effective measures to cope with the situation in South Africa.

J. Subsequent communication

343. In a letter dated 13 July 1964 (S/5817) addressed to the Secretary-General, the Permanent Representative of South Africa referred to the Secretary-General's letter of 9 June transmitting to the Govern-

ment of South Africa the Council resolution S/5761 of 9 June 1964, and reiterated his Government's view that intervention by the United Nations in the judicial processes of a Member State was completely illegal and *ultra vires* the United Nations Charter. In the present case his Government considered the intervention as particularly blatant since the Council's discussion had taken place before the verdict had been announced. In view of the unconstitutional character of the Council's resolution, his Government felt no obligation, legal or moral, to reply to the Secretary-General's letter. Without prejudice to the legal position, his Government had requested him to transmit for the information of the Council the text of the judgement given in the Rivonia trial.

Chapter 4

QUESTION CONCERNING THE SITUATION IN SOUTHERN RHODESIA: LETTER DATED 2 AUGUST 1963 FROM THE REPRESENTATIVES OF GHANA, GUINEA, MOROCCO AND THE UNITED ARAB REPUBLIC ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, AND LETTER DATED 30 AUGUST 1963 FROM THE CHARGE D'AFFAIRES OF THE PERMANENT MISSION OF THE CONGO (BRAZZAVILLE) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL ON BEHALF OF THE REPRESENTATIVES OF TWENTY-EIGHT MEMBER STATES

A. Communications to the Council

344. By a letter dated 2 August 1963 (S/5382), the representative of Ghana, Guinea, Morocco and the United Arab Republic requested the Council to consider the situation in Southern Rhodesia. An attached memorandum stated that "the British Government, despite repeated requests by the General Assembly, has refused to implement Article 73 of the Charter and resolutions 1514 (XV) of 14 December 1960, 1747 (XVI) of 28 June 1962, 1755 (XVII) of 12 October 1962, 1760 (XVII) of 31 October 1962, and the resolution adopted by the Special Committee at its 177th meeting on 20 June 1963, in regard to its colony of Southern Rhodesia". It noted that the situation in Southern Rhodesia had been termed "deplorable, critical and explosive" by the General Assembly, and that the British Government had justified its refusal to act by a claim that it was prevented from exercising its authority by a "parliamentary convention". The British Government had announced that it proposed to transfer to its Colony of Southern Rhodesia some forty-four powers of which the Southern Rhodesian Government had been deprived in 1953, including the unrestricted control of a powerful army and air force. Under any circumstances the transfer of substantial military forces to a colonial Government over which the Administering Authority admitted that it had no control or influence must be a matter of considerable concern as a potential danger to peace. The particular circumstances of the Southern Rhodesian case made the danger to the peace and security of the African continent immediate and grave. The Government of Southern Rhodesia had been elected by the European inhabitants, who numbered less than 6 per cent of the population, and all methods of constitutional protest or action had been denied to over 94 per cent who were, on the grounds of their colour, subjected to the most degrading and unjust laws. The situation was explosive and any further grant of powers to such a régime must

result in a situation whose continuance was likely to endanger the maintenance of international peace and security. It therefore called, in any event, for investigation by the Council under Article 34 of the Charter. It was clear that the United Kingdom Government currently possessed every authority necessary to effect the reforms which the United Nations had requested. Unless the United Kingdom conferred, by legislative act, positive authority on the Southern Rhodesian Government, the latter would be deprived of all those military, financial and legal powers essential to the maintenance of the edifice of oppression and injustice which it had erected through such powers prior to 1953 and subsequently through its association with the Federation of Rhodesia and Nyasaland. If the United Kingdom Government handed over, unconditionally, military and air force units and indeed all the attributes of sovereignty, save its nominal recognition, to the Government of Southern Rhodesia as at present constituted, then serious danger to world peace would ensue.

345. Documents and notes supplementing this memorandum in detail were circulated by Ghana on 28 August (S/5403 and Corr.1), and on 30 August the *Chargé d'affaires* of the Congo (Brazzaville), in a letter (S/5409) on behalf of twenty-eight African States, stated the complete support of the latter for the four-Power letter of 2 August.

B. Consideration at the 1064th to 1069th meetings (9-13 September 1963)

346. The above-mentioned letters (S/5382 and S/5409) were included in the provisional agenda of the 1064th meeting on 9 September 1963.

347. The representative of the United Kingdom of Great Britain and Northern Ireland said that insistence on consideration of the item represented an abuse of the functions of the Security Council. His Government regretted that the delegation of Ghana should be seek-

ing to persuade the Council to diagnose the steps it was endeavouring to take towards a solution of the problems of Central Africa as amounting to a threat to the peace. Such a contention had no merit in law or in common sense. Steady progress was being made in that part of the world, and his delegation was greatly concerned lest the debate should affect that progress adversely and produce results opposite to those intended.

348. Since his Government did not accept that Southern Rhodesia was a Non-Self-Governing Territory, Article 2, paragraph 7, of the Charter clearly applied. The onus, therefore, lay on those submitting the item to establish that a situation existed in Southern Rhodesia calling for action under Chapter VII. His Government did not believe that this could be done. There was no genuine question of any situation existing in Southern Rhodesia which the Council should deal with under its responsibility for the maintenance of international peace and security. The Council, he continued, could not write into the Charter what was not there, and it was not a function of the Council to pronounce on whether a territory was or was not self-governing.

349. The Council then proceeded to adopt the provisional agenda, and, following requests to that effect, invited the representatives of Mali, Tanganyika, and the United Arab Republic to take part in the discussion.

350. The representative of Ghana said that the Council was called upon to consider any issue which in the opinion of a Member State was likely to endanger peace or was a threat to peace and security; and the question had been submitted because of the possible threat to peace which certain events in Southern Rhodesia were likely to produce. The report 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 made it clear that the situation in Southern Rhodesia was explosive. That Article 2, paragraph 7, did not apply was demonstrated by General Assembly resolutions and by the deliberations of the Special Committee. Colonialism by itself was a matter of concern to all and no Power could call into question the necessity of discussing issues which affected mankind.

351. The question of Southern Rhodesia raised urgent issues which, on the information available, appeared to all the African States to constitute a serious threat to the peace and security of the African continent. The most powerful air force in Africa and a small but highly efficient army recruited on a racial basis were shortly to be transferred to the exclusive control of the Southern Rhodesian Government. Giving details of that force, he said that it must be realized that in Southern Rhodesia the African population was particularly susceptible to indiscriminate air attack. The aircraft to be transferred were able to drop napalm and were equipped with rockets and other air to ground missiles, weapons essentially of mass terrorism.

352. So far, that air force had been under the control of the so-called Central African Federation, which meant in practice that it had been under British control. To have it transferred to the white minority Government presented a grave crisis. Why did the Southern Rhodesian Government need such a powerful force? If it was because the British and the Southern Rhodesian Governments both believed that the settler Government could only maintain its position by threatening the African inhabitants with mass destruction by

napalm bombs and rockets, then clearly the situation was one that the Council should investigate at once.

353. His Government's inquiries showed that maintenance of that air force was beyond the resources of Southern Rhodesia, as even the Prime Minister of the Federation, Sir Roy Welensky, had said. The Government of Southern Rhodesia as at present constituted could not undertake responsibility for such forces, if it did not intend to use them or if it was not fairly sure of recouping to some extent the very high costs involved. He therefore asked the United Kingdom representative if he had any knowledge of any arrangement with any Power, including the United Kingdom, to bear the whole or part of that cost. In that connexion he referred to reports raising the question whether there was a secret agreement between Southern Rhodesia, Portugal and South Africa, by which the latter Powers would pay for the cost of the air force.

354. The representative of Ghana then observed that the United Nations had repeatedly been told by United Kingdom representatives that, quite apart from the legal position, the British Government was powerless to deal with the Southern Rhodesian question in practice. Since it was reported that Britain was to retain control over the external defence of Southern Rhodesia, the question was how that control was going to be exercised. In his delegation's opinion, the United Kingdom Government had ultimate authority and power in Southern Rhodesia, and it must exercise those powers, however residual, in the name of African advancement and peace and not for settler entrenchment.

355. Turning to the army that was to be transferred, he said that as far as the regular officers and men were concerned, it was almost entirely a mercenary force consisting partly of South Africans. The non-permanent territorial component was drawn from a tiny minority of the white population, who were determined to oppose by force any advance of human dignity, equality and justice in Southern Rhodesia. History showed that either type of forces led ultimately to increasing repression and the most violent and bitter type of civil war. Apparently the solution of repatriation and compensation of the all-white troops had never been considered by the United Kingdom Government at the Victoria Falls Conference, which had not indeed discussed the matter and appeared merely to have been asked to endorse a decision arrived at outside, in a meeting at which no single African had been represented. It would be useful to have information on the countries of origin of the members of those forces; but a competent authority had cited Britain and South Africa as the source for the majority of officers, and had commented that the range of political attitudes among them seemed to conform fairly closely with that of the rest of the white population. Such forces were to be handed over to a Government formed from a party once described by the United Kingdom representative as the "extreme right-wing European party".

356. African concern was understandable, and had been voiced by the Heads of African States in Addis Ababa at a time when the United Kingdom Government had already in contemplation the transfer of all the real powers and attributes of sovereignty to Southern Rhodesia while at the same time obscuring the position by withholding technical sovereignty. The break-up of the Federation of Rhodesia and Nyasaland had presented the United Kingdom with great opportunities for a solution. A possible solution advanced

by the Northern Rhodesian delegation at the Victoria Falls Conference would have prevented any important powers being transferred to the Southern Rhodesian Government until such time as it was reconstituted on a democratic basis. But it was unfortunately only too apparent that the United Kingdom Government had not been prepared even to take into consideration a solution which would have enabled it to bring pressure on the Southern Rhodesian Government and which had been supported by the only delegation present which could claim to be in any way representative of African opinion. Nyasaland, he noted, had been represented only by European officials there as observers. Stressing the inescapable responsibility of the United Kingdom Government, he said that if Southern Rhodesia was turned into a second Algeria, it would not be for lack of warning voices. In that connexion, he cited a number of sources concerning the gravity of conditions in Southern Rhodesia.

357. The existence of the supposed "parliamentary convention" preventing action by the British Government was the subject of grave doubts even in the British Parliament. The Opposition spokesman, by pointing to the power of the Government to suspend the Southern Rhodesian Constitution and to withhold economic assistance, had clearly not recognized the existence of such a convention.

358. In conclusion, he said that the African States considered that the Council should impress upon the United Kingdom Government the extreme undesirability of proceeding with the transfer to Southern Rhodesia of any armed forces, or any major powers generally recognized as the attributes of power and sovereignty, until a government fully representative of the whole population, irrespective of race, creed or colour, had been established in accordance with the General Assembly declaration in resolution 1514 (XV). He appealed to the United Kingdom Government to consider that its policy might be mistaken; it had never been able to implement in Southern Rhodesia the Devonshire Declaration on the primacy of the interests of the native population and had created the Federation against African advice. The Federation was in ruins. Might it not have been better to heed African opinion, and should that opinion not be considered now?

359. At the 1065th meeting, also on 9 September, the representative of Mali explained that the African delegations had designated the representative of Mali, Tanganyika and the United Arab Republic, in addition to the African members of the Council, not only to express solidarity with the people of Southern Rhodesia but also to express unequivocally the firm determination of all African States to struggle for the liberation of the remainder of the continent and to avoid repetition of anachronistic situations, such as that in South Africa, which constituted real threats to international peace and security. Despite the individual and collective warnings by the Heads of African States, and despite the pertinent resolutions of the General Assembly and the urgings of the Special Committee on decolonization, the Government of the United Kingdom was contemplating the transfer to the settler Government of Southern Rhodesia of nearly all the attributes of sovereignty. The attention of the Council had already been drawn to the dangers involved in particular in the transfer of powerful forces to the Government set up by a reactionary foreign minority which pursued a policy

aiming at the practice of *apartheid*. The settlers were prepared to commit any act of violence to safeguard their usurped powers and privileges and to keep for themselves the lands they had stolen from the indigenous people. In the face of the right of that people to independence, and of the deterioration of the situation in Southern Rhodesia, if the British Government were to disregard the warnings given to it and were to transfer to the settler Government powers such as those relating to defence, it would be committing an act at once irresponsible and criminal, and would be creating, in a single stroke, a dangerous situation seriously threatening the peace and security of the States bordering on Southern Rhodesia. The Government of the United Kingdom, which was responsible for the tragic error that had taken place in South Africa, instead of making amends, was trying on the contrary to repeat the same process in Southern Rhodesia. The United Kingdom, a permanent member of the Council, was violating its undertakings, both direct and under Article 73, to the African population of Southern Rhodesia which it had taken under its protection. But it found itself unable to change a convention which it had entered into with the white settlers.

360. The African States believed that the role of the Council was not only to intervene when there was a disturbance of the peace, but to act in order to prevent any breach of the peace. How could it be claimed that peace was not threatened in a colonial territory where a foreign minority had assumed power, with the complicity of a metropolitan territory which hesitated to assume its responsibilities and to give satisfaction to the legitimate aspirations of the indigenous inhabitants? The situation would deteriorate further if the armed forces were transferred to the Government of Mr. Field. In view of the admitted policy of that Government, such a transfer would constitute a serious threat to international peace and security, especially to the African States hostile to the policy of *apartheid*.

361. The representative of the United Arab Republic said that the forces of colonialism were still persisting in their policy to create a racist State in Southern Rhodesia which would secure the interests of colonialism not only in that territory, but also in neighbouring territories. By its resolutions, the General Assembly had made it incumbent on the Government of the United Kingdom to take the necessary measures to assist the people of Southern Rhodesia to develop genuine self-government and to attain their political aspirations. Unfortunately, that Government had neither discharged its responsibilities nor paved the way for a peaceful solution. It had resorted to actions which had led to the present deteriorating situation and thus constituted a threat to peace and security in Africa. In contrast to the United Kingdom, the attitude of the African countries had always been of a conciliatory nature, seeking a just and equitable solution through the United Nations.

362. The proposed transfer of powers and armed forces was illegal and constituted a grave danger to the people of Southern Rhodesia and to the peace in Africa. It would put into the hands of the racist settlers additional powers which would enable them to continue their unlawful and inhumane policies against the African majority. That action was proposed despite all the appeals from the African Heads of State and from the Committee of Twenty-Four.

363. Tracing the history of colonial rule in Southern Rhodesia, he observed that Britain had always been the Power that had invaded the territory, imported the European settlers and consolidated their rule, and to that end provided them with a series of convenient constitutional formulæ designed to perpetuate the domination by those foreign settlers over the people and territory of Southern Rhodesia. The United Kingdom now claimed that it was constitutionally incapable of controlling the actions of the colonial authorities, thus facing the United Nations with a *fait accompli*. The Council should be aware and specific in relation to the responsibility of the United Kingdom with regard to that situation.

364. The United Kingdom policy was undoubtedly motivated by the traditional factors, both economic and political, inherent in any colonial policy. Southern Rhodesia was rich in minerals and natural resources owned and exploited by the large British and West European companies which had great influence in the policies of the colonial Governments. Another factor lay in the strategic location of Southern Rhodesia. The colonialist forces feared that the loss of political control of Southern Rhodesia might lead to the eventual loss of the economic and political control of a large part of Africa.

365. Declaring that the Government of the United Kingdom remained responsible and accountable before the United Nations until the Southern Rhodesian people fully attained their rights, he said that the Council should see to it that that Government did not proceed with the transfer of sovereign powers until the establishment of a government fully representative of all the inhabitants of Southern Rhodesia.

366. At the 1066th meeting on 10 September, the representative of Uganda was also invited to participate in the discussion.

367. The representative of the United Kingdom stated that nothing that had been adduced or said led his delegation to modify its views on the competence of the Security Council in the matter, and it was unable to see any sound reason why the question should have been brought to the Council.

368. The principal charge made by the Ghanaian delegation was that the reversion of powers to the Southern Rhodesian Government resulting from the agreements on the dissolution of the Federation must result in a situation "which might lead to international friction" and whose continuance was "likely to endanger the maintenance of international peace and security". That was basically an attack on the provisions agreed to in July by the Victoria Falls Conference, which was an essential step in the dismantling of the Federation. Any attempt to call that settlement into question could only put the future of Central Africa into a state of continuing uncertainty. The settlement was one between four different Governments, and he was authorized to say that the elected African Government of Northern Rhodesia stood by the agreement, including its provisions for the reversion—not transfer—of powers and armed forces from the Federation to its constituent territories. The elected African Government of Nyasaland had raised no objection to the agreement.

369. Southern Rhodesia had in no sense been deprived of the powers assumed by the Federation upon its establishment. Those powers had been conferred upon the Federation and on its dissolution reverted to

the territorial Government by which they had previously been exercised and which had given its full consent to their surrender to the Federal Government.

370. The forces to revert to Southern Rhodesia, under principles agreed by all Governments involved in the Victoria Falls Conference, would be neither more nor less under the control of the United Kingdom Government when under Southern Rhodesian command than they had been under Federal command. Statements to the contrary simply did not represent the true position. They would no more be available for external adventures than they were at present and the British Government would retain control of their use outside the frontiers of Southern Rhodesia as long as its responsibility in relation to Southern Rhodesia was unchanged. Moreover, these forces had never been subject to his Government's agreement as regards their possible use for maintaining internal security, so that they were no less available for those purposes under existing arrangements than they would be when they reverted to Southern Rhodesian control. Their availability for use in that sense was in any case clearly a matter of domestic jurisdiction, could not conceivably represent a threat to international peace, and was therefore beyond the scope of discussion in the Council. In that connexion he expressed very deep regret at that passage in the statement of the representative of Ghana which, on the basis of the purest fancy and hypothesis, suggested that the Southern Rhodesian Air Force would be used so as to subject the African population to indiscriminate air attack. There was not and could not be the slightest shred of evidence to support those insinuations.

371. Turning to the reversion of other powers, and to the assertion that this provided an opportunity for the United Kingdom Government to enforce compliance with United Nations resolutions, he declared that the freedom of Southern Rhodesia to conduct its own internal affairs was no fiction but an inescapable constitutional and political fact. The convention against the British Parliament legislating for the self-governing colonies without their consent was not, he stressed, a legalistic contrivance thought up by his Government to avoid its responsibilities, but was, on the contrary, a true reflection of the realities of political power. Halsbury's "Laws of England" specifically stated, in the edition published in 1953, that that convention applied to Southern Rhodesia. The attempts which had been made by the delegation of Ghana to interpret and pronounce upon the constitutional law of another Member State were surprising and could justifiably be represented as an unwarranted infringement of its sovereignty. The fact of Southern Rhodesia's internal independence had in no way been altered by its entry into the Federation. It was quite unrealistic to make Southern Rhodesia more dependent on the United Kingdom in 1963 than it had been in 1953, and it was wholly misleading to suggest that the situation had in some way been altered by dissolution of the Federation. The proposal to withhold powers was as irrelevant to the inescapable realities of the situation as the General Assembly's earlier suggestion that Her Majesty's Government should in some way suspend the Constitution of Southern Rhodesia. It was therefore completely wrong to state that the British Government "possesses every authority . . . necessary to effect the reforms which the United Nations have requested". It was equally wrong to state that Britain was in a position "to deny

even powers of taxation". No plan which ignored those realities could possibly succeed. The issue of the status of Southern Rhodesia was quite separate from those arising from the dissolution of the Federation. The present position was that the Government of Southern Rhodesia had been informed that before the question of independence was taken up it must first make proposals to the United Kingdom Government for amendments in its Constitution, which would result in broadening the basis of representation in the legislature to take effect as soon as practicable.

372. His delegation had explained repeatedly and in detail why Southern Rhodesia was not to be regarded as a Non-Self-Governing Territory. The assertion to the contrary by the General Assembly was no more than an assertion. It did not and could not make something exist which did not exist in the Charter itself. The Council was no more able to alter the Charter than was the Assembly, and he hoped that it would not lend itself to similar assertions. His Government was very conscious of the need to uphold the authority of the Council, and was concerned that the Council should not be moved to take any action beyond its competence which would cause its authority to be called into question.

373. His Government, given its constitutional relationship with the Southern Rhodesian Government, was in no position to answer for the internal policies of the Government of Southern Rhodesia, but his silence must not be construed as acquiescence in any degree in the charges which had been made. Those were matters essentially within the domestic jurisdiction of the Government of Southern Rhodesia and, as such, were beyond the competence of the Council. They could not be used to establish the existence of a situation calling for action under Chapter VI of the Charter. It was, however, an observable fact that could be independently verified by any member of the Council that the situation in Southern Rhodesia was neither critical nor explosive and that that country was enjoying a period of internal calm that might be the envy of some of its neighbours.

374. Replying to questions put to him in the statement of the representative of Ghana, he said that the air force had been financed out of local revenues, and the assets of the Federation, of which it was one, were to be returned to the constituent territories which had contributed the local revenues. Southern Rhodesia presumably wanted an air force for exactly the same reasons as many other countries: for defence. The Rhodesian Air Force, he added, was not the most powerful in Africa. He knew of no arrangements whereby any external Power would bear the whole or part of the cost of that air force. The United Kingdom proposed to control the availability for external use of the armed forces reverting to Southern Rhodesia in precisely the same way as the Federal armed forces' availability for such use had been controlled over the past ten years. The constitutional relationship was accepted by both sides, and it contained provision for control by the United Kingdom over availability for external use. He added that the Northern Rhodesian proposal at the Victoria Falls Conference had been made not in the context that the United Kingdom Commissioner would take over the powers of the Federal Government until the Southern Rhodesian Government was reconstituted on a democratic basis, but only in the context of interim arrangements for reversion. Further-

more, African-elected Ministers had been present at the meeting outside the Conference at which agreement had been reached on the defence issue.

375. The representative of Uganda said that the very fact that the African Member States had found it imperative to bring the question to the Council attested to the grave and deteriorating situation in Southern Rhodesia, to the serious concern of the African States over the situation in that territory and to the urgency with which the Council must act. Their concern was that the United Kingdom Government was going to hand over to the minority Government of Southern Rhodesia the last vestige of control that it might have exercised. They feared that once all powers, including the armed forces and aircraft, were transferred, the situation would have reached a point of no return. To avoid that, they appealed to the Council to intervene and to stop the United Kingdom Government from taking the step it was about to take.

376. The African States had hoped that the United Kingdom would seize the opportunity presented by the breaking up of the Federation to get away from the "convention" and put things right in that part of the world, but their hopes had been misplaced, and they found a very serious turn of events in Southern Rhodesia. The declaration on Southern Rhodesia by the Heads of African States should serve as a signal warning to Her Majesty's Government.

377. The cause of African anxiety was political power in the hands of a white minority of the "extreme" type. No one could say for certain how they were going to utilize the powerful armed forces or aircraft, but it could easily be guessed that it would not be in the interest of the African majority, nor in the interest of the neighbouring countries. That was where the threat to peace and security lay. Since the masses of Africans in Southern Rhodesia were opposed to the minority Government and were demanding and organizing for representative government, the probability of a clash could not be doubted. Britain was responsible for the lives of the settlers and the lives of the Africans, and must make it clear what plans it had which would not give the settlers control of the armed forces. The British Government should not miss perhaps the last opportunity to keep its action on Southern Rhodesia consistent with its widely praised record of colonial rule.

378. The representative of Tanganyika stated that the threat to peace which emanated from Southern Rhodesia had not arisen overnight. It was a direct result of the occupation, domination and segmentation of that country by the British and other European settlers, with the support and approval of the British Government. Southern Rhodesia remained one of the worst and most explosive pockets of racialist doctrines and practices. The net result of the unrestrained exercise of power over the years by the European settlers had been that Southern Rhodesia was modelled on lines similar to those of the *apartheid* Republic of South Africa. The greatest responsibility for the dangerous situation in Southern Rhodesia rested squarely on the United Kingdom Government.

379. Urging the Council to act in time to prevent an impending catastrophe, in the same way as it had already taken action regarding South Africa, he said that the main request was that the Council should act to stop the Government of the United Kingdom from transferring more powers to the minority settler Government of Southern Rhodesia. The most alarming of

the iniquitous transactions between the United Kingdom Government and that régime was the proposed transfer of a huge military arsenal to the racist settler Government. The arming of the European settlers with such military power posed a dangerous threat to peace in Africa.

380. It was common knowledge that very close relations existed between the Southern Rhodesian régime and that of South Africa and the Portuguese colonialists. Arming the régime of Mr. Field was tantamount to strengthening the forces of Verwoerd's South Africa and Salazar's Portugal, both of which the Council had already acknowledged to be threats to peace in Africa. Expressing the hope that the Council's decision would not fall on deaf ears, as had the appeals by the General Assembly, the Committee of Twenty-Four and the Heads of African States and Governments, he declared that the Council must warn that the dream of Africa under European racist domination was a lost cause.

381. In reply to points made by the United Kingdom representative, he stressed that, as concerned the consent given by the Governments of Northern Rhodesia and Nyasaland, in Northern Rhodesia the powers were still in the hands of the colonial Governor and the Nyasaland Government had not participated in the Victoria Falls Conference, being represented only by an observer. The United Kingdom representative had not been able to refute the relevant facts submitted to the Council in the memorandum (S/5382 and S/5403 and Corr.1).

382. At the 1067th meeting on 11 September, the representative of Morocco said that when juridical, political or economic decisions had a serious bearing on the fate of a population of a colonized territory, when such decisions were as clear-cut as that of the transfer of powers to the white Government of Southern Rhodesia, it was very difficult to say that there was not an immediate or virtual threat to the peace, and still more difficult to contend that the threat would reside rather in examination of the question by the United Nations. Southern Rhodesia was a territory under British domination, and past political relations between it and the United Kingdom could not be invoked as a juridical survival at the time when the Administering Authority brought its responsibilities to an end. Moreover, racial superiority, whether legalized by the will or by the impotence of the British Government, was destroying any concept of autonomy of the Southern Rhodesian people. The United Kingdom representative had maintained total silence regarding the fate to be reserved for the African population. The British decisions had done away with all guarantees. Such non-compliance with obligations to Africa and the international community was particularly surprising given British successes in decolonization. Nobody denied the difficulties of the matter, and there were economic and strategic aspects, but the valid and legitimate interests of the United Kingdom could well have been protected by a liberal policy whose guarantee would certainly have been more valid than the risks which the existing situation obviously would create.

383. The immediacy of the transfer of powers also appeared to be a break with past British practice of caution in relation to a balance of powers between the different ethnic elements in a territory about to become free. The Charter, he emphasized, must prevail over all laws of the administering Power that might affect

the future of the territory on the international level. Moreover, the three million Africans who were in the majority in Southern Rhodesia very obviously rejected the constitution and the government resulting from it. The abdication of the British Government to the racist oligarchy of Southern Rhodesia constituted one of the most important and decisive moments for the future of Africa and in British colonial policy. The constitution of the white Government in South Africa had not seemed dangerous to anyone at the time.

384. The representative of the United States of America said that what was taking place as a result of the Victoria Falls Agreement was the reversion to the Government of Southern Rhodesia of certain powers which it had exercised for many years before 1953, when they had been transferred to the Federation. That reversion of powers was intimately involved with the long-established constitutional relationship between the United Kingdom and Southern Rhodesia, on which were based, of course, such powers as the United Kingdom still exercised in Southern Rhodesia. To suggest changes in the provisions of the Victoria Falls Agreement, which provided the mechanism for the dissolution of the Federation, risked upsetting that agreement and delaying progress toward independence for Northern Rhodesia and Nyasaland. Noting that there was to be no change in the degree of control by the United Kingdom over the forces reverting to Southern Rhodesia, he concluded that there had in fact been no factual deterioration in the situation in Southern Rhodesia resulting from the action agreed upon at the Victoria Falls Conference such as would require Security Council action in accordance with its responsibilities under the Charter. He also noted the reassurances given the Council on the possibility of Southern Rhodesia becoming independent and the fact that the United Kingdom Government was not contemplating independence for that territory without amendment to the Constitution which would significantly broaden the franchise. He reiterated the views of the United States on internal conditions in Southern Rhodesia: it desired progressive liberalization of the franchise, an end to racial discrimination, full and free self-determination and stimulation of a political climate favourable to liberal and orderly constitutional development. In conclusion, he said that his delegation considered that the Council should take no action on the item at that time.

385. At the 1068th meeting on 12 September, the representative of Ghana introduced the following draft resolution (S/5425/Rev.1) sponsored by Ghana, Morocco and the Philippines:

"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, and the resolution 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 of 20 June 1963,

"Noting that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples has drawn the attention of the Council to the deterioration of the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia,

"Recognising that the practice of racial discrimination is incompatible with the principles of the Charter of the United Nations and should be condemned wherever it occurs,

"Recognising that the present Government in Southern Rhodesia came to power as a result of an undemocratic and discriminatory constitution imposed on the population of Southern Rhodesia and opposed by the overwhelming majority of this population,

"Considering that the transfer of powers and attributes of sovereignty, in particular the control and operation of military forces and arms, to that Government will aggravate the already explosive situation,

"1. Invites the United Kingdom Government not to transfer to its colony of Southern Rhodesia as at present governed any powers or attributes of sovereignty until the establishment of a government fully representative of all the inhabitants of the colony;

"2. Further invites the United Kingdom Government not to transfer to its colony of Southern Rhodesia the armed forces and aircraft as envisaged by the Central Africa Conference, 1963;

"3. Invites the Government of the United Kingdom to implement the General Assembly resolutions on the question of Southern Rhodesia, in particular General Assembly resolutions 1747 (XVI) of 28 June 1962 and 1760 (XVII) of 31 October 1962;

"4. Requests the General Assembly to continue its examination of the question of Southern Rhodesia with a view to securing a just and lasting settlement."

386. Referring to the question of whether what was at issue was "reversion" or "transfer" of powers to the Southern Rhodesian Government, the representative of Ghana pointed out that the official report of the Central Africa Conference, as well as statements made in Parliament by the Minister responsible, Mr. Butler, employed "transfer". The main burden of the African argument was that certain powers which evolved as a result of the setting up of the Federation were being transferred to Southern Rhodesia. Moreover, as the White Paper issued by the Federal Government made clear, the armed forces and aircraft to be transferred were not the same in strength, quantity and capability as those surrendered by Southern Rhodesia in 1953. The United Kingdom representative had not denied that the air force involved was a very powerful one. That representative had not made clear that the United Kingdom would retain control over the development of the forces within Southern Rhodesia. As for external use, Mr. Field had his plans and the United Kingdom had theirs. Mr. Field had admitted clearly, time and again, that his purpose was to join in an alliance with South Africa. If the Council had seen fit to invoke an embargo against South Africa, then it must make certain that that embargo was effective. How could an appeal be made for an embargo against South Africa if armaments were allowed to go to Southern Rhodesia, on their way to South Africa? In reply to points made by the United Kingdom representative, he noted that the meeting on defence matters outside the Victoria Falls Conference, according to Mr. Butler, had consisted of Heads of Delegations. Those Heads had been Sir Roy Welensky, for the Federation, Mr. Field, for

Southern Rhodesia, and Sir Evelyn Hone, Governor of Northern Rhodesia. Nyasaland had not been present. All that had happened so far was a complete disregard of the existence of the majority of Africans, and the Government of Southern Rhodesia, formed from the extreme right-wing party, was uncontrollable. The British Government themselves admitted that they were going to find it extremely difficult to control. All that was being asked was that the regular Commonwealth constitutional practice should be applied to Southern Rhodesia. The British had gone into Southern Rhodesia, brought in settlers and imposed their rule. Now the Council was being told that they had no power to intervene in Southern Rhodesia, which was not yet independent.

387. The representative of the Union of Soviet Socialist Republics said that the substance of the matter was that in Southern Rhodesia a small handful of racists and colonialists with British support and co-operation was trying by force to repress the national liberation urge of millions of Africans who demanded their rights: freedom and independence and the return of their native land which had been usurped from them. Given also the fact that the United Kingdom intended to hand over to the racist Southern Rhodesian Government substantial armed forces as well, there emerged the sinister prospect that in the territory of Southern Rhodesia there might be in the near future the flame of a new colonial war similar to those which had been waged in Algeria and Indo-China, and to those presently being waged in Angola and in Portuguese Guinea. The question had been considered in the General Assembly and in the Committee of Twenty-four, but the decisions of the Assembly were so far without result and the situation in Southern Rhodesia continued to deteriorate. The most urgent intervention by the Security Council was necessary for the purpose of averting any course of events that might be dangerous to the cause of peace.

388. The British Government was trying to boil the whole matter down to granting a formal or fictitious independence through the handing over of broad powers and authority to the racist white minority which totalled less than one tenth of the African population. Yet under the 1961 racist Constitution, which the General Assembly had called on the United Kingdom to repeal, that minority held most of the seats in the legislature. It held as much land under a 1930 law as the Africans, who were left with the worst possible land, frequently unsuitable for cultivation. The Field régime was widening racial discrimination and adopting further repressive measures for its implementation. It had introduced draft laws aimed at strengthening the fight against the national liberation movement, including one providing for a ten year sentence for anyone daring to come to the United Nations with a petition. The political organizations of the indigenous inhabitants had been abolished, and a spirit of aggressive racist militarism was penetrating still more all spheres of life in Southern Rhodesia. As the African representatives had concluded, the régime in that territory was carrying out a policy of *apartheid* identical to that of the South African régime, which had been condemned so resolutely by the United Nations and by all peace-loving peoples.

389. The United Kingdom Government could not evade responsibility by any juridical fiction that it was unable to intervene in the internal affairs of Southern Rhodesia. As had been pointed out, it un-

questionably could force the colonial régime in that territory to carry out the decisions of the General Assembly by refusing to hand over such broad powers to it. Moreover, the Assembly had made it clear that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of Charter. The complex intermingling of political and economic interests of the colonial Powers—in the first place of the United Kingdom in South Africa—would give the key to an understanding of the obstinacy with which they were trying to retain the whole area under their domination. Southern Rhodesia was a shield for that part of Africa which was most deeply involved in the interests of international monopolies. The economic role and political significance of monopolies in the problem of Southern Rhodesia were immense. Reviewing the history and extent of that role, the USSR representative stated that the Field régime was closing ranks with the racist régime of Verwoerd and the Portuguese colonialists. Verwoerd had openly stated that there was need to establish co-operation with Southern Rhodesia “in the form of organized economic interdependence or in the name of over-all political interests”.

390. The actions of the United Kingdom and of the Southern Rhodesian régime constituted a threat to all African peoples, and it was natural that the independent African countries were providing every assistance to the people of Southern Rhodesia. The duty of the Council was to take effective steps, while there was still time. It could and must demand that the United Kingdom refuse to transfer to the racist authorities of Southern Rhodesia any powers of sovereignty whatsoever or any armed forces. It could and must demand the implementation of all General Assembly resolutions on the question. His delegation would support the joint draft resolution. As the head of the Soviet Government had informed the Conference of African Heads of State at Addis Ababa, the Soviet people and Government gave full support to the speedy liquidation of colonialism and the provision of practicable assistance to the fighters for national independence. The Soviet Union also supported the demand for the immediate repeal of the 1961 Constitution and for the creation of representative organs through elections based on universal, equal suffrage under supervision of a Security Council commission.

391. The representative of France recalled that his delegation had always held that the United Nations had been given no right in law to state whether a nation or state was autonomous or self-governing and accordingly whether it fell under Chapter XI of the Charter. The United Nations was not empowered to pass judgement on measures taken to ensure the political development of a particular country which did not as yet enjoy all the attributes of sovereignty. But that did not mean that his country was in any way blind to the problem raised in Southern Rhodesia. On the contrary, France, more than other countries, had good reason to understand the reaction that that kind of situation created in Africa. The disquiet and concern of Africa was understandable, and it was well-founded if account were taken of the avowed intentions outlined by the Government of Salisbury. But that Government was not the only one responsible. By making the Council intervene, they would be questioning the motives of the United Kingdom and there was nothing in the policy followed by the United Kingdom for nearly twenty years in Asia as well

as Africa that would justify such an attitude. France could not associate itself with such an action. It did not believe that the intentions of the United Kingdom were contrary to the Charter obligation of self-determination. He could not vote for the draft since its provisions exceeded the competence of the Council.

392. The representative of China said that it was clear that until equality was assured for all inhabitants in Southern Rhodesia, in all fields, the situation there would remain a matter of serious concern and anxiety to the United Nations. Stating that his delegation was not too pessimistic about the prospects that the necessary change would come about in a peaceful way, he pointed out that in international law and so far as the United Nations was concerned, Southern Rhodesia was still the responsibility of the United Kingdom. He did not, moreover, recall that the United Kingdom representatives had ever indicated that the political and racial situation in Southern Rhodesia was regarded as satisfactory. On the contrary, the United Kingdom Government had informed the Southern Rhodesian Government of the need to make proposals to amend the Constitution so as to broaden the basis of representation, and no doubt the United Kingdom would continue its efforts until that objective was achieved. Discussions in the United Nations were useful, however, and served to strengthen the United Kingdom position in relation to Southern Rhodesia. African fears about internal use of the armed forces to be transferred were genuine, given the racial basis on which the existing Southern Rhodesian Government was constituted. He was aware of the complexity of the problems involved, of which the only solution obviously lay in a substantial change in the basic situation of Southern Rhodesia.

393. The representative of the United Kingdom, replying to points raised during the discussion, emphasized the seriousness of the issues for Southern Rhodesia, for Central Africa, and for the Security Council. His invocation of Article 2, paragraph 2, in the case of Southern Rhodesia stemmed from the fact that the United Kingdom's relationship with that territory was totally different from its relationship with its non-self-governing territories. There was no change in British colonial policy, and neither allegations of economic and strategic influences on the United Kingdom Government nor parallels with Algeria held good. He reiterated the United Kingdom's concern that Southern Rhodesia should only proceed to independence on the basis of a liberalized franchise, an objective towards which it was working through careful negotiation as there was no alternative approach possible. Untimely resolutions in the General Assembly and the present intervention in the Council were in no sense helpful.

394. It was true that the word used in the official report of the Victoria Falls Conference was “transfer”; that was the proper word to describe what was to happen in relation to Northern Rhodesia and Nyasaland, which would receive powers greater than those surrendered to the Federation. The powers to be returned to the Southern Rhodesian Government, however, were the same as those surrendered in 1953, so that the most appropriate word in that context was “reversion”. Moreover, “transfer” had been used also because physical assets were involved which had not existed before 1953.

395. African elected Ministers had been present, he asserted, at the conference meeting on armed forces.

African elected Ministers in Northern Rhodesia had subsequently endorsed the agreement reached in that respect.

396. The representative of Morocco, reviewing the debate, said that the fact that the first law passed by the Field Government had been one prohibiting any African from addressing a petition to the United Nations, or coming to its Headquarters, must raise grave doubt as to what ultimate use that Government was going to make of the other resources placed at its disposal.

397. At the 1069th meeting on 13 September, the representative of Brazil reviewed the Special Committee's findings on Southern Rhodesia and concluded that the facts involved were undoubtedly a cause of anxiety to the African States and could explain their attitude. They were equally a cause of grave concern to his delegation. While it was undeniable that they did not as yet constitute an acute threat to international peace and security, there was no doubt that all the ingredients of a highly explosive situation were to be found therein. It was a colonial problem whose core contained a distasteful element of racial discrimination, with overtones of foreign economic encroachment and the impending use of physical coercion. The conduct required of the United Kingdom by the African States amounted in essence to an act of confidence in its political wisdom. Brazil shared that confidence, but its trust was placed in the United Kingdom alone, and went no further. He supported the joint draft resolution (S/5425/Rev.1).

398. The representative of Venezuela said that there were certain facts that could not be challenged, one of which was that the Southern Rhodesian Constitution discriminated between the white minority, which was not even one tenth of the total population, and the immense African majority, and ignored the most elementary rights of that majority. Public positions could be occupied only by members of the white minority. Another fact was that the existing Government of Southern Rhodesia defended and practised the policy of *apartheid*. His delegation believed that the United Kingdom, which had been so wisely carrying out its policy of decolonization, should, for the sake of peace and security in the region, not grant full autonomy to the territory of Southern Rhodesia until there was a truly representative government there. Nor should it give back to the existing Government control over the armed forces to be returned to it on dissolution of the Federation.

399. The representative of Norway said that his country had no sympathy with a political system which reserved the franchise to a small minority of the population. However, his delegation had some doubt as to whether that difficult complex of problems came within the purview of the Council, and it interpreted the British assurance to mean that Southern Rhodesia would not be granted full independence until a considerable extension of the franchise had taken place. His Government felt that it would have been preferable if the debate in the Council and the decision of the Council had been limited to dealing with the plans to place armed forces at the disposal of the minority Government of Southern Rhodesia. Implementation of those plans might have an undesirable influence on political developments in Southern Rhodesia, and it could not be excluded that such a step might lead to international friction in the area, within the meaning of Article 34 of the Charter. He appealed to the United

Kingdom Government to utilize all existing possibilities to achieve a peaceful solution of the problems in Southern Rhodesia in accordance with the provisions of the Charter.

400. The President, speaking as representative of the Philippines, reviewed the development of the question and said that since the seventeenth session of the General Assembly and since the adoption of the resolution of the Special Committee of Twenty-four, there had been no change in the attitude of the administering Power and no improvement—if anything, a worsening—in the explosive situation. His delegation agreed with the African Governments that the transfer or reversion of powerful armed forces to a colonial administration over which the United Kingdom claimed to have no control “would constitute a most serious threat to world peace”. It continued to believe that the United Kingdom Government held the key to the peaceful solution of the question and appealed to that Government to reconsider its position. It was prepared to support any constructive and effective measures that would bring about a peaceful solution of the problem, taking into account the legitimate interests of all concerned and particularly those of the indigenous people of Africa.

401. The representative of the United Kingdom held that nothing remained of the original contentions made to justify recourse to the Council. Several members of the Council and, indeed, many Members of the Organization as a whole, were deeply concerned at the implications involved in the current proceedings and were far from satisfied that there was sufficient justification, either legal or factual, for the debate. He asked all members of the Council to weigh carefully the consequences of going even further and of placing the Council in the position of purporting to take action in a matter for which there was no proper justification. It was not right, nor in the interest of the peoples of the world, that the Council, the highest body for dealing with peace, should be wrongly used for political motives. By voting for a resolution, the damage would be increased and the authority of the Council would be weakened. What had been said would be noted by other Governments, not least his own. It would be far better to leave it at that and take no further action.

402. The representative of Ghana, reiterating the position of his delegation, declared that the issue was not one of juridical processes. It was a human, a political, problem and the African countries thought that the United Kingdom was in a position to influence events in Southern Rhodesia.

Decision: *At the 1069th meeting on 13 September, the draft resolution submitted by Ghana, Morocco and the Philippines (S/5425/Rev.1) received 8 votes in favour and 1 against (United Kingdom), with two abstentions (France, United States). Since the negative vote had been cast by a permanent member of the Council, the draft resolution was not adopted.*

403. The representative of the United Kingdom said that his Government was entirely convinced that the orderly dissolution of the Federation, the *sine qua non* for further progress in Central Africa, would be irretrievably damaged were it to accede to the demands made not to permit the reversion of powers to the Government of Southern Rhodesia. It had always recognized that the possession of the power of veto placed a very heavy responsibility on those

who possessed it. It would never have been driven to use it except in the most compelling circumstances.

404. The representative of Ghana observed that that was the first time a veto had been used on a colonial question. Thanking those who had voted for the joint draft resolution, he said that the vote had been against minority rule and the transfer of powers to an undemocratic racist government. It had been a vote for gentle pressures on the United Kingdom not to deviate from its declared path of granting independence to its colonies. The debate had not been a waste of time.

405. The representative of Morocco said that it was regrettable, to say the least, that the privilege of veto had been used on such an important question. However, the affirmative votes cast for the draft resolution showed clearly the moral value to be attached to the decision of the Council. The liberal opinion of the entire world would be aware of that, and he was sure that the great Power that had used its veto would understand the consequences that flowed from it. He had been authorized by the delegations of Mali, the United Arab Republic, Tanganyika and Uganda, which were the spokesmen of the African delegations, to say that Africa would not stop in the face of such a decision and would continue its struggle.

406. The representative of the USSR expressed profound regret that because of the opposition of the United Kingdom, it had not been possible to obtain approval by the Council of a decision designed to avert the development of events dangerous to peace in Southern Rhodesia, a decision designed to defend

the legitimate and inalienable rights of the African people living in that territory. That was all the more regrettable because the draft resolution was a very moderate one. But the discussion had drawn the attention of the world to the matter. The whole of the responsibility for the consequences of the crisis in Southern Rhodesia, which might develop into a new bloody tragedy, rested upon the United Kingdom, which had prevented the adoption by the Council of appropriate measures.

C. Subsequent communications

407. By a letter dated 26 March 1964 (S/5626), the Chairman 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 transmitted the text of a resolution which the Committee had adopted on 23 March. In operative paragraph 9 of that resolution, the Special Committee drew the immediate attention of the Security Council to the explosive situation in Southern Rhodesia, which constituted a serious threat to international peace and security.

408. By a letter dated 29 June 1964 (S/5789), the Chairman transmitted the text of a further resolution adopted by the Special Committee on 26 June, operative paragraph 4 of which drew the immediate attention of the Council to the report submitted by its Sub-Committee on Southern Rhodesia and particularly to the conclusions and recommendations contained therein. The text of the report (A/AC.109/L.128) in question was also transmitted to the Council.

Chapter 5

LETTER DATED 26 DECEMBER 1963 FROM THE PERMANENT REPRESENTATIVE OF CYPRUS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

A. Consideration at the 1085th meeting (27 December 1963)

409. In a letter dated 26 December 1963 (S/5488), the Permanent Representative of Cyprus requested an urgent meeting of the Security Council to consider the complaint of his Government against Turkey for "acts of aggression" and "intervention in the internal affairs of Cyprus" by the threat and use of force against its territorial integrity and political independence. In that connexion, Cyprus put forward several charges of incidents which occurred on 25 December, including violation of Cypriot air space and territorial waters by Turkish military aircraft and warships, threats of use of force made by the Prime Minister of Turkey, and the movement of Turkish troops into Nicosia where they joined Turkish Cypriot insurgents. It was further charged that disturbances and communal fighting had erupted in Cyprus on 21 December as a result of an armed attack by a Turkish mob against a Cypriot police patrol unit. In those circumstances, Cyprus requested the Security Council to take appropriate measures in order to prevent future violations of its independence, territorial integrity and sovereignty.

410. In a cable dated 26 December (S/5490), President Makarios informed the Secretary-General that Mr. Zenon Rossides, the permanent representa-

tive of Cyprus to the United Nations, was authorized to represent the Republic before the Security Council. On 27 December, Dr. Fazil Küçük, the Vice-President of Cyprus, in a cable transmitted to the Secretary-General by the permanent representative of Turkey (S/5491), stated that in such a vital matter the Vice-President, whose concurrence on foreign affairs was necessary, had been denied his right, and that any representations by Mr. Rossides should be treated as illegal and unconstitutional.

411. The Security Council included the question in its agenda at the 1085th meeting held on 27 December 1963. The representatives of Cyprus, Turkey and Greece were invited to participate, without the right to vote, in the debate.

412. The representative of Cyprus stated that on Christmas Eve the President and the Vice-President of Cyprus had agreed on a cease-fire and on the terms for the preservation of peace. Although Turkey had agreed to the cease-fire, the very same day Turkish aircraft had flown low over Nicosia and terrorized the town. On 27 December, Turkish ships had been sighted twenty-five miles from the Cypriot coast, speeding towards the island, though later, after the Security Council had been informed of the danger, it had been reported that the ships had turned in another direction. The psychological effect of those naval preparations for battle, even if there were no invasion

of the island, was to terrorize the Greeks and embolden the Turks to attack. The gunboat diplomacy by Turkey could not continue without ill effects.

413. The root of the trouble, he said, lay in the divisive provisions of the Constitution, which had divided the people of the island into two camps and created hostility in every town. Another divisive provision required a separate communal majority, with veto power in the Legislative Assembly with regard to fiscal measures. The division of the Courts along communal lines had resulted in judicial injustices. Moreover, the Constitution could not be amended, even by the consent of the Greek and Turkish Cypriots, without the agreement of the outside Powers. In an effort to remedy the situation, the President of the Republic had proposed to discuss the problem with the Turkish Cypriot leaders. He had sent a letter to the Turkish Vice-President, with a copy to the diplomatic representatives of the United Kingdom, Greece and Turkey. But even before the Vice-President had replied, the Turkish Government had rejected the Archbishop's proposals on 21 December, and thereafter the Vice-President had probably had to reject them. In the circumstances, it was incumbent upon every country around Cyprus, and particularly on those who had an interest in the island, to act in a peaceful manner. Cyprus had, therefore, requested the Council to consider the matter as urgent with regard to preserving the cease-fire and promoting peace in the island. He expressed the wish that the Council would adopt a resolution which would encourage co-operation between the two communities in Cyprus and would call upon all States to respect the political independence and territorial integrity of Cyprus and to refrain from any use or threat of force against the Republic.

414. The representative of Turkey replied that for more than two years a campaign had been under way to repudiate, violate and nullify the rights of the Turkish community of Cyprus. Those rights, however, had been set forth and included as guarantees of the existence and the life of the Cypriot Turks after the very painful events which had taken place some years earlier. The need to recognize those rights had even been admitted by the President of Cyprus himself, and consequently the Constitution of Cyprus had been established. The Supreme Court of Cyprus, which had a neutral President, had often recognized that the Greek Government of Cyprus had not acted in accordance with the Constitution and had not respected the rights of the Turkish community.

415. He said that on the night of 21-22 December, the Greek Cypriots had undertaken to massacre the Turkish population, and the Press and radio had given the lists of the Turkish women and children who had been killed. Turkey, as one of the co-signers and guarantors of the agreement on Cyprus, could not stand aloof in the face of such a situation. From the beginning, however, his Government had acted to end the hostilities, with appeals to the heads of the two Cypriot communities as well as the co-signers of the guarantees. With the consent of the President of Cyprus, the Governments of Turkey, Greece and the United Kingdom had agreed that their forces in the island would join under the British command, to maintain order in the island. It was, therefore, surprising that, at the very moment when the Turkish Government had hoped that peace could prevail, the representative of Cyprus had come before the Council with unfounded accusations against Turkey. On behalf

of his Government, he could state categorically that there had been no Turkish ships sailing towards Cyprus and that any ships which might have been seen in the area were those sailing from one Turkish port to another.

416. The representative of Greece stated that it would be useful if the Council would encourage the efforts which were being made in Cyprus in connexion with the cease-fire. Information available to his Government, as had been stated in a message from the King of Greece to the President of Turkey, had clearly proved that the tragic events of the last few days had been provoked by armed groups of Turkish Cypriots. Moreover, units of the Turkish regiment stationed in the island had left their camp and occupied positions in the neighbourhood of Nicosia, and Turkish military planes flying low over Nicosia had further provoked the Cypriot people. As press reports indicated, a military build-up in South Turkey was continuing and troops were being concentrated in the port cities of Iskenderun and Mersin. In those circumstances, he could well understand the apprehensions of the Greek Cypriot population. The Greek Government would be very happy if the Council could come forth with an optimistic message and could allay the fears of the people of Cyprus.

417. The representative of Cyprus replied that his Government would not have been concerned about the movement of Turkish ships if the Prime Minister of Turkey had not declared the day before that Turkey would send ships to Cyprus for action. He maintained that the Prime Minister's declaration was a violation of Article 2, paragraph 4, of the United Nations Charter. If the Treaty of Guarantee could be interpreted as having given Turkey, or any other country, the right to use force in Cyprus, then the Treaty itself was invalid under Article 103 of the Charter. He observed that President Makarios had not violated the Constitution of Cyprus, for he had only made a proposal for talks. However, even if there had been a violation, the Treaty provided that in the event of a breach, the three guarantor Powers would consult together with respect to the representations or measures necessary to ensure observance of its provisions. Under Article 103 of the United Nations Charter, the representations and measures provided for in the Treaty of Guarantee must be peaceful measures.

418. The representative of Turkey replied that the King of Greece had been misinformed concerning the events in Cyprus. Probably he had only one source of information, the party which had begun the attacks and the massacres. The Turkish troops in Cyprus had not participated in the fighting and there had been only one flight of Turkish aircraft over the island. He said that he would like to receive an assurance that the terrorists of EOKA in Cyprus would respect the cease-fire and stop their carnage.

B. Reports of the Secretary-General and other communications received between 28 December 1963 and 19 February 1964

419. In a letter dated 28 December (S/5492), Cyprus charged that, on the morning of 28 December, at the very time the complaint of Cyprus on the threats by Turkish warships in the vicinity of the island was being discussed in the Council, three Turkish military jet planes had again violated Cyprus air space and

circled low over Nicosia. Such violation of Cyprus sovereignty and threat to peace was contrary to the assurances which had been given by the representative of Turkey.

420. In a letter dated 30 December 1963 (S/5496), Turkey stated that the charge was as unfounded as the earlier report that some Turkish ships had been heading towards Cyprus.

421. In a letter dated 2 January 1964 (S/5502), Cyprus charged that the cease-fire agreement reached on 29 December 1963 had been broken by the Turkish Government through its continued refusal to withdraw its contingent from the strategic positions which it had arbitrarily occupied in Nicosia on 25 December 1963. Moreover, the Turkish threats of invasion had increased. Consequently, a meeting of the Security Council was necessary in order to protect a Member State from aggression and prevent a further deterioration of the situation.

422. In a letter dated 7 January (S/5507), Turkey stated that it would withhold a detailed reply to the unfounded charges made by the representative of Cyprus in his letter of 2 January (S/5502), so as not to prejudice chances of success in the forthcoming conference.

✓ 423. In a letter dated 8 January (S/5508), the United Kingdom of Great Britain and Northern Ireland, after referring to the outbreak of intercommunal disturbances in Cyprus on 21 December, stated that on 24 December the Governments of the United Kingdom, Greece and Turkey had issued an appeal to the Cyprus Government and an offer of good offices. On 25 December, the Governments of the United Kingdom, Greece and Turkey had informed the Government of Cyprus of their readiness to assist, if invited to do so, in restoring peace and order by means of a joint force under British command and composed of the forces of the three Governments already stationed in Cyprus. The Cyprus Government had announced its acceptance in a communiqué issued on 26 December. The joint force had been accordingly established under the British command of Major-General Young, Commander of the Cyprus District. Subsequently good progress had been made through the political liaison committee. The Governments of the United Kingdom, ✓ Greece, Turkey and Cyprus had jointly requested the Secretary-General to appoint a representative to act as a United Nations observer in Cyprus. Arrangements had also been made for a conference of representatives of the three Governments and of the two communities to convene in London in the following week.

424. In a letter dated 11 January (S/5512), Cyprus stated that agreement had been reached between the Governments of Cyprus, the United Kingdom, Greece and Turkey for a conference to be held in London in an effort to resolve the difficulties. However, since then Turkey and the leaders of the Turkish community had taken successive steps designed to threaten the independence and territorial integrity of Cyprus, and to destroy the very purpose and spirit for which the conference was to be held. Those facts constituted a new and grave threat against the security, independence and territorial integrity of Cyprus.

✓ 425. In a report to the Security Council issued on 13 January (S/5514), the Secretary-General recalled that immediately after the start of the troubles in Cyprus, the representative of Cyprus had asked him to appoint a personal representative to look into the

situation. In subsequent consultations, the representatives of Greece, Turkey and the United Kingdom had associated themselves with that request. The Secretary-General had told those representatives that it would be necessary for him to receive the agreement of their Governments on the terms of reference of the personal representative, as well as a clear indication from them of the tasks involved. On 9 January, the permanent representative of Cyprus had conveyed to the Secretary-General the following terms of reference concerning the functions of the personal representative of the Secretary-General: (1) to observe the peace-keeping operation and report to the Secretary-General thereon; (2) for that purpose, the representative would have access to the Government of Cyprus through the Ministry of Foreign Affairs, to the President and Vice-President of the Republic or their representatives, to the British High Commissioner and the Greek and Turkish Ambassadors accredited to the Government of the Republic, and to the British Commander of the peace-keeping force; (3) he would have freedom of movement and communications; (4) his personal security and that of his staff would be assured; and (5) he should not receive any individual complaints of any breach of the cease-fire agreement. The communication had also stated that the period of duty of the Representative as Observer in Cyprus would be three months, and that the Government of Cyprus would be ready to undertake all the costs involved.

426. In a report issued on 17 January (S/5516), the Secretary-General stated that after having considered the views of the Governments of Cyprus, Greece, Turkey and the United Kingdom, he had decided to designate Lieutenant-General P. S. Gyani as his personal representative and to send him to Cyprus to observe the progress of the peace-making operation for an initial period extending to the end of February 1964. On 16 January, the Government of Cyprus had indicated its agreement, and the Secretary-General had instructed General Gyani to depart for Cyprus on 17 January. At the invitation of the Governments that were participating in the Conference in London, the Secretary-General had sent his Deputy Chief de Cabinet, Mr. José Rolz-Bennett, to London on 16 January, in order to consult with the Foreign Ministers of Cyprus, Greece, Turkey and the United Kingdom concerning the request for a personal representative of the Secretary-General to be sent to Cyprus.

427. In a letter dated 23 January (S/5521), Turkey, with reference to the letter from Cyprus (S/5512), stated that the Turkish Government had not threatened the independence and territorial integrity of Cyprus, but had sought by every means to reach a peaceful settlement of the problem.

428. In a letter of 29 January (S/5526), the Union of Soviet Socialist Republics, with reference to the Secretary-General's report of 17 January and his intention to send Lieutenant-General Gyani to Cyprus as his personal representative, stated that the Cyprus question was before the Security Council, and that it was the Council which was responsible, under the Charter, for taking practical measures to maintain international peace and security.

429. In a letter of 3 February (S/5529), Cyprus stated that while Turkey had denied any Turkish threats against the territorial integrity and independence of Cyprus (S/5521), the Prime Minister of Turkey had made no secret of his brazen and repeated threats against that same territorial integrity and independence.

430. In a letter dated 7 February (S/5533), Turkey reiterated that it had made no threat to the independence and territorial integrity of Cyprus, and, in support, quoted a passage from the Turkish Prime Minister's letter to the Heads of Governments. It said that the Turkish contingent, which was stationed in Cyprus by virtue of the Treaty of Alliance, had been compelled to take up a new position only after the premises of the Turkish Embassy had been fired upon. Further, it was only natural for the Turkish Cypriots, faced with annihilation, to flee their homes and seek refuge in villages mainly inhabited by Turks.

431. In a letter dated 8 February (S/5534), the Union of Soviet Socialist Republics transmitted to the President of the Security Council the text of the message which the Chairman of the Council of Ministers of the USSR had sent on 7 February to the Prime Minister of the United Kingdom, the Presidents of the United States and France, and the Prime Ministers of Turkey and Greece, concerning Cyprus. Mr. Khrushchev stated that the Cyprus situation had grown increasingly acute and had created the danger of serious international complications in the eastern Mediterranean area. The discord between the two Cypriot communities, which had been long fomented from outside, was being used as a pretext for open interference in the internal affairs of the Republic of Cyprus, a sovereign State and a Member of the United Nations. Certain NATO Powers, in disregard of the Charter, were attempting to impose a solution of their own choosing on Cyprus. The main purpose of their plans was basically the *de facto* occupation of the island by NATO armed forces; a crude encroachment on the sovereignty, independence and freedom of the Republic of Cyprus and an attempt to bring that small neutral State under NATO military control. In order to justify the plans to send NATO troops to Cyprus, it had been argued that the Cypriots were unable to solve their internal problems. It was certain, however, that the people of Cyprus were fully able to handle their own internal affairs and to solve their problems in the manner that best served their national interests.

432. There were indications that those involved preferred to deal with the Cyprus question, not at the Security Council, but at closed conferences, where they hoped to substitute arbitrary procedures for the United Nations Charter and break the resistance of a small State by means of outside pressure. Efforts were being made to prevent the discussion of the question in the Security Council, before which it had been placed at the request of the Government of Cyprus.

433. The Soviet Government condemned plans for military intervention and urged all the States concerned to exercise restraint, to consider realistically and fully all the possible consequences of an armed invasion of Cyprus, and to respect the sovereignty and independence of that Republic. Although the Soviet Union had no common frontier with Cyprus, it could not remain indifferent to the situation developing in the eastern Mediterranean, an area not very distant from the southern borders of the USSR. The leaders of the Soviet Union, the United States, the United Kingdom and France, as well as those of Turkey and Greece, which were neighbours of Cyprus, should exert all their authority and influence to prevent further aggravation of the situation, to extinguish the passions in Cyprus which were being stirred from outside with such adverse effects and to help strengthen peace in that important area.

434. In a letter of 11 February (S/5537), the United Kingdom transmitted the reply which the Prime Minister of the United Kingdom had sent on 8 February. In his message, the Prime Minister stated that he was disappointed that Mr. Khrushchev had seen fit to make charges which were as offensive as they were unfounded. The Prime Minister declared that because the object of Britain was to help to maintain peace and security in the island, his Government had acceded to the request of the Cyprus Government for the help of British troops in maintaining order. Britain, in consultation with other Governments whose interests in a peaceful solution of the island's problems were beyond question, had sought agreement of all concerned on further measures to assist the Cypriots in the task of preserving their security. In all that, there had been no question, as Mr. Khrushchev claimed, of infringing the sovereignty, independence and freedom of a small State. The Prime Minister expressed the hope that Chairman Khrushchev would on reconsideration understand that Britain's motives and actions were not those that had been described in Chairman Khrushchev's message. He shared the Chairman's view that the situation in Cyprus could only be made more difficult if passions were aroused, especially as a result of external influences.

435. In a letter dated 13 February (S/5540), Turkey stated that the Cypriot Greeks, together with the Greek police, had attacked the Turkish quarter of Limassol and had fired upon Turkish Cypriots, including children and women. The Turkish Government's appeal to the Government of Cyprus to put an end to the massacres had brought no results, and the attack had been finally stopped by the British soldiers of the joint peace-making force.

436. In a reply dated 15 February (S/5544), Cyprus cited the text of an official cable on the events in Limassol, according to which Turkish terrorists had been firing indiscriminately for three consecutive days and without any provocation on innocent citizens in adjoining suburbs and Limassol town.

437. In a letter dated 15 February (S/5549), Greece transmitted the message which the Prime Minister of Greece had sent on 11 February to the Chairman of the Council of Ministers of the USSR, in reply to Mr. Khrushchev's letter of 7 February. It stated that the Greek Government was dedicated to a policy of ensuring the fundamental rights of the Cypriots and preserving the independence and territorial integrity of the State of Cyprus.

438. In a telegram of 15 February 1964 to the President of Cyprus and the Ministers for Foreign Affairs of Greece and Turkey (S/5554), the Secretary-General expressed his grave concern about the apparently deteriorating situation regarding Cyprus. He made an urgent appeal to the three Governments to refrain from any acts which might lead to a worsening of the situation and further bloodshed, and requested the three Governments to use their maximum influence to ensure that there would be no further violence. He appealed to all concerned, including the members of the two communities in Cyprus and their leaders, to show the greatest possible understanding and restraint, particularly at the time when the Security Council was being convened to seek a solution to the difficulties confronting Cyprus.

439. In a telegram of 16 February (S/5554), the Foreign Minister of Greece replied that in the view of his Government the problem of ensuring the internal

and external security and independence of the Cypriot State should be considered in an order of high priority. He further stated that Greece placed its full confidence in the United Nations, and that the authority which had been vested by the Charter in the Secretary-General was an asset which could best serve the cause of peace.

440. In a telegram of 16 February (S/5554), the Foreign Minister of Turkey replied that he appreciated the concern of the Secretary-General at the recent acts of violence in the town of Limassol. He said that his Government from the beginning of the bloody events, which were aimed at the subjugation of the Turkish community, had used utmost patience and restraint in the face of the most flagrant violations. Turkey's primary concern had always been to seek a prompt and peaceful solution in compliance with the treaty obligations concerning Cyprus.

441. In a telegram dated 19 February (S/5554/Add.1), President Makarios conveyed his deepest appreciation and gratitude for the Secretary-General's valuable interest in Cyprus. The Archbishop said that his Government placed great faith in the Security Council and the United Nations, and believed that their contribution to the pacification and solution of the Cyprus problem would be most significant.

C. Consideration at the 1094th to 1102nd meetings (17 February-4 March 1964)

442. In a letter dated 15 February (S/5543), the United Kingdom stated that the London agreements of 19 February 1959 had established the basic structure for the Republic, including provisions governing the relationships between the two Cypriot communities. By the Treaty of Guarantee of 16 August 1960, the Governments of the United Kingdom, Greece and Turkey had guaranteed the independence, territorial integrity and security of the Republic of Cyprus and the basic provisions of its Constitution. International concern for the difficulties in Cyprus stemmed from the special treaty relationships which imposed particular responsibilities on the guarantor Powers. After the Governments of the United Kingdom, Greece and Turkey had acceded to the request of the Government of Cyprus that their military units stationed in the island should assist in securing the preservation of the cease-fire and the restoration of peace, it had become clear that the peace-keeping force would have to be augmented in order to restore conditions of internal security. Agreement on arrangements to establish an international peace-keeping force had been reached among the guarantor Powers and certain other Governments. However, because of the inability of the Government of Cyprus to agree, it had not been possible to put those arrangements into effect. Meanwhile, security in the island had seriously deteriorated and tension between the Greek and Turkish Cypriot communities had risen gravely, culminating in a serious act of violence in the town of Limassol on 12 February. In those grave circumstances, the United Kingdom requested that an early meeting of the Security Council be called to consider the urgent matter and to take appropriate steps to ensure that the dangerous situation could be resolved with a full regard to the right and responsibilities of both the Cypriot communities, of the Government of Cyprus and of the signatories to the Treaty of Guarantee.

443. In a letter dated 15 February (S/5545), Cyprus stated that the increasing war preparations and declarations of the Turkish Government had made the danger of the invasion of Cyprus obvious and imminent. A further threat to the territorial integrity and unity of Cyprus came from the redeployment of Turkish contingents in Cyprus and from the forced movement of Cypriot Turks, who were being compelled to abandon their homes in mixed Greco-Turkish villages and become unwilling "refugees" in wholly Turkish villages in order to pave the way for partition. The threat to the independence, sovereignty and territorial integrity of a small country by a stronger neighbouring Power was a direct violation of the United Nations Charter. Cyprus requested urgently an emergency meeting of the Security Council in order to take appropriate measures under the relevant articles of the Charter.

444. In a letter dated 16 February (S/5550), Cyprus submitted that its urgent request for convening an emergency meeting of the Council should take priority over that of the United Kingdom for an early meeting of the Council, and that consequently it was for the delegation of Cyprus to open the discussion on the matter.

445. In a letter dated 17 February (S/5551), Turkey transmitted a cable from Dr. Fazıl Küçük, Vice-President of the Republic of Cyprus, questioning the validity of the credentials of the representative of Cyprus and reiterating that, under the Constitution of Cyprus, unilateral representation could not be made to the United Nations without the Turkish Cypriot side participating in such representation.

446. On 17 February, the Minister of Foreign Affairs of Cyprus informed the President of the Security Council (S/5552) that he wished to participate on behalf of the Republic of Cyprus in the Council's debate, and that Mr. Rossides, the permanent representative of Cyprus, would appear as alternate representative. On 18 February, the Secretary-General reported to the President of the Security Council (S/5553) that he had received the credentials, signed on 14 February by the President of Cyprus, appointing Mr. Kyprianou, the Minister for Foreign Affairs of the Republic, as representative of Cyprus to the Security Council in connexion with meetings on the question of Cyprus, and that in the opinion of the Secretary-General, those credentials were in order.

447. In a letter dated 19 February (S/5555), Turkey transmitted a cable from Mr. Fazıl Küçük, Vice-President of Cyprus, who requested that the Security Council give a hearing to his representative Rauf Denktas who had full authority to speak for Cypriot Turks. This request was supported by Turkey in another letter of the same date (S/5556).

448. At the 1095th meeting on 18 February, the representative of the USSR, speaking on a point of order, proposed that the first representative to speak should be the Foreign Minister of Cyprus. That would be justified on a number of grounds. The Government of Cyprus had appealed to the Council for protection, as it had been threatened from outside and its complaint had appeared on the Council's agenda. In addition, the representative of Cyprus had requested the convening of the Council's meeting earlier than the representative of the United Kingdom. The President replied that the order in which representatives might address the Council was determined by rule 27 of the rules of procedure which prescribed that the President should call upon representatives in the order in

which they signified their desire to speak. After further discussion, in which the representatives of the USSR, the United Kingdom and Czechoslovakia participated, the President called on the representative of the United Kingdom to speak.

449. The representative of the United Kingdom, in reviewing the provisions of the Treaty of Guarantee, stated that by Article I of the Treaty, Cyprus had undertaken to ensure the maintenance of its independence, territorial integrity and security as well as respect for its Constitution. The Republic had undertaken not to participate in whole or in part in any political or economic union with any State whatsoever. The article had prohibited any activity likely to promote, directly or indirectly, either union with any other State or partition of the island. In article II, the Governments of Greece, Turkey and the United Kingdom had taken note of the undertaking of Cyprus in article I, and had expressly recognized and guaranteed the independence, territorial integrity and security of the Republic, and also the state of affairs established by the basic articles of its Constitution. Article IV provided that in the event of a breach of the Treaty, the three guaranteeing Powers undertook to consult together with respect to the representations or measures necessary to ensure observance of those provisions. In so far as common or concerted action might not prove possible, each of the three Powers reserved the right to take action with the sole aim of re-establishing the state of affairs created by the Treaty. The basic articles of the Constitution and the provisions for their maintenance by the three guarantor Powers, as well as by the Government of Cyprus, were inextricably linked in the settlement which had led to the independence of Cyprus. The Treaty of Guarantee was of particular importance as the linchpin of that complicated settlement and bore upon "the state of affairs established by the basic articles of the Constitution". Those basic articles, which were listed in annex III to the Constitution, were not subject to amendment, whether through variation, addition or repeal. Their principal purpose was to ensure that the rights and interests of the two major communities, the Greek and the Turkish Cypriots, should be fully respected and kept in balance.

450. It had been the hope of all parties that the constitution would provide an instrument which would enable the two communities to sink their previous differences. Unfortunately, this had not proved to be the case. Tension between the two communities had steadily mounted in the last months of 1963, and following the incidents of 21 December serious inter-communal fighting had started. He reviewed the events which had led to the establishment of a peace-keeping force under British command and composed of the British, Greek and Turkish forces stationed in the island. As the task of reaching agreement at the London Conference was likely to prove difficult and protracted, the United Kingdom had felt that the burden of keeping the peace in Cyprus should be shared by the participation of additional countries in the force. On 31 January, proposals to that effect had been communicated to the participants in the London Conference. The United States had been associated with the United Kingdom in the presentation of the proposals. Greece and Turkey had accepted the proposals on 1 February, and they had been submitted to Archbishop Makarios and Dr. Küçük the following day. On 4 February, the Archbishop had stated with regret his

inability to accept the proposals in the form in which they had been presented. He had accepted the principle of an international force under the Security Council and had indicated that composition of the force might be agreed upon in advance, but without the inclusion of Greek and Turkish units. In his view, the terms of reference of the force should include the protection of the territorial integrity of Cyprus and assistance in restoration of normal conditions. Thereafter, the United Kingdom, acting in conjunction with the United States, had reached agreement with the Governments of Greece and Turkey on the terms of fresh proposals, which had been submitted to Archbishop Makarios on 12 February. The new proposals had been realistic and practical, having taken full account of the position of all the parties directly concerned. Regrettably, however, Archbishop Makarios once again had been unable to accept the revised proposals as they stood, and had made a number of counter-proposals.

451. It had to be remembered that this series of negotiations was not taking place in a vacuum. There had been numerous incidents of fighting in the island culminating in a very violent outbreak in Limassol.

452. In the grave circumstances, the United Kingdom had requested an early meeting of the Security Council. The British actions in regard to the situation in Cyprus had been in accordance with the Treaty of Guarantee, and the presence of British forces in the island was in response to an invitation by the Government of Cyprus. Since the beginning, Britain's efforts had been directed to calming the situation and restoring peace. However, his Government did not wish to continue to bear the burden of that peace-keeping operation alone for a day longer than necessary and, accordingly, it had on several occasions made proposals for augmenting the force with contingents from other countries. At all stages, Britain had made it clear that its intention was to act with the agreement of the duly constituted authorities in Cyprus, and there had been no question of implementation of any proposals without such agreement. The Security Council had responsibility for preserving international peace, but that must be exercised in a manner consistent with the treaties upon which the independence of Cyprus and the constitutional rights of the communities depended. It seemed to him that a draft resolution on the question should: endorse the appeal which the Secretary-General had already made; 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; and provide in appropriate form for agreement to be reached on the designation of an impartial mediator. The Council would no doubt also wish to call on all States and authorities concerned to respect the independence and territorial integrity and the security of the Republic of Cyprus, in accordance with the Treaty of Guarantee and as established and regulated by the basic articles of the Constitution.

453. The Foreign Minister of Cyprus wished to make it clear that his Government would regard as null and void any treaty which, in the view of any of the parties, contained limitations on the independence and sovereignty of the State. Cyprus had become a Member of the United Nations after the conclusion of the treaties of London and Zurich, and no country had the right of military action in Cyprus. In reviewing the historical aspects, he said that in the past all the people of the island had lived together peacefully.

The recent intercommunal fighting and incidents were the symptoms of other causes. His Government possessed official documents which proved beyond any doubt that Turkey pursued a policy of provocation towards Cyprus, based on a well-prepared plan to advance further the idea of a communal separation with the ultimate aim of partition. He stated that Turkish military aircraft had thrice violated the Cypriot air space, on 25, 26 and 28 December, although only one violation had been admitted. On 25 December, the Turkish military contingent, stationed in Cyprus by virtue of the Zurich and London agreements, had moved out of their barracks and taken battle positions against the Greek sector of Nicosia, in violation of article 5 (2) of the Application Agreement of the Treaty of Alliance. On the same day, the Prime Minister of Turkey had declared that Turkish warships had sailed from Constantinople towards Cyprus, and that their return would depend on the cessation of fire in the island. On the night of 26-27 December, three troop carriers, four destroyers and three submarines had sailed to within a few miles of the Cypriot coast when they had suddenly changed course, obviously due to the action taken by the Security Council.

454. Cyprus had accepted participation in the London Conference because it had felt obliged, under the United Nations Charter, to exhaust all possibilities for an amicable settlement before taking any other action. At the Conference, his Government had shown the maximum possible degree of patience. On more than one occasion, Cyprus had been given to understand that if it did not give way on a particular point the talks might break down, with a consequent Turkish invasion. After it had become evident that no agreement could be reached at the Conference on a peace-keeping force, attention had turned to the question of an international force. His Government had maintained that the international force should be under the control of the Security Council, the only appropriate international organ for the purpose. In order to facilitate the task of the Security Council, Cyprus had offered to agree with the other parties both on the composition and the terms of reference of the force before the referral of the question to the Council. However, efforts had been made to prevent Cyprus from bringing the matter before the Council. In the view of his Government, the terms of reference of the international force should include not only internal peace-keeping, but also assistance to the Government of Cyprus in the restoration of law and order, as well as the basic element in the whole issue—the protection of the territorial integrity and independence of Cyprus. Otherwise, peace could not be maintained even with a half-million troops in the Island. Cyprus was open to suggestions and ready for discussions on the political solution of the problem and its peace-keeping aspects, but within the framework of the United Nations. He stressed that the territorial integrity, the unity, the sovereignty and the complete independence of Cyprus were not negotiable. Those were the very things his Government had called upon the Security Council to safeguard and protect, and Cyprus, as an equal Member of the United Nations, was entitled to that protection.

455. The representative of Turkey replied that on 27 December, the Greek Cypriot representative had requested an urgent meeting of the Council on the unsubstantiated claim that Cyprus had been under the threat of an imminent attack from Turkey. The

Turkish ships, mentioned by the Foreign Minister of Cyprus, had been spotted steaming away from Cyprus, and not towards it, at a distance of thirty-eight miles from the coast of Cyprus. As the island was forty miles off Turkey, those ships were in normal Turkish coastal waters. Also, the British Commander of the joint peace-keeping force in Cyprus had given a written statement to the effect that the Turkish units stationed in the island had acted and continued to act entirely under his orders. Furthermore, it had been verified that at the time of the request for an urgent meeting of the Council, no Turkish aircraft had flown over Cyprus for three days. The only flight had been the single flight on 25 December, which had urged the cessation of bloodshed on the island. The reason for the false accusations had been to divert world attention from the crimes perpetrated upon the Turkish community in Cyprus. On 27 December, foreign correspondents in Cyprus had been able for the first time to pass through the Greek Cypriot terrorist bands which had surrounded the Turkish community of Nicosia for an entire week. On 28 December, the world Press had reported for the first time what impartial newspapermen had seen as eyewitnesses of the horrible crimes perpetrated in the Turkish sector of Nicosia. The latest Greek Cypriot request for another meeting of the Council had coincided with the horrible premeditated attack on the Turkish residential quarters of Limassol by the Greek Cypriot police and civilian bands the night before.

456. He recalled that the purpose of the Zurich and London Agreements had been to ensure equilibrium and harmony between the two communities, to safeguard the interests of Turkey, Greece and the United Kingdom, and to bring peace to the area. To that end, independence had been granted to Cyprus with a special Constitution which stipulated that Cyprus would be a republic under a presidential régime with a Greek Cypriot President and a Turkish Cypriot Vice-President, each elected by their respective communities. Against a possible danger that the Greek majority might disregard completely the interests of the Turkish community, the Vice-President had been vested with a veto power in certain aspects of foreign policy, defence and security. In matters of taxation, the Constitution had required the concurrent majorities of both the Turkish and Greek members of Parliament. In addition, three international treaties had guaranteed the status of Cyprus under its Constitution and had provided for the mutual defence requirements of the island and the region. Among them, the Treaty of Guarantee, concluded between the United Kingdom, Greece, Turkey and Cyprus, had been designed to safeguard the independence, territorial integrity and security of Cyprus, as well as the basic articles of its Constitution. He said that those treaties and the basic articles of the Constitution had represented a compromise formula acceptable to all the parties and that they had constituted the very *raison d'être* of the independence of Cyprus. That compromise arrangement was in complete accord with General Assembly resolution 1287 (XIII) of 6 February 1957.

457. The recent tragic events had demonstrated the inadequacy of even those safeguards to protect the Turkish minority from the fanaticism of some extremists among the Greek Cypriots. In his view, the treaties together with the Constitution could have formed the basis of a lasting peace in Cyprus and among the parties concerned if they had been imple-

mented in good faith. Unfortunately, however, it had quickly become apparent that Archbishop Makarios, who had not raised any objection at the time of the signing of the London and Zurich agreements, was determined to bring about changes in the status of the island, especially to eliminate the guarantees for the Turkish community. In November 1963, the Archbishop had submitted to the Vice-President, Dr. Küçük, and to the three guarantor Powers, a memorandum containing thirteen proposals for amending the basic articles of the Constitution, designed to take away from the Turkish community the rights which had been considered as essential for its protection by the Zurich and London agreements. The Turkish Cypriot community and the Turkish Government had declined to accept the proposals.

458. The representative of Turkey described the incidents of 21 and 25 December 1963, during which, he said, hundreds of Turkish Cypriots had been killed and many more wounded. The food, medical and water supplies of the Turkish districts had been cut off, and all their communication facilities had been severed. Only after those incidents had Archbishop Makarios agreed to a cease-fire. However, the Greek Cypriot terrorists, with the participation of Cypriot security forces, had continued their campaign of terror. Innumerable shipments of arms had continued to arrive on the Island and were quickly distributed to Greek terrorists.

459. He said that the Greek Cypriot leaders wished to obtain a United Nations resolution which would mention only territorial integrity and inviolability, so that they could interpret it to mean that they had been absolved of their commitments and that the international treaties had been abrogated. Then they could complete, without interference, the extermination of the Turkish Cypriots. That was why the Council had been asked to meet in the nights of 27 December and 15 February under the false alarm of an imminent surprise attack by Turkey. However, the vital interests of nations and the lives and rights of thousands of human beings could not be decided by procedural tricks and cunning stratagems. The Security Council, he said, was confronted with a grave issue; could a Security Council resolution abrogate, suspend or amend an international treaty which had been duly negotiated, signed and ratified? As the tragic incidents had proved, the existing systems were not sufficient to safeguard the rights and lives of the Turkish Cypriot community. However, there was no reason why, by a realistic approach, a more workable basis could not be devised for the two communities to live in peace.

460. The representative of Greece stated that his Government had accepted the principle of an international force to be placed under the auspices of the United Nations. If the proposals that had been made at various stages of negotiations had failed, it was because they had not been capable of giving sufficient assurances to a State which felt that its very existence and independence were threatened.

461. As for the alleged right of intervention and the interpretation of article I C, paragraph 2, of the Treaty of Guarantee, only the International Court of Justice could pass judgement with authority. Politically speaking, however, when a number of Powers negotiated ways of re-establishing order and when the United Nations itself had the issue before it, outside intervention, he feared, would involve the risk of generalizing the conflict. Cyprus demanded respect for its independence and integrity, a concept which had

been at the very root of the arrangements in 1959 which had put an end to a critical situation. The Cypriots had not been able to exercise the right of self-determination, one of the fundamental principles of the Charter, and they had been called upon to make that sacrifice in the cause of peace. They had agreed to the Zurich and London agreements which had disappointed their hopes. In his view, the three guarantor Powers, together with the Republic of Cyprus, must pursue a single common goal, re-establishment of order in Cyprus so as to make possible the quest for a basic solution to the problem.

462. At its 1096th meeting on 19 February, the representative of the USSR observed that the matter now under consideration involved a direct threat of military aggression against Cyprus, an infringement upon the freedom, independence and territorial integrity of a Member of the United Nations. In the letter of the United Kingdom to the President of the Council (S/5543), an attempt had been made to utilize article IV of the so-called Treaty of Guarantee to justify direct military interference in the domestic affairs of Cyprus by the United Kingdom. The representatives of the United Kingdom and Turkey, in their statements before the Council, had given no assurance that military force would not be used against Cyprus. Yet, the Council had the right to expect a direct and unequivocal answer to that question. The real reason for the tension was that specific Powers were using the communal discord, which had been fomented from outside, as an excuse to force upon the people and Government of Cyprus, in contravention of the United Nations Charter and of universally recognized norms of international law, a solution suitable to the countries of NATO. Only the people of Cyprus had the right to decide how to solve their domestic problems, and undoubtedly they were capable of managing their own affairs. The truth was that if there had been no foreign interference in the domestic affairs of Cyprus and if the actions of certain specific Powers had not constituted a threat to the freedom and integrity of Cyprus, there would have been no need for the meeting of the Security Council for the question would never have arisen. The Foreign Minister of Cyprus had rightly rejected the impression which the representative of the United Kingdom had tried to create that President Makarios was not interested in restoring peace in Cyprus. The primary source of the complications, he said, lay in the inequitable agreements which had been forced on that small country. The Cypriots themselves had not even been allowed to participate in the Zurich and London discussions in 1959, when the Cypriot Constitution had been drafted by foreigners who had laid the foundation for those unequal agreements and subsequently had submitted them to Cyprus in the form of an ultimatum. As a result, British bases and military forces of three NATO Powers had been placed in Cyprus. Recently, foreign troops on Cyprus had been redeployed. They had entered into combat with each other and had treated Cyprus as a military station of NATO. All those flagrant violations of the independence of Cyprus had been covered up by references to certain "rights" derived from the unequal agreements. An attempt had been made to create the impression that the foreign troops had been invited almost willingly by the Government of Cyprus. The representative of Cyprus had also stated how at the London Conference his country had constantly been threatened with "further complications" and also of Turkish intervention.

463. Cyprus had had no choice, and its fears were fully justified. Precisely for that reason, some NATO Powers had decided to consider the question, not at the Security Council but behind closed doors at the London Conference, and they had tried to force their armed forces upon Cyprus. However, when it had become clear to them that it would be impossible to avoid a discussion in the Council, they had decided to be ahead of everyone else, including the representative of Cyprus. They expected to obtain from the Council some sort of indulgence for their earlier unlawful acts, as the representative of the United Kingdom had called upon the Council to confirm the unequal treaties which had been imposed upon Cyprus. The so-called treaties of guarantee could have no validity in the light of Article 103 of the United Nations Charter. The representative of the USSR reiterated the views which had been expressed in Mr. Khrushchev's letter of 7 February 1964 (S/5534). The events around Cyprus and the constant threat of aggression had affected the interest of other countries and the basic problem of peace in the area. There was no doubt left about the character of the unilateral actions of the NATO member States with regard to Cyprus. He said that under Article 2, paragraph 4, of the Charter every Member of the United Nations was obliged to respect the independence and territorial integrity of any State. That was an absolute obligation which, as indicated in Article 103, could not be annulled through any treaty or agreement. The Soviet Government would urge all States concerned, especially the United States, the United Kingdom and France, to exert all their influence and authority to prevent further aggravation of the situation in and around Cyprus.

464. The Security Council should take urgent steps to protect the Republic of Cyprus from aggression and to halt and prevent any foreign interference in the internal affairs of that small country, a Member of the United Nations. It was the duty of the Security Council to safeguard the national independence, territorial inviolability and integrity of Cyprus, and to ensure respect for the sovereignty, freedom and independence of the Republic of Cyprus in accordance with the purposes and basic principles of the United Nations Charter.

465. The representative of the United Kingdom replied that British troops had operated in Cyprus since 28 December 1963, by the invitation of the Government of Cyprus, in order to keep the peace in the island. The Government of Cyprus and both communities in the island had publicly acknowledged their debt to the British troops who had done their job without causing a single casualty among either of the two communities.

466. The representative of the United States observed that the Treaty of Guarantee formed an integral part of the organic arrangements which had created the Republic of Cyprus, and that it had assigned to the guarantor Powers certain responsibilities regarding the maintenance of the Constitution including the carefully negotiated balance and protection of the two Cypriot communities. The Security Council could not abrogate, nullify or modify, either in fact or effect, the Treaty of Guarantee or any other international treaty. The Treaty of Guarantee could not be abrogated or altered except by agreement of all the signatories themselves or in accordance with its provisions. In his view, neither Turkey, nor Greece nor anyone else was threatening the independence of Cyprus. What

was possible, in the language of the Treaty, was an action expressly authorized by article IV of the Treaty, with the sole aim of re-establishing the state of affairs created by the Treaty.

467. The United States was deeply concerned with the grave situation in Cyprus and the imperative need to keep the peace in the Mediterranean area. The Security Council must bring about a prompt agreement on an international peace-keeping force, the need for which had been recognized by all, including President Makarios. The urgent business before the Council and the responsibility of the Government of Cyprus was to restore communal peace and stop the bloodshed. Once communal peace was restored, there would be no question of action under the Treaty of Guarantee. His Government had made it clear that it would participate in a peace-keeping force but only on the request of all the parties concerned. It must be equally clear that neither the United States nor any of the Western Powers had sought to impose their will on the Government of Cyprus; no one had even proposed that the international force be comprised just of NATO military units. The parties would have to agree upon the participants in any such force. The Security Council must also make an effective contribution to the re-establishment of conditions in which a long-term political solution could be sought with due regard to the interests, the rights and the responsibilities of all the parties concerned. His Government maintained no set position as to the form of a final settlement, and it believed that the leaders of the two communities must work out their differences together. The United States would strongly urge that the Council ask the Government of Cyprus and the guarantor Powers, in consultation with the Secretary-General, to designate an impartial mediator to assist in achieving a political settlement which would permit the two communities to live together in peace.

468. At the 1097th meeting on 25 February, the Secretary-General informed the Council that his discussions with the parties involved had been devoted primarily to expositions by the parties of their views of the problem and how it might be dealt with. He had not offered solutions, but had sought to clarify major issues and to determine the extent of common ground among the parties. He had kept each member of the Council informed of the progress of the discussions. From the discussions, the exact positions of the parties had emerged more clearly, and the Secretary-General was convinced that there was an earnest desire on the part of all concerned to seek a peaceful solution. However, while differences on certain basic issues still remained, some progress had been recorded on certain other issues. He said that the discussions had been undertaken within the context of the Charter and bearing in mind at all times the authority of the Security Council. Without the concurrence of the Council, the question of the Secretary-General sending a peace-keeping force to Cyprus would not arise. He stated that the presence of his personal representative, General Gyani, in Cyprus had been most useful to keep the Secretary-General informed about the situation, and it had contributed to alleviating tensions in the island. The Secretary-General had received most encouraging replies to the appeal for restraint which he had sent, on 15 February, to the President of Cyprus and to the Foreign Ministers of Greece and Turkey. He expressed the hope that the Council would find a reasonable and practical way out of the apparent

impasse. He would continue to be available and to do whatever might be appropriate in the circumstances to assist toward reaching a solution.

469. The representative of Morocco observed that the ties created by the treaties of Zurich and London had imposed on Cyprus certain limitations of a constitutional nature, a *de facto* situation which was difficult to reconcile with the effective exercise of national sovereignty. If the Turkish minority held desperately to the Zurich and the London agreements, it might be because in those agreements they saw the only guarantees on which they could ensure their rights. His delegation trusted that those guarantees would not be challenged suddenly and unilaterally because, without them, there was reason to fear for the very existence of Cyprus as a State. Ultimately, an amendment of the guarantee clauses of the Constitution, undertaken in a spirit of respect for the rights of the communities, would give the necessary guarantees to the Turkish minority. He said that it was not for the Council at that stage to determine the responsibility for the unleashing of violence in the island. However, should the incidents continue and become widespread, they could give rise to foreign intervention which, in those circumstances, could be justified not only because of the right granted by the agreements, but also because the existence of an entire population would be seriously threatened. He expressed the hope that the crisis would not become involved in the cold war and that antagonistic foreign interests would not confront one another over an island State which had followed a policy of non-alignment. He was convinced that the efforts made by the Secretary-General and the Council, once they were successful, would constitute the best guarantee for the return of peace to that part of the world.

470. The representative of Norway said that in the view of his Government, it was not for the Council to pronounce upon the constitution of a Member State or to pass judgement on treaties which had been negotiated as an integral part of the whole process of granting independence to that State. He did not see any conflict between the membership of Cyprus in the United Nations and the Charter of the Organization on the one hand, and the Constitution of Cyprus and the treaties on the other hand. He recalled that that issue had not been raised when Cyprus had been admitted as a Member State. Revision of the Constitution and the treaties were matters to be decided by the people of Cyprus and the parties involved. With the assistance of the United Nations and the goodwill and co-operation of the parties concerned, it should be possible to conciliate the interests of the two communities in order for them to live together with confidence and peaceful co-operation. His delegation would request the parties to co-operate with the Secretary-General in order to reach an agreement on the establishment of an international peace force in Cyprus. The Council should not prescribe in detail how the international peace force would be organized, but the force should be established without financial obligations by the United Nations.

471. The representative of Czechoslovakia said there was nothing to indicate that the Government of Cyprus would not be willing to ensure to the Turkish community real and full equality in all respects. It was understandable, however, that that Government could not agree to a situation wherein the leadership of a continuously privileged minority, supported by a strong

and heavily armed foreign State, would impose its will upon the majority of the population and, through its right of veto, paralyse the everyday functioning of the government, with the intention of maintaining a pretext for foreign interference. Under Articles 2 and 103 of the United Nations Charter, no Member State could, even on the doubtful basis of the London and Zurich agreements, claim a right to intervene in the affairs of Cyprus. In fact, no agreement could legalize something which was illegal under the provisions of the Charter. He said that it had been openly admitted in the West, when those agreements were being concluded, that the objective of imposing them upon Cyprus had been the maintenance and preservation of the NATO positions in the Eastern Mediterranean. Drawing a parallel between the policy of interference by the then Great Powers with regard to Czechoslovakia in 1938, culminating in the Munich agreement, and the present arguments asking Cyprus to make concessions on matters affecting its sovereignty and security in favour of the interest of major Powers, the representative of Czechoslovakia stated that it should be remembered that the post-war international community was based upon the principle of equal respect for the sovereignty and territorial integrity of all States, large or small. He was convinced that the Security Council, in accordance with the principles of the Charter, must deal with the question unequivocally from the viewpoint of safeguarding the security, independence, sovereignty and territorial integrity of Cyprus. That primary objective must prevail over all other interests, including the rights and obligations emanating from the unequal treaties which had been imposed on Cyprus, contrary to the spirit and the letter of the United Nations Charter.

472. The representative of the Ivory Coast stated that the elements which dominated the London and Zurich agreements were: the right of intervention, which was of little practical value; and the obligation of guarantee, which had proved impossible of fulfilment. The turn of events had also demonstrated the difficulties in application of certain articles of the related laws. In the view of his delegation, nothing was permanent and international treaties could not escape that basic verity. However, one should also recognize that unilateral denunciation of a treaty was infallibly a source of conflict and war. It was, therefore, desirable in all cases where revisions had become necessary, to reach the objective through negotiation. A constitution, on the other hand, was above all a domestic affair and not subject to any bargaining with the outside world. If the task of the Greek and Turkish Cypriots were facilitated, they could agree to reconstitute their government of national unity and State. For any solution of the problem, it was necessary to propose a mediator who would be acceptable to both parties and entrusted with the dual mission of helping the Cypriot communities to negotiate a reform of the Constitution and of assisting the parties concerned to re-adapt the treaties to the new conditions.

473. Aside from those long-term problems, the Security Council must immediately put an end to the massacres in Cyprus. His delegation firmly supported the Secretary-General's appeal to the parties. He stated that the United Nations had intervened in the Congo in order to prevent secession, and, by the same token, it could not endorse the partition of Cyprus. Although the treaties of London and Zurich were the principal causes of the difficulties in Cyprus, he was forced

to recognize that the Council had no power to abrogate international treaties. Nevertheless, it had the obligation to appoint a mediator, and to recommend that the States parties adapt, through negotiation, certain clauses of those treaties to the new conditions.

474. The representative of Turkey stated that the situation in Cyprus was not simply a question of majorities and minorities. Under its Constitution, Cyprus was a bicomunal State, which had been established as a result of compromise between the parties concerned. He recalled that when Cyprus had been admitted to the United Nations on 24 August 1960, all particulars had been explained and approved. He rejected the thesis that the Constitution of Cyprus and the treaties were a curtailment of its sovereignty in the United Nations. All Member States of the United Nations had international commitments, but that could not be considered a curtailment of their sovereignty. Sovereign equality was one of the basic principles of the Charter, but that did not mean identity; many types of Governments were represented in the United Nations. He agreed with the representative of Norway that the Security Council was not the place to discuss constitutions and treaties. The Council had met to stop bloodshed.

475. The representative of the USSR stated that an assessment of the true role of British forces in the island had been given by a Cypriot newspaper on 19 February, which had stated editorially that the real purpose of the British troops in Cyprus was not to maintain peace, but to restore the colonial régime. He noted that the representative of the United Kingdom had again ignored the question of further British intention concerning the Cyprus situation. He cited British press reports to support his charge that preparations for an open British intervention were under way.

476. The representative of the United Kingdom, in reply, read out to the Council part of the statement which he had made on 18 February. He further stated that the meetings of the Council were being held at the request of the United Kingdom, and he did not see how it was possible to act more in accordance with the Charter than that. It was his hope that from then on all members would work constructively to find a solution.

477. The Foreign Minister of Cyprus expressed his regret that the sincere and tireless efforts of the Secretary-General had not produced any results because of the insistence by some that the Treaty of Guarantee should receive some form of endorsement by the Security Council. He rejected the theory that the affirmation of the territorial integrity and political independence of Cyprus, as well as any call upon all States to refrain from the threat or use of force against it, should be subject to the Treaty of Guarantee. The territorial integrity and independence of Cyprus were based on the United Nations Charter, which was quite clear in Article 2, paragraphs 1 and 4, and in Article 103. The Foreign Minister put to the signatories of the Treaty of Guarantee a question which, in his opinion, was very relevant to the whole issue: Was it the view of the Governments of Greece, Turkey and the United Kingdom that they had a right of military intervention under the Treaty of Guarantee in view, in particular, of the United Nations Charter? He thought that the Council must have an answer to it before it formed a final opinion.

478. The representative of the USSR noted that the representative of the United Kingdom had left unanswered the question of the relationship of the United Kingdom to the United Nations Charter in connexion with the Cyprus situation, a question which had just been posed by the Foreign Minister of Cyprus. He cited the United Kingdom Defence Minister's statement that Cyprus would continue to be the principal base for the United Kingdom air striking forces supporting CENTO. He cited other press reports to the effect that the principal military requirement for Britain in Cyprus was the defence of the British bases. He said that the maintenance of the bases, and not the claimed British interest in the restoration of peace, was the foremost concern of the United Kingdom.

479. The representative of Cyprus stated that his delegation would be quite prepared to answer any questions which might be raised with regard to any misrepresentations concerning the Cyprus case. The only important questions that he had raised could be answered by representatives of the signatory Powers to the Treaty of Guarantee, namely Turkey, the United Kingdom and Greece.

480. The representative of Turkey, in reply to the statement of the Foreign Minister of Cyprus, stated that Turkey had not demanded that the Treaty of Guarantee be mentioned in a United Nations resolution. That Treaty existed, irrespective of such a mention. Certain questions had been put to the guarantor Powers, but the situation was too tragic to use that kind of stratagem. World public opinion was asking many questions concerning the origin and perpetration of the massacres. Could the Greek Cypriot delegation give an assurance that they would accept an international investigation as to who had started the incidents? Were there assurances that the Greek Cypriots would not start again what they had done during the Christmas week? How was it that suddenly thousands of uniforms and guns and other arms had appeared?

481. The representative of Greece, in reply to the question put by the Foreign Minister of Cyprus, stated that his Government did not believe that the Treaty had given to the signatory Powers the right of unilateral intervention without the authorization of the Security Council. It had not been the intention in Zurich to create a situation whereby one of the guarantor Powers could intervene in Cyprus. He maintained that despite the occurrence of tragic events, the legal situation created by the Treaty had not been changed. Having noted the statement of the representative of the United States that no one was threatening the independence of Cyprus, the representative of Greece observed that that was the obstacle which had been placed in the way of a resolution acceptable to all. The issue before the Security Council was that Cyprus had maintained that its independence, sovereignty and integrity were not negotiable. He felt that the Council must face the situation and invite the Member States to respect the independence and true integrity of Cyprus unconditionally.

482. At the 1098th meeting on 27 February, the President drew attention to the communication of 19 February from Turkey (S/5556), stating that Dr. Küçük, the Vice-President of Cyprus, had requested that his representative, Mr. Rauf Denktas, be allowed to address the Council in the name of the Turkish Cypriots.

483. In the course of a procedural debate, in which a number of representatives participated, the representative of Morocco proposed to invite Mr. Rauf Denktas, under rule 39 of the provisional rules of procedure, to make a statement before the Council.

Decision: *The Moroccan proposal was adopted.*

484. The representative of the United Kingdom, in reply to the question which the Foreign Minister of Cyprus had asked at the 1097th meeting, stated that the question, as it had been put, was not central to the real issue which the Council was discussing. First, whether or not the use of force was permissible under international law and, in particular, under the United Nations Charter, must always depend on the circumstances in which and the purposes for which it was used. Under Article 51 the Charter itself contemplated the lawful use of force in certain circumstances. Secondly, the purposes of the Treaty were entirely in accord with the obligations contained in Article 2, paragraph 4, of the Charter of the United Nations. The right reserved to the guarantor Powers under article IV (2) of the Treaty of Guarantee was not an unlimited right of unilateral action, but "the right to take action with the sole aim of re-establishing the state of affairs created by the Treaty". That action could only be taken in the event of a breach of the provisions of the Treaty, in circumstances in which there was a threat to the independence, territorial integrity or security of the Republic as established by the basic articles of its Constitution. Cyprus had undertaken by treaty to carry out those duties in the Treaty of Guarantee. So long as it did so, no question of an intervention could arise.

485. He said that the legal effect of the provisions of article IV of the Treaty would depend on the facts and circumstances of the situation in which they were invoked, and that there was nothing in article IV to suggest that action taken under it would necessarily be contrary to the Charter of the United Nations. It was not part of the task of the Council to consider hypothetical questions which, if the Government of Cyprus and all other Governments concerned did their duty, would remain hypothetical for ever. He urged the Council to see those matters in their true perspective. The Council was not, and had never been intended to be, a legal forum, and it had met to deal with a difficult and dangerous situation which, if allowed to continue, would threaten the peace.

486. He recalled that at the last meeting of the Council there had been a large measure of agreement that, in the circumstances, the Council had no alternative but to accept those treaties as they were, and that they could be altered only by negotiation and agreement of the parties and could neither be abrogated unilaterally nor disposed of by the Council. There had been also a very wide measure of agreement that the Council should address itself immediately to the problem of restoring peace and, thereafter, should proceed, with the help of the Secretary-General, or whatever mediation seemed appropriate, to solving the political problems.

487. He noted that the representative of the Soviet Union had argued that the United Kingdom had tried to exploit article IV of the Treaty of Guarantee in order to intervene in the domestic affairs of Cyprus and, in some way, to restore the colonial régime. That was simply not a fact, and he believed that it was so recognized by the members of the Council. He cited

part of the reply which his Prime Minister had sent to Mr. Krushchev's message of 7 February to the effect that British troops had been sent to Cyprus in response to the request of the Cyprus Government. The United Kingdom representative stated that his Government was prepared to take such part as might be thought appropriate in an international force properly constituted, but he had to warn the Council that it was neither helpful nor fitting for the United Kingdom to continue alone to carry out its thankless task if there was no prospect of an international force or steps towards an agreed solution. The situation in the Republic was growing in danger and time was running out.

488. The Foreign Minister of Cyprus recalled that at the 1097th meeting he had put a direct question to the representatives of Greece, Turkey and the United Kingdom. The representative of Turkey had avoided the issue. From his calculated silence or from his inability to reply to the question, it must be assumed that Turkey did claim the right of intervention. The representative of the United States had stated categorically that no one was threatening Cyprus, but Cyprus had not alleged that it was being threatened by the United States. Cyprus had the right to receive in the Council a direct, honest and clear answer from the representative of the country which was threatening it. The representative of Greece had stated unequivocally that Greece had no such right of military intervention under the Treaty of Guarantee, nor did it recognize such right to the so-called guarantor Powers. The Foreign Minister declared that the question he had put was a central issue and was not a hypothetical situation.

489. With respect to the position of Cyprus on article IV of the Treaty of Guarantee, the Foreign Minister had stated that the text of the article did not include the terms "military intervention", "use of force", or "threat of force". However, Turkey appeared to have interpreted that article as having given it the right of unilateral military intervention. Cyprus firmly rejected that interpretation. It was the view of his Government, shared by most other Governments, as the recent debates in the Legal Committee of the General Assembly had made clear, that under Article 2, paragraph 4, the prohibition of the use of force in international relations was absolute, with possible exceptions provided under Articles 42 and 51. He maintained that the obligations of Member States under Article 103 of the Charter superseded their obligations under any other international agreement, and that, consequently, the obligations under Article 2, paragraph 4, were paramount and could not be neutralized by any provision in any treaty under which a breach of it would permit resort to force.

490. He observed that in article IV of the Treaty of Guarantee, the term "action" obviously referred to "representations or necessary measures", and that the word "measures" could only mean the use of peaceful means, particularly having regard to the provisions of the United Nations Charter. Any other interpretation involving the use of force, he maintained, would be in direct conflict with the cardinal principle of the Charter contained in Article 2, paragraph 4. In that respect, the Treaty would be void by virtue of Article 103 of the Charter.

491. The Foreign Minister declared that both the treaties of guarantee and of alliance had been con-

cluded in circumstances which had precluded free choice. Their basic articles had been agreed upon in Zurich between the Greek and Turkish Governments in the absence of the representatives of the people of Cyprus. Those treaties had been adopted, in February 1959, by the British Government and the leaders of the Greek majority and Turkish minority of Cyprus. Those treaties, with their onerous provisions, had been imposed on the 80 per cent Greek majority of the people of Cyprus, because the Greek Cypriot side had not given its consent freely. A constitution had been foisted on Cyprus which hampered the smooth functioning of the State and impeded the development and progress of the country.

492. The Foreign Minister stated that his Government was importing arms because it had a duty to defend the country from outside aggression. He maintained that the explanation given by the representative of Turkey, that the Turkish contingent had acted entirely under the orders of General Young, was inadequate. Even if true, the original action by the Turkish contingent had taken place on 25 December, whereas the command of General Young had become effective the following day. He said that the denials of the Turkish Government of violation of Cypriot air space could not be admitted in the light of the clear and definite information available to the contrary. The Government of Cyprus was fully prepared to accept the full implication of strict adherence to all the provisions of the Charter of the United Nations, in every respect and without any reservation, including Article 55. But, his Government was also determined to see the Charter fully observed and respected in the case of Cyprus. He said that Cyprus requested the Council to call upon all States to respect the sovereignty, territorial integrity and independence of the Republic. The granting of that request would serve not only his country, but the very meaning of the United Nations.

493. The representative of France observed that it was not for the Security Council to give an interpretation of the agreements of 1959 and 1960, which could only be done by the International Court of Justice; nor could the Council modify them, as that could only be done through negotiations among the parties. The duty of the Council was first to end the bloodshed by appealing to the two communities, to the Government of Cyprus and to Greece and Turkey. There would then remain the basic problem to be solved: to ensure that the future of Cyprus would be peaceful and capable of safeguarding the lives and development of its people. He hoped that the diligent efforts which the Secretary-General and the President of the Council were making in finding a solution would be continued, and that the Governments concerned, as well as the leaders of the main communities, would heed the appeal to moderation and conciliation which had been voiced in the majority of the statements made in the Council.

494. The representative of Bolivia stated that since 1954, when the question of Cyprus had first been raised in the United Nations, his Government had whole-heartedly supported the request for the application of the principle of self-determination to the people of Cyprus. The main substantive problem was the independence of Cyprus and the strengthening of its sovereignty; the treaties of 1959 and 1960 were completely secondary. Although those treaties had undoubtedly made a considerable contribution towards the establishment of the Republic, they originated in

a combination of factors which were no longer decisive to the independence of Cyprus. In the view of his delegation, there were no sacrosanct treaties and to maintain that all treaties were untouchable would in many cases be tantamount to an attempt to perpetuate an injustice. He agreed that neither the Security Council nor the General Assembly had the attributes to invalidate, cancel or abrogate a treaty. However, the Council could and should create conditions which would allow a re-examination or a re-negotiation of the treaty through ordinary diplomatic channels. Bolivia whole-heartedly supported the request of Cyprus for the revision of the 1959 and 1960 treaties.

495. The representative of Turkey stated that he had already answered many points raised by the "representative of the Greek Cypriots" and reiterated that his Government had no territorial ambitions in Cyprus. Because Turkey had the longest shore-line on the Mediterranean, any disturbance or international conflict in that region was bound to interest Turkey. The best way to have peace and stability in Cyprus was through the peaceful coexistence of the two communities, each master of its own affairs. He said that, in an effort to solve the problem, Turkey had accepted all positive formulas: the London Conference; the dispatch of an observer on behalf of the Secretary-General; and the two formulæ proposed for an international force. However, Turkey could not remain indifferent if there were renewed violence and tragedy in Cyprus. He cited statements to support his view that the treaties and the Constitution had not been imposed in 1960 on an unwilling Greek Cypriot community.

496. The Foreign Minister of Cyprus noted that the statement of the representative of Turkey that his Government was interested in a peace in Cyprus through which each community would be master of its own affairs, was the root of the problem. It demonstrated that Turkey pursued the policy of partition.

497. The representative of Greece, having noted that the representative of Turkey had addressed the Foreign Minister of Cyprus as the representative of the Greeks in Cyprus, inquired whether it was truly the intention of the representative of Turkey to reveal some of his thoughts.

498. At the 1099th meeting on 28 February, the representative of the USSR recalled that at the previous meeting of the Council the representative of Greece had raised a question of utmost importance whether the terminology used by the representative of Turkey in referring to the Foreign Minister of Cyprus reflected the official attitude of the Turkish Government. The representative of Turkey had conducted himself in a manner contrary to the decision of the Security Council, for the Council had invited the Foreign Minister of Cyprus to participate in its discussion as the only representative of the Republic. He proposed that the Council should first hear an explanation from the representative of Turkey.

499. The representative of Turkey replied that his Government continued to maintain an embassy in Nicosia, and did not contend that the Government of Cyprus, as such, was an illegal entity. However, according to articles 50 and 54 of the Constitution, the Cypriot Council of Ministers must meet on questions of foreign affairs, and the Turkish Vice-President should express his opinion on them. The Vice-President had not been able to perform his duties, and he had

not been consulted when the opinions had been expressed in the Security Council. Therefore, the opinions reflected neither those of the Turkish Cypriots, nor, under the Constitution, the opinions of the Cypriot Government as such. His delegation wanted to hear and know those opinions but, under the Constitution, they could bind only those who had expressed them. Therefore, he had indicated that the opinions he had heard at the Council had reflected one side.

500. The representative of the USSR stated that the remarks of the representative of Turkey were in clear conflict with the wishes which that representative had expressed earlier, that the work of the Council should be fruitful. He stressed that there was only one lawful government in Cyprus, and its representatives were recognized by the United Nations as the lawful duly accredited representatives of the Republic of Cyprus. The initiative of the Turkish representative to invite Mr. Denktas to speak in the Security Council as the representative of an interested party in the Cyprus question, and his statement the previous day in the Council when he had referred to the Minister for Foreign Affairs of Cyprus as the representative of the Greek Cypriots, in the opinion of the representative of the USSR were nothing but attempts to promote openly the idea of the partition of Cyprus, in violation of article II of the so-called Treaty of Guarantee which, in particular, prohibited any activity aimed at the partition of the island.

501. He added that the Foreign Minister of Cyprus had been invited to participate as a duly accredited representative of Cyprus, and requested that the President of the Council should draw attention to the fact that the usual procedures of the Council should be strictly observed.

502. Mr. Rauf Denktas, who had been invited by the President, under rule 39, to make a statement before the Council, presented his view of the background of the problem. He stated that difficulties had arisen because the Greek Cypriots demanded union with Greece while Turkish Cypriots had wanted union with Turkey or at least partition. When the Greek Cypriots had taken up arms in 1955 for *enosis* with Greece, opposition by the Turkish Cypriots had become inevitable as they would never accept living as a minority at the mercy of the Greek Cypriots. Their opposition had brought violence, estrangement, and bitter mistrust and enmity between the two communities. During the last two months, the Turkish community in Cyprus had suffered more than 800 dead or wounded in a matter of two months, and 20,000 of them had been rendered homeless or unemployed and depended upon charity for their living.

503. Between 1955 and 1958, the Cyprus question had come several times before the United Nations and the Organization had advised the two communities as well as Greece and Turkey to find a just and peaceful solution by negotiation. That had resulted in the Zurich agreement, which represented a compromise settlement between equals and not between a majority and a minority. The notion of majority and minority, he said, had not prevailed because there had never been a Cypriot nation.

504. Mr. Denktas said that from the beginning, Archbishop Makarios had intended to change the Constitution, abrogate the treaties, and use the independence of the Republic as a springboard for *enosis* with Greece. Having presented his account of the

events, Mr. Denktas stated that the account was material to the issue before the Council, for it would help the Council to understand why the Turkish Cypriots insisted on the maintenance of the treaties and their rights. Without them, his community would vanish. He said that the Turkish community stood for the rule of law in Cyprus, and that was the Constitution. If it were necessary that the Constitution should be changed, it could be done only through discussion, and not by massacres. He said that he challenged, as he had challenged at the London Conference, the Foreign Minister of Cyprus to produce the documents which allegedly proved the existence of a plot between the Turkish Cypriot leadership and the Turkish Government for partitioning the island. Had there been such a plot, he said, the facts in Cyprus would not have been as they were. He said that the representative of Archbishop Makarios in the United Nations had tried twice, under the pretext of Turkish invasion, to obtain a resolution from the Security Council in general terms on the inviolability of the integrity and independence of Cyprus. The intention allegedly had been to get such a resolution hurriedly, then to interpret it in their own way, by declaring that the treaties were null and void and that the guarantor Powers could do nothing while the Greeks destroyed the Constitution and annihilated the Turkish community. He said that Archbishop Makarios and his representative at the United Nations demonstrated by their statements and manoeuvres that the Greek Cypriots were trying to abuse the authority of the Security Council. He felt sure, however, that the Council would not be blackmailed into an irresponsible action or a one-sided solution.

505. The representative of China stated that the constitutional arrangements in Cyprus were inseparably bound with a number of international instruments. All those had a common purpose, namely the maintenance of harmony between the communities on the island and of peace and stability in the area. In the view of his delegation, the Security Council, as a political body, was not in position to pass judgement on the merits of the constitutional arrangements, agreements and treaties. The primary preoccupation of the Council, at the first stage, was how to restore peace and order in Cyprus. His delegation was aware of the untiring efforts of the Secretary-General in exploring the possibility for a peaceful solution, and it was ready to support any proposal that would be acceptable to the parties concerned.

506. The representative of Greece said that the Foreign Minister of Cyprus had adequately justified the fears which had beset his country because of the so-called right of unilateral military intervention, and he had perfectly proven his case. On the other hand, the representative of Turkey had evaded the key aspect of the problem, the question put by the Foreign Minister of Cyprus. In his opinion, Mr. Denktas, who had a heavy responsibility in the difficulties which confronted Cyprus, had not cast much light on the subject for the benefit of the Council. Also, he had made the unfounded claim that the Cypriots aimed to wrest from the Council a resolution which they could interpret to mean that the Council had abrogated the Treaty of Guarantee. The representative of Greece agreed with the representative of France that the Security Council could not judge, modify or abrogate a treaty, but if the need arose for an interpretation, that must be done by the International Court of Justice.

507. The Foreign Minister of Cyprus stated that his Government had given its undertaking to the Security Council, and it was for Turkey to give its own undertaking. Then, both undertakings could be registered in a Council resolution, calling upon all to respect the territorial integrity, independence and sovereignty of the Republic, and to refrain from the use or threat of force. The United Nations force could go to the island and help the Government in the restoration of internal peace and normal conditions.

508. The representative of Turkey recalled that he had repeatedly explained that his Government had no territorial claim on Cyprus. Turkey, as one of the founders of the Republic, wanted its prosperity. Turkey had never stated that it felt free to invade or intervene in Cyprus whenever it saw fit. He read for the Council article II of the Treaty of Guarantee which, he said, contained the very guarantees that had been asked by the Foreign Minister of Cyprus. His Government had signed that Treaty, and it stood by its commitment before the Security Council.

509. The representative of Greece did not see why there should be an objection to a Council resolution that would call upon all States to respect the independence and territorial integrity of Cyprus, which had already been guaranteed in the Treaty of Guarantee.

510. The representative of the USSR reiterated the question which had constantly been asked of the representative of Turkey at previous meetings, whether the Turkish Government was or was not prepared, in accordance with the Charter, to take upon itself the obligation that it would respect the sovereignty, independence and territorial integrity of Cyprus.

511. The representative of Turkey stated that what he had said stood in the record. The Council was not the place to enter into an elaborate discussion of the Treaty of Guarantee. However, the Treaty was certainly in accord with the United Nations Charter, and Turkey accepted its responsibilities and commitments as a very serious matter.

512. The representative of the USSR stated that his delegation would like the attitude of Turkey clarified, as a Member State, towards the provisions of the Charter in relation to another Member State, the Republic of Cyprus. He held it incomprehensible that the representative of Turkey had constantly turned to the so-called agreement of 1960, instead of having given the answer to the question repeatedly put to him.

513. The Foreign Minister of Cyprus asked why, if in the view of the Turkish Government, the treaties were in accord with the United Nations Charter, there should be any objection to a Council resolution which would state that the territorial integrity and independence of Cyprus should be respected, in accordance with Article 2, paragraph 4, of the Charter.

514. The representative of the USSR stated that he took note of the fact that the representative of Turkey had not given an answer to the question put to him by the representatives of the USSR, Cyprus and Greece.

515 The representative of Turkey replied that the records of the Council would show that he had already answered that question twice.

516. At the 1100th meeting on 2 March, the President drew the attention of the Council to a joint draft resolution submitted by Bolivia, Brazil, the Ivory

Coast, Morocco and Norway (S/5571), which read as follows:

"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 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',

"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. 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."

517. In introducing the joint draft resolution, the representative of Brazil stated that the sponsors, having benefited from the groundwork laid by the Secretary-General, were in a position to submit a draft resolution which they considered to be fair and balanced. The draft resolution was the result of lengthy negotiations and much compromise. He expressed confidence that the text, once approved, could contribute substantially to bringing about conditions of peace and harmony inside Cyprus, which were indispensable to a thorough review of all the issues involved.

518. At the 1102nd meeting on 4 March, the representative of the USSR said that his Government in principle was negatively disposed toward the dispatch to Cyprus of any foreign military forces, including United Nations forces, because there could be no doubt that the Cypriots were fully capable of settling their own affairs without outside interference. The Soviet Union proceeded from the premise that the joint draft resolution, although it did not meet all of the requirements to be embodied in a decision of the Council on such an important matter, was aimed at preventing aggression against Cyprus and at safeguarding the lawful rights of the Republic. With reference to operative paragraph 4, he said that although the creation of the United Nations force was to take place with the agreement of the Government of Cyprus, and the composition and size of the force were to be established in consultation with the Government of Cyprus as well as with the Governments of Greece, Turkey and the United Kingdom, it was a fact that procedures of that kind would circumvent the Security Council. He did not regard as adequate the provision whereby the commander of the force would be accountable to the Secretary-General, who would have to report periodically to the Security Council. The Soviet delegation, therefore, requested a separate vote on paragraph 4, and it intended to abstain on that paragraph. The Soviet Government, in determining its final position on the draft resolution, took into account the following: the Government of Cyprus considered it useful despite its defects; the draft provided that the United Nations forces would be sent to Cyprus for a strictly limited period of three months; and it placed no financial obligations on Members whose contingents did not participate in the force. He stressed that under the draft resolution, the presence of the United Nations forces in Cyprus could not be prolonged without the adoption of a new decision by the Security Council. Should the forces sent to Cyprus be utilized for purposes contrary to the aims of maintaining the safety, security and territorial integrity of Cyprus, the Soviet delegation reserved its right to convene the Council, even before the end of the three-month period, for a reconsideration of the Council's decision.

519. The Secretary-General observed that, as he had indicated in his previous statement, the creation of a United Nations peace-keeping force could only come about by positive action of the Council, predicated upon the consent of the Government of Cyprus. In regard to operative paragraph 4 of the draft resolution, it would be the Secretary-General's intention, in accordance with the well established practice con-

cerning previous United Nations peace-keeping forces, to keep the Security Council promptly and fully informed about the organization and operation of the force, including its composition, size and command. He pointed out that under operative paragraph 6, the peace-keeping force, unlike those in Gaza and the Congo, would have a fixed and firm duration of three months, which could be extended beyond that date only by a new action of the Security Council. The Secretary-General spoke of the financial implications of the resolution. He stated that although his responsibilities as foreseen by the draft resolution were very serious, they did not differ substantially from past experience and he had no hesitation in undertaking them. He counted heavily on the co-operation of the Government of Cyprus and of the other Governments mentioned in the draft resolution.

Decision: *At the 1102nd meeting on 4 March 1964, the draft resolution submitted by Bolivia, Brazil, Ivory Coast, Morocco and Norway (S/5571) was voted upon as follows: paragraph 4 was adopted by 8 votes to none, with 3 abstentions (Czechoslovakia, France, USSR); the draft resolution as a whole was adopted unanimously (S/5575).*

520. The representative of France, in explanation of his vote, observed that the primary responsibility for the restoration of order and for pacification devolved upon the parties directly concerned, as defined in the treaties in force. However, having regard to the unanimous agreement of the parties concerned, France had not opposed the establishment of a force under the aegis of the Security Council, despite its reservations concerning the principle of intervention by the United Nations in a military form. Those reservations were increased by the difficulties in implementation which had led the Council to the point of endowing the Secretary-General with particularly heavy responsibilities. The Council was thus divesting itself of the responsibilities which would have been difficult for it to exercise. Without having entertained the slightest doubt about the wisdom and the prudence of the Secretary-General, his delegation considered that it was really going very far indeed in the direction of the delegation of powers to grant them in that way to a single individual. His delegation wished to point out that the decision could in no case be considered as a precedent. He noted that the basic problem in Cyprus arose from the coexistence of the two communities. The appointment of a mediator might facilitate the first steps towards the solution of that problem, and the final stage would necessarily have to be expressed by an *entente* between Greece and Turkey.

521. The representative of Czechoslovakia expressed his conviction that the main goal must be the reaffirmation of the defence of the sovereignty, independence and territorial integrity of Cyprus, in accordance with the United Nations Charter. Undoubtedly, had that goal been more clearly specified in the text, the Council would have been closer to a final solution, and, in that case, there would have been no need for international forces or other measures. In his view, the concept of an international force as formulated by the resolution was not fully in conformity with the provisions of the United Nations Charter. His delegation agreed completely with those who had stressed their confidence in the Secretary-General and in his devotion to the high principles of the Charter. However, his delegation still had serious doubts regarding a proposal whereby the Council invested the Secretary-

General with responsibilities which, under the Charter, must be part of the functions of the Security Council. For that reason, his delegation had abstained in the vote on operative paragraph 4. It had voted in favour of the draft resolution as a whole, despite its weaknesses, because it had been acceptable to Cyprus, and in the hope that its implementation would speedily enable the Government of Cyprus to strengthen its independence and territorial integrity.

D. Reports of the Secretary-General and other communications received between 20 February and 15 March 1964

522. Between 20 February and 15 March, a series of communications was sent by the representatives of Turkey and Cyprus. Those from the representative of Turkey included a number of letters bringing to the attention of the Council communications from Mr. Denktas, the President of the Turkish Communal Chamber in Cyprus, and from Dr. Fazıl Küçük, Vice-President of Cyprus.

523. Letters dated 24 February (S/5559 and S/5561), 26 February (S/5565), 28 February (S/5568), 3 March (S/5574), 6 March (S/5580), 9 March (S/5583 and S/5587), 10 March (S/5590), 11 March (S/5591 and S/5592) and 12 March (S/5594) from the representative of Turkey dealt among other things with the situation in the village of Polis, formation of Greek Cypriot forces and the relevance of the Cyprus Constitution, importation of arms, events in Limassol, the intentions of the Greek Cypriots, a consultation by both communities regarding implementation of the resolution of 4 March, delay in arrival of the United Nations forces and appeals to the three guarantor Powers, defence of the Turks in Paphos, and intensification of attacks on Turkish communities.

524. Letters dated 26 February (S/5563), 27 February (S/5566), 2 March (S/5573), 9 March (S/5584), 10 March (S/5589) and 15 March (S/5608) from the representative of Cyprus referred, *inter alia*, to the state of affairs in Polis, the observance of Turkish Cypriot constitutional rights, statements made by Mr. Denktas before the Security Council, the position of the Government of Cyprus against any form of partition, attacks on the Greek population at Ktima and Paphos, and constitutional procedures in Cyprus.

525. In a report to the Security Council issued on 29 February (S/5569), the Secretary-General stated that in the light of the views expressed by the Government of Cyprus and the Governments of the United Kingdom, Turkey and Greece, and bearing in mind the discussions in the Council, he intended to extend General Gyani's mission after 29 February for an additional period of one month, that period being subject to such changes as might become necessary in the light of the Council's action on the question.

526. In a letter dated 4 March (S/5578), the Minister for Foreign Affairs of Cyprus informed the Secretary-General that his Government consented to the creation of a United Nations peace-keeping force in Cyprus in accordance with paragraph 4 of the resolution (S/5575) adopted by the Security Council at its 1102nd meeting.

527. In a report to the Security Council issued on 6 March (S/5579), the Secretary-General stated that, pursuant to the provisions of the resolution of 4 March

(S/5575), and having received the consent of the Government of Cyprus on the creation of the Force, he had appointed Lieutenant-General P. S. Gyani as Commander of the United Nations Peace-Keeping Force in Cyprus. General Gyani would take up his appointment and assume command immediately after the establishment of the Force.

528. In a letter dated 10 March (S/5588), the Permanent Representative of the USSR transmitted a statement which had been issued on 8 March by the Soviet Embassy at Nicosia. The statement noted that, according to the Cyprus Press, on 25 February, Vice-President Küçük of Cyprus had addressed to the President of the United States, to the Governments of the United Kingdom, Greece and Turkey, to the Security Council and to the Secretary-General of the United Nations, a cable which had contained grossly libellous attacks against the Soviet Union. The Soviet Embassy observed with regret that it was not the first time that certain circles, acting as agents of the aggressive North Atlantic bloc, had made anti-Soviet statements and had tried to cast aspersions on the peace-loving foreign policy of the Soviet Union, which was a true friend of the Cypriot people, both Greek and Turkish, and whose relations with the Republic of Cyprus were based on equality, mutual respect and non-interference in each other's internal affairs.

529. In his report to the Security Council issued on 12 March (S/5593), the Secretary-General stated that since his report of 6 March, he had requested the Governments of Austria, Brazil, Canada, Finland, Ireland, Sweden and the United Kingdom to provide contingents for the United Nations Peace-Keeping Force in Cyprus. He had informed those countries, as well as the Governments of Cyprus, Greece and Turkey, that he intended to establish the Force at an initial strength of about 7,000. His discussions with the Governments had indicated clearly that the provision of the Security Council resolution concerning responsibility for meeting the costs of the Force had presented an obstacle, for at least some States, to making contingents available. On 7 March, the Secretary-General had addressed a letter to all Member States of the United Nations, drawing their attention to paragraph 6 of the Security Council resolution concerning voluntary contributions. On the basis of tentative assumptions regarding the size and composition of the Force, it appeared that the costs which might have to be met in cash by the United Nations through voluntary contributions might have to be roughly of the order of some \$2 million a month or a total of \$6 million for the period of three months specified in paragraph 6 of the resolution. Assurances had been received from the United States and the United Kingdom of substantial voluntary contributions, and other countries had also given positive indications of their willingness to make contributions for that purpose. Those indications had led the Secretary-General to believe that cash contributions of the magnitude required would be forthcoming to meet the costs of the Force. The Secretary-General further informed the Security Council that, because of renewed armed clashes in Cyprus, he had sent messages to the President of Cyprus and the Foreign Ministers of Greece and Turkey on 9 March, appealing to all the parties involved to halt violence and bloodshed. He had received replies from the President of Cyprus and the Foreign Ministers of Greece and Turkey. In pursuance of the Security Council resolution, and very promptly after its adoption, the Secretary-General had under-

taken consultations with the Governments of Cyprus, Greece, Turkey and the United Kingdom concerning possible nominees for the post of mediator. After most careful consideration, the Secretary-General had proposed his Deputy Chef de Cabinet, Mr. José Rolz-Bennett, for the position of mediator.

530. However, in an addendum to his report (S/5593/Add.1), the Secretary-General, on 12 March, stated that he had been informed by the Turkish Government that, while they thought very highly of the qualities of Mr. Rolz-Bennett as a learned diplomat of great integrity, they would appreciate it if the Secretary-General would suggest for the job of mediator another statesman of wide international experience and stature who might also be familiar with the problems of the area concerned.

531. In a note issued on 12 March (S/5595 and Corr.1), the Secretary-General informed the Security Council of the request for leave of absence by his Personal Representative in Cyprus, Lieutenant-General P. S. Gyani, and of the latter's replacement as the Secretary-General's Personal Representative in Cyprus by Under-Secretary P. P. Spinelli. In a note of 13 March (S/5597), the Secretary-General informed the Security Council that in the absence from Cyprus of General Gyani, the Commander of the United Nations Peace-Keeping Force, he had asked Major-General Paiva Chaves, Commander of UNEF, to serve in Cyprus as Acting Commander of the Force until General Gyani's return.

532. In a letter of 13 March (S/5682), the acting representative of Australia informed the Secretary-General that his Government would make available immediately a sum of £A50,000 as a voluntary contribution to help meet the costs of a United Nations peace-keeping force in Cyprus.

533. In a letter dated 13 March (S/5596), addressed to the Secretary-General, the representative of Turkey stated that his Government had refrained from using its right of unilateral action, though that right was recognized by the Treaty of Guarantee and the Treaty of Alliance, both of which had been concluded in conformity with Article 52 of the United Nations Charter. Archbishop Makarios had disregarded and flouted the agreements on Cyprus which had been freely negotiated and concluded by the parties on 16 August 1960, and he had rejected all proposals which had been made. The incessant attacks perpetrated by tens of thousands of EOKA men, with the participation of the Greek Cypriot security forces, armed with large quantities of weapons smuggled from abroad, had made it clear that the Greek Cypriots were determined to pursue their plan to annihilate the Turks and to have the island for themselves.

534. On 12 March, Turkey had sent a note to Archbishop Makarios as a last attempt to stop the massacre and establish law and order in the island, and had informed the other guarantor Powers of that *démarche*. If the requests contained in the note were not complied with, the Government of Turkey had decided, in view of the urgency and gravity of the situation and by virtue of the right conferred upon it by article IV of the Treaty of Guarantee, to take appropriate action. The force which would be sent to the island would be entrusted with the exclusive task of putting an end to the massacre perpetrated against the Turkish community and of re-establishing the state of affairs created by the five-party Treaty. That force

would operate until the United Nations Peace Force, which was to include Turkish units, effectively performed its functions. The force would refrain from violating the independence and territorial integrity of the Republic of Cyprus. The representative of Turkey requested the Secretary-General, in accordance with Article 54 of the Charter, to inform the Security Council of the situation and to take the necessary steps for an urgent dispatch of the United Nations Peace-Keeping Force in conformity with paragraph 4 of the Security Council resolution of 4 March 1964 (S/5575).

535. Annexed to the letter was the note which the Government of Turkey had sent on 12 March to the President of Cyprus.

536. In a letter of 13 March (S/5600), to the Permanent Representative of Turkey, the Secretary-General stated that the decision of the Turkish Government to send a force to the island of Cyprus was fraught with such grave possibilities that he was addressing to the Turkish Government the most pressing appeal to reconsider that decision most urgently. The Secretary-General pointed out that in the twenty-four hours since he had submitted his report of 12 March to the Security Council, considerable progress had been made towards the organization and stationing of the Force in Cyprus. He appealed to the Turkish Government to refrain from any action which would worsen the tragic situation in Cyprus and which might, in addition, pose the gravest risks to international peace and security. He knew that the situation in Cyprus was of most vital interest to the Turkish Government and people, and he would not have made that urgent appeal if he were not convinced that the best hope of emerging from the crisis was to allow the time necessary for the implementation of the Security Council resolution of 4 March 1964.

537. In a letter of 14 March (S/5607), the representative of Cyprus, in reply to the letter of 13 March from the representative of Turkey (S/5596) stated that the Turkish note of 12 March was unacceptable since it constituted a further untenable interference in the internal affairs of Cyprus. The Government of Cyprus had never had as one of its objects the use of violence against any of its citizens, irrespective of race, creed or religion. The regrettable truth was that the Turkish leadership in Cyprus, in an effort to provide for armed intervention by Turkey before the arrival of the United Nations Force and to create a *fait accompli* which would serve its political aims of partition or federation, had been creating incidents in various parts of Cyprus. It had never been the intention of the Government of Cyprus to attack or encourage or suffer any attack against the Turks of Cyprus, but on the other hand, the Government could not shirk its duty to protect the life and property of the people of Cyprus as a whole against any wanted attack. The Treaty of Guarantee had not conferred upon Turkey any right of unilateral action, as was suggested in the Turkish note, and the threat of such action was unwarranted and was in disregard of the resolution of the Security Council.

E. Consideration at the 1103rd meeting (13 March 1964)

538. In a letter dated 13 March (S/5598), the representative of Cyprus requested an immediate emergency meeting of the Security Council as a matter of the utmost urgency, "in view of the clear threat of im-

minent invasion of the territory of the Republic of Cyprus by Turkish forces". He stated that the Security Council would be called upon to take forthwith appropriate measures under the Charter "for the purpose of averting the imminent invasion and protecting and safeguarding the political independence and territorial integrity of the Republic of Cyprus".

539. At the 1103rd meeting convened on the evening of 13 March, the Secretary-General informed the Security Council that in the circumstances of promising prospects for the availability of contingents, he was able to state that the United Nations Peace-Keeping Force would be established without further delay and that elements of it would soon be deployed in Cyprus. A small party of Canadian officers would be *en route* to Cyprus that night. He stated that immediately after the receipt of the communication (S/5596) from the representative of Turkey, he had requested that representative to convey to his Government the Secretary-General's serious concern and urgent appeal to exercise the utmost restraint. He expressed his gratitude to several Governments for their pledges of voluntary financial contributions, which assured the requisite financial support for the United Nations Peace-Keeping Force in Cyprus.

540. The representative of Cyprus stated that his Government had been confronted with the most serious threat of invasion, in the form of an official note from the Turkish Government which had peremptorily made certain demands, failing which Turkey would exercise its alleged right of intervention. In spite of the note, the Cyprus delegation might not have requested a meeting of the Council had it not been for the fact that subsequent circumstances had demonstrated that Turkey persisted in its intention to invade with the ultimate aim of partition and annexation. After the issuance of the note, the Prime Minister of Turkey had stated, according to Reuters, that he would wait until that night, and that if the Greek Cypriots did not respond to the conditions Turkey had set in the note, he would make a landing on the island. In presenting his view of the events subsequent to the adoption of the resolution by the Security Council on 4 March, the representative of Cyprus stated that for two days calm had prevailed. However, on the third day, 7 March, there had been a premeditated attack by Turkish terrorists in Paphos. He recapitulated the views his delegation had expressed on the historical and legal aspects of the question. He said that the letter which the Turkish Government had sent to the Secretary-General violated the United Nations Charter and the Security Council resolution of 4 March. He expressed the hope that the United Nations Peace-Keeping Force would soon reach Cyprus, so that a climate of freedom and security would return to the island and facilitate a solution.

541. The representative of Turkey stated that the Security Council had been convened at the instance of the representative of Cyprus on the pretext that the Turkish Government, with its note of 12 March, had delivered an ultimatum to Cyprus. He said that the rumour about an ultimatum was a figment of imagination, and that the note did not contain any urgent decision which required immediate fulfilment. He inquired if the representative of Cyprus could officially declare that the Turkish Cypriot villages would not be surrounded and cut off from water, food and light, that Turkish houses would not be burned down, and

that an end would be put to bloodshed. Was Cyprus willing to have an impartial fact-finding mission to investigate on the spot and report to the Security Council? He added that his Government, in spite of incurring great expense to aid the beleaguered Turkish people of Cyprus, had agreed to contribute \$100,000 as a voluntary contribution for the maintenance of the Peace-Keeping Force.

542. The representative of Greece observed that despite the resolution adopted by the Security Council, the Turkish Government had openly threatened to take unilateral action in Cyprus. He said that the explanation for the chronic threat of intervention lay in the justification of geographic partition, embodied in the concept of *taxim*. In any case, Greece had advised Turkey that if, despite the Security Council resolution and the appeals of the Secretary-General, the Turkish Government decided to intervene unilaterally in Cyprus, that would automatically bring on intervention by Greece, which was anxious to protect the independence, sovereignty and integrity of Cyprus. However, Greece hoped that the Council would once again exert its moral authority to remind the Turkish Government of the obligations of all Member States in the United Nations.

543. The representative of Cyprus, in reply to the inquiry of the representative of Turkey, stated that if the Turks in Cyprus would not provoke fighting, as they had done in Paphos, there would be immediate peace, for his Government wanted a peaceful Cyprus in order to have a unitary State.

544. The representative of the USSR stated that in view of the provocative and unilateral actions taken by Turkey, it was peculiar that the representative of that country had consistently refused to answer the important question whether the Turkish Government would be prepared to respect the sovereignty, independence and territorial integrity of Cyprus. He then observed that Turkey had not objected to the Security Council resolution of 4 March, but in its note to Cyprus, Turkey had preferred to remain silent about the key provision of the resolution which called 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 the sovereign Republic of Cyprus. In meaning and substance, the Turkish note had openly ignored and trampled upon the resolution of the Council. He said that the Council must take the necessary measures to force Turkey to implement the resolution in accordance with Article 25, and to fulfil the obligations which it had undertaken by having signed the Charter of the United Nations. He recalled that in his message of 7 February, Chairman Khrushchev had stressed the necessity for exercise of restraint by all States concerned, especially the permanent members of the Security Council.

545. The representative of Brazil stated that he had been encouraged by the Secretary-General's report on the progress which he had made on the implementation of the Security Council resolution of 4 March. The Turkish letter of 13 March (S/5596) had given the Council cause for great concern. Without going into the merits of the Turkish Government's intentions, his delegation felt strongly that the parties concerned should abstain from any action which might exacerbate the grave situation in Cyprus and threaten peace and security in the region. That feeling, he was sure, was shared by all members of the Council. In order to

register that consensus in the form of a resolution, he submitted, on behalf of the delegations of Bolivia, Brazil, Ivory Coast, Morocco and Norway, the following joint draft resolution (S/5601):

"The Security Council,

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

"Reaffirming its resolution of 4 March 1964 (S/5575),

"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 the Council's resolution of 4 March 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 the Security Council resolution of 4 March 1964 and requests Member States to co-operate with the Secretary-General to that end."

546. The representative of the United Kingdom believed that the main purpose of the Council, and of the United Nations as a whole, should be the implementation of the resolution of 4 March with a minimum of delay. The Security Council was aware that the Secretary-General had been tireless in his efforts to carry out the tasks put upon his shoulders. The first message from the Council, he suggested, should request the Secretary-General to redouble his efforts so that they might be brought to a speedy conclusion, and that all Members of the United Nations should do their utmost to help him complete his task in the shortest possible time. The Council was duty bound to reaffirm the call which it had made 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 the sovereign Republic of Cyprus or endanger international peace.

547. The representative of the United States observed that in the view of his Government the most urgent business before the United Nations was to get an adequate peace-keeping force to Cyprus in order to stop the senseless bloodshed. Accordingly, the United States had done its best to help bring into being such a force and had offered \$2 million to the United Nations to help remove the financial obstacle to rapid action. He appealed to all parties directly concerned to exercise the most extreme restraint and expressed the hope that all parties and all Members would co-operate without reservation with the United Nations Peace-Keeping Force and the Secretary-General.

548. The representative of Cyprus, in welcoming the draft resolution, observed that the document could not be unrelated to the statement of the representative of Brazil as well as other statements made in the Council and to the letter of the Secretary-General addressed

to the representative of Turkey (S/5600). He noted that the words "threat of action" employed in the draft resolution could not mean anything other than threat of force, which had been discussed at the meeting of the Council. There could be no room for misinterpretation of the draft resolution as other than intended to protect the sovereignty and territorial integrity of Cyprus.

549. The representative of Turkey stated that the draft resolution before the Council could be a very constructive document if it were interpreted properly. He had in mind particularly the first operative paragraph which referred to the necessity for the Greek Cypriot authorities in the island to refrain from any action or threat of action likely to worsen the situation, i.e. the prevention of bloodshed and persecution of the Turkish community. He expressed the hope that the draft resolution would be construed by all in that sense, and not only in the one sense which had been mentioned.

550. The representative of the USSR stressed that the basic objective of the draft resolution and its real meaning was a decisive warning to all those who attempted, in violation of the Council resolution of 4 March, to carry out hostile acts against Cyprus and infringed upon its sovereignty and territorial integrity. In the view of the Soviet delegation, the joint draft resolution was a serious warning against all attempts to commit aggression or armed intervention against the sovereign State of Cyprus. It was in the light of that meaning that the Soviet delegation was ready to support the draft resolution.

551. The representative of France, in support of the draft resolution, stated that it was not possible, even with the most careful study of the available information, to impute to any of the parties or groups involved the sole responsibility for the aggravation of the situation. The Council should appeal again to all the parties to return to a spirit of conciliation and respect for the United Nations Charter.

552. The representative of Morocco stated that if the situation was again drifting toward a crisis, it was not solely because of the existence of an outside threat to the integrity and sovereignty of Cyprus, but because there was also an internal situation equally explosive. In his view, the draft resolution before the Council embodied in its meaning the statements which had been made by the representatives of Cyprus and Turkey.

553. The representative of Norway stated that, in the view of the sponsors of the draft resolution, the first operative paragraph represented the sum total of the observations made by the two parties involved.

554. The representative of Czechoslovakia stated that the letter contained in document S/5596, with its annex, which had been distributed to the Council from the representative of Turkey, constituted a flagrant violation of the obligations and the principles contained in the Security Council resolution of 4 March. Therefore, his delegation felt that the Council should undertake appropriate action in order to defend and reaffirm its resolution, and to ensure respect for it. It was for that reason alone that his delegation would support the joint draft resolution before the Council.

555. The representative of Greece reaffirmed his previous assurances that his Government was determined to give the Secretary-General its full support for the implementation of the Security Council resolution of 4 March 1964. In that context, his Govern-

ment would contribute to the extent of half a million dollars for the expenses of the international peace-keeping force. He expressed the hope that the draft resolution would succeed in stopping any adventures which might damage peace in and around Cyprus.

Decision: *At the 1103rd meeting on 13 March 1964, the draft resolution submitted by Bolivia, Brazil, Ivory Coast, Morocco and Norway (S/5601) was adopted unanimously (S/5603).*

F. Reports of the Secretary-General and other communications received between 16 March and 15 June 1964

556. Between 16 March and 15 June, a series of communications was addressed to the Council or the Secretary-General by the representatives of Turkey, Cyprus and Greece. Those from the representative of Turkey included a number of letters bringing to the attention of the Council communications from Dr. Küçük, Vice-President of Cyprus.

557. Letters dated 16 March (S/5605), 18 March (S/5610), 19 March (S/5611 and S/5613), 26 March (S/5624), 27 March (S/5627 and Corr.1), 30 March (S/5629 and S/5630), 2 April (S/5644), 6 April (S/5646), 13 April (S/5655), 15 April (S/5663), 29 April (S/5672), 1 May (S/5675, S/5676 and S/5677), 2 May (S/5680), 4 May (S/5683), 6 May (S/5686), 12 May (S/5696), 13 May (S/5698, S/5699 and S/5706), 14 May (S/5700 and S/5704), 18 May (S/5708), 25 May (S/5715), 29 May (S/5726), 1 June (S/5730 and S/5731), 4 June (S/5743 and S/5744), 8 June (S/5753, S/5754 and S/5755), and 15 June (S/5766) from the representative of Turkey dealt among other things: with the role and status of the Vice-President of Cyprus; the state of affairs in Polis, Paphos, Limassol, Mallis, Kazaphani and other places subjected to Greek Cypriot attack; an attack on the village of Gaziveren in the vicinity of Lefke; the seizure of Cyprus Ministries headed by Turkish Ministers and the withholding of salaries; denial of entry into Cyprus to Mr. Denktas; an attack on the Turkish inhabitants of Ktima; attacks on Turkish Cypriots; the illegality of unilateral abrogation of the Treaty of Alliance; charges of Greek Cypriot violation of the Council resolutions of 4 and 13 March; military operations against the Turkish positions in the Kyrenia Mountains and firing on villagers in that area; worsening of the Cyprus situation since UNFICYP had become operational; reasons for non-acceptance of offers made by President Makarios; treatment of the Patriarchate in Istanbul; comments by Dr. Küçük on the Secretary-General's report (S/5679) of 2 May; air violations by Greek aircraft; points which should be clarified by the Council and the issue of condemnation of the use of violence; use of dum-dum ammunition and a call for international inquiry; the 11 May incident in Famagusta; a note to the guarantor Powers; establishment of compulsory military service and arms purchases by the Government of Cyprus; Greek Cypriot refusal to allow collecting of Turkish dead; release of hostages and relief of Turkish villages under siege; calls for respecting the Constitution of Cyprus; the status of the Vice-President; the right of the Foreign Minister of Cyprus and Mr. Rossides to speak for the Government or the two communities of Cyprus; and the appeal made to all Heads of State by President Makarios.

558. Letters dated 16 March (S/5606), 19 March (S/5615 and S/5616), 24 March (S/5622 and S/5623), 30 March (S/5631), 1 April (S/5636), 6 April (S/5647 and Corr.1 and 2), 14 April (S/5660), 24 April (S/5667), 28 April (S/5670), 7 May (S/5688), 8 May (S/5689), 12 May (S/5695), 15 May (S/5705), 25 May (S/5721), 29 May (S/5736), 2 June (S/5737 and Corr.1), 3 June (S/5740), 4 June (S/5742 and S/5748), 5 June (S/5746 and S/5747) and 9 June (S/5762) from the representative of Cyprus referred, *inter alia*, to charges of actions by the Turkish Government in violation of the Council resolutions of 4 and 13 March; events in the Morphou-Zeros area; a cable sent to the Prime Minister of Turkey by a prominent Turkish Cypriot concerning the sentiments of many moderate Turkish Cypriots; unfounded charges of taking of hostages; payment of civil service salaries; an appeal by a Turkish Cypriot to the members of his community; an exchange of correspondence between the President of Cyprus and the Prime Minister of Turkey concerning the deployment of the Turkish forces stationed in Cyprus; termination of the Treaty of Alliance; incidents in Nicosia and in the Kyrenia range; removal of posts and fortifications and President Makarios' offer of amnesty and protection; events in Paphos on 7 March; military action at St. Hilarion castle; the statement by President Makarios on 6 May on the Secretary-General's directives to UNFICYP and his report of 2 May; events in Famagusta on 11 May; charges of Turkish threats and overflights; a statement made by President Makarios on 28 May on the question of hostages; the withdrawal of Dr. Küçük from the Vice-Presidency; Turkish support of rebellion in Cyprus; causes of the trouble in Cyprus; and a cable sent to all Heads of States Members on 9 June by President Makarios.

559. Letters dated 20 April (S/5665), 11 May (S/5692 and S/5694), 12 May (S/5702), and 22 May (S/5719) from the representative of Greece concerned the following, among other subjects: Turkish action against the Greeks of Istanbul and the Oecumenical Patriarchate; charges of overflights; and the Famagusta incident of 11 May.

560. In the second addendum to his report (S/5593/Add.2) to the Council of 12 March, the Secretary-General on 17 March reported that sizable elements of the Canadian contingent had arrived in Cyprus, and that a Swedish advance party and an Irish planning party would proceed to the island shortly. Arrangements for the take-over of the British troops already on Cyprus, who were to comprise the British contingent, would be concluded with the United Kingdom Government before long.

561. On that basis, the Secretary-General was able to say that the United Nations Force in Cyprus was in being. The Force would become established operationally when sufficient troops were available to it in Cyprus in order to enable it to discharge its functions effectively. That would fix the date from which the three-month period of the duration of the Force as defined in the Security Council resolution of 4 March 1964, would begin.

562. In a letter of 18 March (S/5614 and Corr.1), the representative of Canada informed the Secretary-General that the Canadian Government had authorized on 14 March the maintenance on active service of officers and men of the Royal Canadian Navy, the Canadian Army and the Royal Canadian Air Force, not exceeding 1,200 in number at any one time, as

part of or in immediate support of a United Nations peace-keeping force in the Republic of Cyprus. The Canadian contingent was *en route* to Cyprus by air and sea. The Canadian Government regarded arrangements for financing of the United Nations Force as a departure from established practice and from what was desirable. Canada had consistently held that financing of United Nations peace-keeping operations should be the collective responsibility of the whole membership of the Organization. Having recognized, however, that the deployment of the Force in Cyprus could not await lengthy negotiations, the Canadian Government had decided to assume all costs of a Canadian contingent for a three-month period, as well as costs of transporting it to Cyprus without prejudice to its established position on financing.

563. In the third addendum to his report of 12 March (S/5593/Add.3), the Secretary-General informed the Security Council on 25 March, that Lieutenant-General P. S. Gyani, the Commander of the Force, would assume command over it at 0500 hours on 27 March, at which time the Force would become operational under the Security Council resolution. He expressed his warm appreciation to the Governments which had supplied contingents for UNFICYP and also to those which had made voluntary financial contributions. He said that with the operational establishment of the United Nations Force, a new phase of the Cyprus situation began. The situation in the island although marred by a few shooting incidents, had, on the whole, become somewhat quieter lately. The Secretary-General expressed the hope that the two main communities would exercise restraint. He looked forward to the co-operation of all parties, and especially of the Government of Cyprus, in the very difficult task which lay ahead for the United Nations Force. The Force would need that co-operation if it were to discharge its responsibilities effectively. The effectiveness of the Force would depend also upon an understanding attitude on the part of all concerned to the Security Council resolutions and to the nature of the United Nations Force itself. It was necessary to emphasize that the Force in Cyprus was a United Nations Force, which operated exclusively under the mandate given to it by the Security Council and, within that mandate, under instructions given by the Secretary-General. The Force was an impartial objective body which had no responsibility for political solutions and, indeed, which would not try to influence them one way or another.

564. In a report to the Security Council issued on 26 March (S/5625 and Corr.1), the Secretary-General stated that, having received the agreement of the Governments of Cyprus, Greece, Turkey and the United Kingdom, he had on 25 March 1964 designated Mr. Sakari S. Tuomioja as United Nations Cyprus Mediator.

565. In a report to the Security Council issued on 31 March (S/5634 and Corr.1), the Secretary-General stated that by an exchange of letters dated 31 March 1964 between himself and the Foreign Minister of the Republic of Cyprus, an agreement had been concluded concerning the status of the United Nations Peace-Keeping Force in Cyprus. The Government of Cyprus had undertaken to give provisional application to the arrangements and to use its best efforts to secure the earliest possible ratification of the agreement.

566. In a letter of 31 March to the Foreign Minister of Cyprus (annex I), the Secretary-General had proposed a number of *ad hoc* arrangements defining

certain of the conditions necessary for the effective discharge of the functions of the United Nations Force while it remained in Cyprus. The Secretary-General had stated that upon acceptance of the proposal by the Government of Cyprus, his letter and the Foreign Minister's reply would constitute an agreement which would take effect as from the date of the arrival of the first element of the Force in Cyprus, and should continue in effect until the departure of the Force. The Secretary-General had affirmed that the activities of the Force would be guided in good faith by the task established for the Force by the Security Council. In his letter of reply, dated 31 March (annex II), the Foreign Minister of Cyprus had informed the Secretary-General of his Government's acceptance of the terms of the Secretary-General's letter.

567. In a note issued on 11 April (S/5653), the Secretary-General stated that he had instructed the Commander of the United Nations Peace-Keeping Force in Cyprus that the activities of UNFICYP were to be kept at all times within the framework of the Security Council terms of reference. The note was accompanied by an aide-mémoire, which set forth the following clarifications concerning certain aspects of the function and operation of UNFICYP: the Secretary-General had the responsibility for the establishment of the United Nations Force and for its direction. He was responsible to the Security Council for the conduct of the Force, and he alone reported to the Council about it. The executive control of the Force was exercised by its Commander who was responsible to the Secretary-General. The Force should undertake no functions inconsistent with the provisions of paragraph 5 of the Security Council resolution of 4 March 1964. In that respect, any doubt about a proposed action must be submitted to the Secretary-General for decision. The Force would avoid any action designed to influence the political situation in Cyprus except through contributing to the restoration of quiet and the creation of an improved climate in which political solutions might be sought. The personnel of the Force must refrain from expressing publicly any opinions on the political problems of the country, and they must act with restraint and complete impartiality towards the members of the Greek and Turkish Cypriot communities. The operations of the Force and the activities of the United Nations Mediator would remain separate, but complementary, undertakings. It would be desirable to place the Greek and Turkish troops stationed in Cyprus under the over-all command of the Commander of the Force. There was a clear distinction between troops of the British contingent in the Force and the British military personnel in Cyprus: UNFICYP would not take the initiative in the use of armed force. The use of arms was permissible only in self-defence when all peaceful means of persuasion had failed. Should it become necessary to resort to arms, advance warning would be given whenever possible. Automatic weapons were not to be used except in extreme emergency. In the case of threat of attack towards a particular area, if all attempts at peaceful settlement failed, UNFICYP unit commanders, on specific instructions from their headquarters, would announce the intention of their units to enter such areas. If, despite those warnings, attempts were made to attack, envelop or infiltrate, UNFICYP units would defend themselves by driving off the attackers with minimum force. At scenes of actual conflict between members of the two communities, UNFICYP unit commanders would immediately call

on the leaders of the two communities to break off the conflict and arrange for a cease-fire. In certain cases it might be possible to enforce a cease-fire by interposing UNFICYP military posts between those involved in the conflict. If that were not acceptable, or if there was doubt about its effectiveness, it should not normally be done. The Government of Cyprus had been asked by the Security Council in paragraph 2 of the resolution of 4 March to take all additional measures to stop violence and bloodshed. UNFICYP, therefore, would maintain close contact with the appropriate officials in the Government of Cyprus in connexion with the performance of the function and responsibilities of the Force.

568. In a letter of 17 April (S/5661), the representative of Sweden confirmed that his Government, in response to the request of the Secretary-General, had decided to organize, on a voluntary basis, a battalion group for service with the United Nations Force in Cyprus. The Swedish Government was also prepared to organize, on a voluntary basis, a contingent of forty police personnel to act as observers and to effect liaison with local police.

569. In a note issued on 17 April (S/5662), the Secretary-General stated that by separate exchanges of notes between himself and the Governments of Cyprus, Greece, Turkey and the United Kingdom, those Governments had agreed to accord to the United Nations Cyprus Mediator and his staff the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

570. In a report issued on 29 April (S/5671 and Corr.1), the Secretary-General informed the Security Council that during the one month in which the United Nations Peace-Keeping Force in Cyprus had been operational, except for some sporadic fighting, no major military clash had occurred in the Kyrenia range area and situations which might lead to major clashes were being contained. For such developments the United Nations operation in Cyprus might claim no small credit. However, the tensions between the two groups of population continued to be a cause for gravest anxiety. Only slight progress had been made towards implementing UNFICYP's mandate to facilitate a return to normal conditions in Cyprus, and he stressed the need for intensive discussion and negotiation with the parties concerned. Towards that end, the mission in Cyprus needed urgently to be strengthened by the addition of a top-level political officer who could conduct negotiations for the implementation of the programme which the Secretary-General had formulated, with the assistance of the Force Commander. That programme, about which the several parties and Governments concerned had been informed, would require the co-operation and good faith of all those involved. He said that nothing in that sphere would be done which would in any way impinge upon the efforts of the Mediator to find solutions to the basic problems. The Secretary-General suggested a list of some of the objectives that could be defined as part of the programme of action designed to implement the mandate of UNFICYP under the Council resolution of 4 March 1964: (a) achievement of freedom of movement on all roads in Cyprus; (b) achievement of freedom of movement for all communities in Nicosia and other cities; (c) progressive evacuation and removal of all fortified positions, with priority for Nicosia; (d) examination of the problem arising from the division of the

Cyprus police between the Turkish Cypriot and the Greek Cypriot members and negotiations for their progressive reintegration; (e) progressive disarming of all civilians other than the regular police *gendarmarie* and the Cyprus army by the Cypriot Government and the Turkish community. UNFICYP, if requested, would assist in facilitating and verifying the disarming and the storage of arms under conditions of security; (f) control of extremists on both sides; (g) formulation of appropriate general amnesty arrangements; (h) arrangement of security measures and other necessary conditions to facilitate return to normal conditions, particularly of economic activity; (i) facilitation of the return of Turkish Cypriot civil servants and government officials to their duties, including the public services such as postal, telecommunications, public works, etc.; and (j) normal functioning of the judiciary.

571. While efforts to make progress on those points would continue, the Secretary-General suggested certain interim aims which should also be established and pressed in selected localities and on particular problems.

572. In his report to the Security Council issued on 2 May (S/5679), the Secretary-General stated that as of 30 April, the military strength of the United Nations Force in Cyprus totalled 6,341 men, composed of contingents from Austria, Canada, Finland, Ireland, Sweden and the United Kingdom. Several additions were expected in May—a Danish contingent of approximately 1,000, an Austrian field hospital of some 54 members, and about 70 additional Swedish personnel from ONUC. The police element of the Force consisted of 28 personnel from Austria and the intention was to build up that element to a strength of 200 men. With those additions and with a corresponding reduction in the United Kingdom contingent, the Force would approach its planned level of 7,000.

573. Having indicated the deployment of the Force, the report noted that logistical support had been provided to UNFICYP mainly by the United Kingdom and supported through national contingent and United Nations channels. Air-lift for incoming contingents had been provided by the United States Air Force and by charter flights. Summarizing incidents since 27 March, the Secretary-General stated that in many cases UNFICYP had brought about cease-fires and relaxations of tension by negotiations and, on occasion, by occupying disputed points between the combatants. On numerous occasions minor incidents had also been prevented from developing into major exchanges of fire or clashes by the personal intervention of local Commanders and through their negotiations with respective head men of the area. The Secretary-General concluded that the over-all situation in Cyprus had not measurably improved during the month, although major clashes had been either avoided or contained. Suspicion and a lack of mutual confidence dominated the relations of the two main communities and preserved the tension which, on occasion, increased because of acts of violence and harassment. In that situation, the role of UNFICYP was exceedingly difficult, and both constructive initiatives and non-interference were inevitably and invariably misinterpreted by one side or the other. The Secretary-General observed that the problems were intricate, and that the Security Council should begin to devote its attention to the future situation in Cyprus as it might affect the UNFICYP.

574. In his report of 11 May (S/5691), the Secretary-General informed the Security Council that

he had secured the services of Mr. Galo Plaza of Ecuador as his Special Representative in Cyprus who, on behalf of the Secretary-General, would conduct negotiations for the implementation of the programme which the Secretary-General had outlined in the report to the Security Council on 29 April (S/5671). Mr. Plaza had agreed to serve initially until 27 June.

575. On 15 June, the Secretary-General submitted to the Security Council a report (S/5764 and Corr.1 and 2) on the United Nations operation in Cyprus for the period 26 April to 8 June. It stated that as of 8 June, UNFICYP was composed of 6,238 military personnel and 173 policemen. The report dealt with the political, economic, social and judiciary aspects of the problem as well as with UNFICYP's programme of action as set forth in the Secretary-General's report of 29 April.

576. The general situation was that there had been no military incident during the past six weeks involving major clashes by either side but both sides had taken advantage of the comparative lull in activity to strengthen their military positions in Nicosia and suburbs and to improve their ability to undertake operations in the future. There was considerable evidence that both the Government and the Turkish Cypriot community were getting possession of more and more arms and ammunition, including heavy weapons, and were acquiring them to the maximum extent dependent on the sources and facilities available to them. While the Government of Cyprus maintained that it had imported arms for its own defence and security in pursuance of its attributes as a sovereign State, the Turkish Cypriot community, on the other hand, could not import weapons officially. It could be assumed, therefore, that the arming of the Turkish Cypriot community was done with weapons that had been smuggled into the island.

577. The report stated that since 2 May, there had been five cases of fire being deliberately directed at UNFICYP personnel, and one in which UNFICYP personnel had "disappeared", fourteen shooting incidents resulting in casualties, and almost daily exchanges of fire between Greek Cypriots and Turkish Cypriots. Nicosia town and its suburbs were the main centre of tension in Cyprus, and both sides had continued to improve and develop their fortifications. The Kyrenia pass and the north-west of Cyprus were also areas of tension and military precautions, and it was unlikely that there would be any relaxation of the tension as long as there was no indication of any acceptable political solution. The decision of the Government to introduce conscription had only increased the tension, in that the Turkish Cypriots might increase further their efforts to build up fortifications and organize themselves more on military lines.

578. The presence of the United Nations force had clearly prevented a recurrence of open fighting during the period under review. However, hopes of achieving full freedom of movement on the roads had diminished after the Famagusta shooting incident on 11 May, and the two communities were still far from achieving a state of peaceful coexistence. Some de-fortification had taken place in Ktima, but no major progress towards removing defensive positions had been made elsewhere in the island. No progress had been made towards the progressive disarming of civilians, many of whom continued to roam the island free of any control.

579. In summing up, the report stated that as no military clashes of any significance had occurred during the period covered, one of the major objectives of the United Nations operation, "to prevent a recurrence of fighting", was being accomplished. The agricultural economy of the country had not been seriously impaired, but industrial activities were seriously affected, and the economic pinch, already seriously felt by the Turkish community, would soon be of significance to the Greek Cypriots as well. With the exception of the Kyrenia road and the road extending west from Xeros through Limnitis, Mansoura and Kokkina, all main roads throughout the country had been opened without restriction to Greek Cypriots. The freedom of movement of Turkish Cypriots, on the other hand, in practice had been limited by reason of the checks, excessive searches, and the feeling of insecurity and fear of arbitrary arrest or abduction experienced by Turkish Cypriots, as well as by many other obstructions put in their way by armed "irregulars" of the Greek Cypriot community. However, lack of movement by Turkish Cypriots outside of their areas was believed also to be dictated by a political purpose, namely, to reinforce the claim that the two main communities of Cyprus could not live peacefully together in the island without some sort of geographical separation.

580. The report stated that automatic arms were in the hands of large numbers of irregular fighters on both sides, and control over most of those elements was only tenuous. The presence of both the Greek and Turkish Army national contingents on the island remained a problem because of their obviously one-sided attitudes, and the Secretary-General, noting that the Greek Army contingent would readily place itself under United Nations command if a similar arrangement could be made with the Turkish Army contingent, urged that the Turkish contingent either return to its barracks or go under United Nations command. He believed that the return of the Turkish troops to their barracks and an end to threats of imminent Turkish landings would greatly facilitate UNFICYP's efforts to bring the arms situation in Cyprus under control. The Secretary-General commented on the practice of abducting people and holding them as hostages or killing them in retaliation, which had been employed by both communities but to a considerably greater extent by Greek Cypriots, and agreed with President Makarios that they created a bad image of the people and Government of Cyprus. The Secretary-General recognized that the decision by the Government of Cyprus to institute conscription was an act of government. However, he added that in view of the actual circumstance in Cyprus, it might be questioned whether such a decision at the time could be considered to be consistent with the resolution of the Security Council of 4 March. The recurrent threats of landing by Turkish military forces were termed most unhelpful to the efforts of the United Nations to restore normal conditions and to prevent fighting in the island, and were, moreover, not consistent with the appeal made to all Member States by the resolution of 4 March. As for the problem of arms in Cyprus, the Secretary-General considered that it might be the decisive factor in determining the ability of the United Nations effort in Cyprus to succeed.

581. In the light of the demonstrated usefulness of UNFICYP in the Cyprus situation, the Secretary-General considered it clearly advisable to extend the

operational period of the Force for another three-month period as from 27 June, when it was due to expire. His informal consultations on the question with members of the Council and representatives of States providing contingents and making monetary contributions had revealed a general acceptance of the fact that an extension was necessary and desirable. The Government of Cyprus had also indicated informally to him that it would favour an extension. He believed it was likely that withdrawal of the Force at that time would lead to an early resumption of fighting which might well develop into heavy conflict. The Secretary-General noted that it would unfortunately be necessary, if the Council decided to extend the Force, to obtain a new Commander, since General Gyani had asked to be relieved for compelling personal reasons. General K. S. Thimayya, former Chief of the Army Staff of the Indian Army, had been approached and would be available should the Secretary-General call upon him. The extension of the Force for a second three months was estimated to cost an additional \$7,300,000, and the Secretary-General had no assurance that it could be raised through voluntary contributions. In that connexion, he felt bound to point out that the method of financing the Cyprus Force was most unsatisfactory, although he well understood the reasons for it and realized that there was little possibility of change in that respect.

582. Parallel with the operations of the Force, efforts at promoting by mediation a peaceful solution and an agreed settlement had been maintained continuously since the designation of Ambassador Tuomioja as Mediator on 25 March. He had been in consultation with the representatives of the Cyprus communities and with the Governments of Cyprus, Greece, Turkey and the United Kingdom, seeking to find a sufficient measure of common ground on which to encourage the parties to develop the basis for a long-term solution. Given the circumstances in Cyprus and the wide differences between the political viewpoints and objectives of the leaders of the communities, the task could not have been expected to be an easy one nor likely to lead to positive results in a relatively short time. The Mediator's experience had confirmed that and he would continue his patient endeavours with the parties concerned. The Secretary-General recalled that the mandate of the Mediator did not prescribe any fixed period.

583. In an addendum to his report, issued on 19 June (S/5764/Add.1), the Secretary-General listed the voluntary contributions pledged by Governments in support of the UNFICYP for the initial period ending 26 June. Twenty Governments had pledged amounts totalling \$5,434,290.

G. Consideration at the 1136th to 1139th meetings (18-20 June 1964)

584. At its 1136th meeting on 18 June 1964, the Security Council decided to include in its agenda the report of the Secretary-General on the United Nations Operations in Cyprus for the period 26 April to 8 June (S/5764 and Corr.1) and again invited the representatives of Cyprus, Greece and Turkey to participate without vote in the discussion.

585. Speaking on a point of order, the representative of the Union of Soviet Socialist Republics proposed that the representative of Cyprus be heard first by the Council.

586. The President replied that, in that respect, he was bound by the rules of procedure to call upon speakers in the order in which their names were placed on the list. Therefore, in accordance with rule 27 of the rules of procedure he would call upon the representative of Turkey who was inscribed as the first speaker on his list.

587. The representative of Turkey stated that it was a tragic fact that since 4 March 1964, from the adoption of the first Security Council resolution on Cyprus (S/5575), the situation in the island, instead of showing improvement, had gone from bad to worse because of a complete disregard of the terms of that resolution by Greek Cypriot authorities. The political climate had deteriorated further as Archbishop Makarios had on 4 April 1964 unilaterally denounced the Treaty of Alliance. By abrogating a valid international agreement, Archbishop Makarios had attempted to present the United Nations Mediator and the Security Council with a *fait accompli* in direct violation of the *pacto sunt servanda* principle and of Article 181 of the Cyprus Constitution which had given constitutional force to the Treaty of Alliance. To justify his unlawful act, Archbishop Makarios had relied on the excuse that the Turkish contingent, garrisoned in Cyprus under the Treaty of Alliance, had refused to return to its barracks and had thereby violated the Treaty of Alliance. Such an interpretation was entirely untenable because in the first place the Turkish contingent had been forced to leave its barracks due to imminent danger to its security by attacks of Greek Cypriot terrorists, and secondly, the Application Agreement of August 1960, which had determined the locations of the garrisons for the Turkish and Greek contingents, had not stipulated that the Turkish or the Greek contingent had to remain for ever in their original barracks. The change of garrison by the Turkish contingent, therefore, could not be a pretext for the denunciation of the Treaty of Alliance. Furthermore, contrary to what the report of the Secretary-General had stated in paragraph 115, the Greek Army contingent had also left its barracks. Except for one infantry company which was stationed in the Greek camp, all other units of the Greek Regiment were engaged in activities outside the camp.

588. The representative of Turkey then said that in spite of the appeal contained in paragraph 2 of the 4 March resolution, violence and bloodshed had continued on Cyprus. Similarly, operative paragraph 3 of the Security Council resolution was ignored also by the Greek Cypriot leadership inasmuch as provocative speeches continued to be delivered instead of creating a suitable atmosphere for mediation. The Greek Cypriot authorities had further aggravated the situation in Cyprus by completely disregarding the Constitution of the country. The institution of conscription and calling to arms 25,000 men under it was void and unconstitutional. Similarly, the importation of arms by the Greek Cypriot Government was also a flagrant violation of the Constitution and the resolutions of the Security Council. Those moves constituted a grave danger for peace in the area and a severe blow to the authority of UNFICYP. Under the Security Council resolutions the United Nations Peace-Keeping Force had full authority to stop the importation of arms into Cyprus. If the United Nations were to use its best efforts to prevent resumption of fighting on the island, one of the first things to do was to stop the two communities from arming themselves.

589. Archbishop Makarios himself had admitted the fact that Turks had been abducted by irresponsible Greek elements and might have been killed. Moreover, in the fighting at St. Hilarion Castle in May 1964, not "irresponsible elements" but the so-called Greek Cypriot "Security Forces", under the command of the Minister of Interior himself, had indulged in inhuman acts against the Turkish Cypriots.

590. Under the terms of the 4 March resolution, the representative of Turkey stated, the functions of the United Nations Force included the maintenance and restoration of law and order. But law and order could return to Cyprus only if the Constitution was first restored. At present the Turkish Cypriot representatives had been ousted by the Greek Cypriots from the Government and the Constitution of the country was inoperative. A government which had usurped power in violation of the Constitution was no more than a *coup d'état* régime and could not be recognized as the lawful Government of Cyprus. Therefore, in any attempt to restore law and order that situation had to be reversed.

591. The task undertaken by the Secretary-General was certainly difficult in view of the ambiguity in the existing resolutions of the Security Council. Nevertheless, the Secretary-General's report (S/5764 and Corr.1) had caused disappointment not only to his country but to all those circles interested in a peaceful solution of the Cyprus question. It was discouraging that the Secretary-General's report failed to give any indication as to what was understood by the terms "law and order" in the resolution of 4 March. On many occasions, the Turkish delegation had brought to the attention of the Secretary-General the fact that law and order could only emanate from the Constitution and, therefore, it was a matter of disappointment to it that the report had not referred to the Constitution at all or shown the relationship between the restoration of law and order and the re-establishment of a constitutional government on the island. Paragraph 118 of the Secretary-General's report had only questioned whether the measure of conscription had been consistent with the 4 March resolution of the Security Council. That action, which had not been concurrently approved by the Vice-President, could not be considered legal and constitutional. To his delegation, it was quite obvious that that measure had been dangerous for all concerned and in complete violation of the 4 March resolution. In paragraph 120 of the report, the Secretary-General held the view that only the smuggling of arms by either the Greek or Turkish Cypriots was an illegal act which UNFICYP was entitled to check. Turkey, however, was convinced that the importation of arms by a community which had usurped the powers of government was equally illegal and it was the duty of the United Nations Force to prevent the importation of arms into the island. The Turkish delegation also regretted that it was considered appropriate to refer in the report to the so-called threats of invasion of Cyprus by Turkey. There was no threat involved in Turkey's right, under the Treaty of Guarantee, to take action to re-establish the state of affairs in Cyprus in accordance with that Treaty, if all other efforts were to fail. Along with the presence of the United Nations Force, the existence of Turkey's right to take action had been an effective deterrent so far to the resumption of violence on the island and had thus been of assistance to the United Nations efforts.

592. It was a matter of satisfaction to the Turkish delegation that the Secretary-General had taken a serious view of the practice of taking hostages.

593. There was civil war in Cyprus. The larger community, which had usurped all power, should not be allowed to hide behind the title of "Government of Cyprus" in order to further its schemes to the detriment of a final agreed settlement.

594. The representative of Cyprus, after expressing his Government's appreciation of the efforts of the Secretary-General and of the United Nations Mediator, stated that the presence in Cyprus of the United Nations Peace-Keeping Force had been welcomed by his Government as a symbol of peace and of the high principles upon which the United Nations was founded. It was in that spirit that his Government had done its best to assist the UNFICYP in its mission and was also in agreement with its extension for a period of three months.

595. Commenting on the report of the Secretary-General, the representative of Cyprus drew attention to paragraph 119 of the report, which referred to the recurrent threats of landing in Cyprus by Turkish military forces, and said that the Turkish threat of invasion was the gist of the problems confronting the Security Council. He added that during the last few weeks, the people and the Government of Cyprus had been living under the constant threat of an invasion by Turkey. There was reliable information that Turkey had made extensive military preparations. This had been confirmed by the action that the President of the United States had considered necessary to take in order to avert the conflict.

596. The purpose of the two resolutions adopted by the Security Council on 4 and 13 March had also been to deter the projected invasion of Cyprus by Turkey. However, in spite of the actions taken by the Security Council, the threats had continued. The violations of the Cypriot air space had been repeated, the support of the Turkish terrorists on the island had increased; Turkish naval units had made provocative exercises off the shores of Cyprus and threatening statements of the Turkish leaders had continued. He cited evidence to show that the Turkish Government had provided the Turkish Cypriot terrorists with extensive arms support and training and that trained irregulars from Turkey had been smuggled into the island. According to a letter found on a British officer, Senior Aircraftman Keith Marley, on his arrest for transporting of arms, smuggling of arms and men to the Turkish Cypriots had been going on for some considerable time. It had been confirmed by a statement made by Professor Nihat Erim, Chairman of the Foreign Affairs Committee of the Turkish Assembly, as published in the *Süddeutsche Zeitung* of 24 April to the effect that organizers and specialists of guerrilla warfare had been smuggled from Turkey to Cyprus and that the operation had involved 200 million Turkish pounds.

597. The most active participation in the rebellion and the subversion had come from the Turkish contingent in Cyprus. On 29 March 1964, the President of the Republic of Cyprus had requested the Prime Ministers of Greece and Turkey to order their contingents back to their barracks. In response to that appeal, the Greek Government had immediately ordered the Greek contingent back to its barracks. Turkey, however, refused to comply with that request. In view of Turkey's

refusal, the Cyprus Government was left with no other alternative than to consider the Treaty of Alliance as terminated, having been violated in its essence by Turkey. The Turkish contingent had not left its barracks for reasons of its security, as had been suggested by the representative of Turkey, but because it wanted to remain in a position to facilitate the Turkish plans of invasion and to continue to train the Turkish Cypriot rebels. Turkey's refusal to return the Turkish contingent to its barracks was a violation of the Application Agreement as well as of the decision taken by the Committee of Ministers, established under the Treaty of Alliance, which had decided on 28 June 1961, that "the present camps of the Greek and Turkish contingents should be considered as their permanent camps unless and until decided otherwise by the Committee of Ministers".

598. In order to facilitate the task of the United Nations Peace-Keeping Force the Secretary-General had proposed to both Greece and Turkey to put their two contingents under the Commander of UNFICYP. While Greece had agreed, Turkey refused to accept the proposal until its conditions were met beforehand. The Cyprus Government firmly believed that foreign troops which were not under the command of the United Nations must leave the country, and accordingly the Turkish contingent should leave Cyprus.

599. He was in entire agreement with the Secretary-General that the smuggling of arms by the Turkish or Greek Cypriots was illegal, and he offered his Government's co-operation to UNFICYP in checking the smuggling of arms. However, he maintained that importation of arms by a sovereign Government could, under no circumstances, be made subject to the approval of anyone. His Government was also in agreement with paragraph 118 of the Secretary-General's report that the institution of conscription was an act of government. In that action there was nothing that could be considered as inconsistent with the 4 March resolution.

600. On the question of taking hostages, the representative of Cyprus stated that the practice, from whichever side it was exercised, was most strongly condemned by the Government of Cyprus. However, as had been demonstrated, Turkish propaganda had given an exaggerated picture of Turks having been abducted by the Greeks. After the disturbance at Paphos, Dr. Küçük had submitted a list of thirty-two allegedly missing persons to the International Red Cross, but the Red Cross investigators had found that none of those persons had been missing and had been found safe in their homes. The question of hostages had become a propaganda objective for the Turkish leadership. It seemed that a number of persons had been hiding themselves on instructions from the Turkish Cypriot leaders in order that the propaganda could be continued, or they might have been assassinated by extremist elements of their own community, for failure to comply with their orders. The terrorization and intimidation by the Turkish Cypriot leaders of those Turkish Cypriot citizens, who wished to restore normal and friendly relations with the Greek Cypriots, had assumed serious dimensions. The Cyprus Government firmly believed that Greeks and Turks could and would live and work together if normal and friendly relations were restored among them.

601. In conclusion, the representative of Cyprus reiterated his Government's assurance of full co-operation with the United Nations Peace-Keeping Force but

added that it was not prepared to accept curtailment of any of its sovereign rights and would not be ready to tolerate efforts aimed at destroying its territorial integrity and independence.

602. At the Council's 1137th meeting on 19 June, the representative of Greece stated that his Government would support the proposal to extend the mandate of the United Nations Force in Cyprus and would contribute to help maintain it as long as was necessary. Greece believed that the presence of the United Nations Force had been of inestimable value. Its officers and its men had shown courage, tact and discipline. It was certainly not due to any lack of effort on its part that the situation in Cyprus had not yet returned to normal. The root of the trouble was the contrast between the aims of President Makarios, who had tried to lead Cyprus toward unity, democracy and independence, and those of certain minority leaders, who had been striving towards just the opposite goals. The contrast was not only in the aims but also in the methods used by the two sides. While Archbishop Makarios had followed the method of negotiations, Turkey had preferred to use threats and intransigence. The latter had used every means to turn the Treaty of Alliance into a right of unilateral armed intervention. There had been no change in that attitude of Turkey. Thrice, already, it had decided to intervene militarily. In defence of the Turkish contingent's refusal to return to its barracks, the Turkish representative had stated that the Greek army contingent was also deployed in many places outside of its barracks. The Secretary-General's report, however, had borne out the fact that the Greek contingent had remained in its barracks. The Greek Government had instructed him to confirm that finding of the Secretary-General as well as to state that the Greek contingent would place itself under United Nations command, and would be prepared to withdraw from the island altogether if similar arrangements could be made with the Turkish contingent.

603. The representative of Greece concluded by reiterating his Government's full support of the United Nations efforts in Cyprus. It deplored the fact that no progress had been made so far in reaching a political solution, and held that progress depended upon dealing with the problem in the light of the principles of the Charter.

604. The representative of Cyprus, after drawing attention to a report in *The New York Times* of that day which stated that the Prime Minister of Turkey had confirmed that his country had been ready to intervene since the middle of May, reiterated that the main problem before the Council was Turkey's preparation and planning of an invasion of Cyprus. In the circumstances, he added that it was essential for the Security Council before taking any action to have an assurance that Turkey was not preparing an invasion of Cyprus.

605. At the same meeting, the representative of Brazil submitted a draft resolution (S/5776) co-sponsored by Bolivia, Brazil, Ivory Coast, Morocco and Norway, under the operative paragraphs of which the Security Council would: (1) reaffirm its resolutions of 4 March 1964 and 13 March 1964; (2) take note of the Report by the Secretary-General (S/5764); and (3) extend 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 September 1964.

606. In introducing the draft resolution, the representative of Brazil stated that the basic consideration in submitting that draft was the request by the Secretary-General that the United Nations Peace-Keeping Force be maintained for an additional period of three months with the same terms of reference as laid down in the 4 March resolution of the Security Council. As that resolution had been the result of a lengthy process of negotiations and reflected a delicate balance, the co-sponsors of the draft considered it advisable to reaffirm the Council's previous resolutions without trying to single out any specific issue.

607. The representative of the United Kingdom said that the United Nations Force had, within its limitations, carried out its task with exemplary energy and skill, and one of its major objectives, namely to prevent a recurrence of fighting, was being accomplished. The United Kingdom delegation had particularly noted that in paragraph 31 of the report of the Secretary-General it was stated that a warning had been given to both sides that a repetition of incidents which endangered the lives of men of the United Nations Force would result in the removal of any post used as a base for fire against troops of UNFICYP, using force if necessary after due warning had been given. It was right for UNFICYP to act vigorously in those circumstances. It was disappointing to note, however, that there were no encouraging signs of an improvement of relations between the two communities and that the Secretary-General had not reported any progress in that respect. The evidence of an arms build-up which, according to the report of the Secretary-General, was the decisive factor in determining the ability of the United Nations Force to succeed, was a matter of deep concern to the United Kingdom Government. The arms build-up by itself tended seriously to worsen the situation. Such action was inconsistent with paragraph 1 of the 4 March resolution and it could not be considered right that forces serving under the United Nations should be put in greater peril owing to an arms build-up brought about by the actions of Member States. In that connexion, his Government also considered the introduction of conscription as inconsistent with the intention of paragraph 1 of the resolution of 4 March.

608. The United Kingdom delegation also took a serious view of the incidents involving abduction and taking of hostages as referred to in paragraph 117 of the Secretary-General's report. The United Nations Command in Cyprus had already issued a statement about the disappearance of Major Macey and Private Platt, members of the United Nations Force. It was, however, necessary to act quickly.

609. In conclusion, the United Kingdom delegation concurred with the recommendation of the Secretary-General that the United Nations Force should be renewed for a period of three months, as it felt that it was more than likely that the withdrawal of the Force might lead to a resumption of the fighting.

610. At the Council's 1138th meeting on the same day, the representative of Brazil submitted a revised text (S/5776/Rev.2) of the five-Power joint draft resolution (S/5776). It provided for the inclusion of a new operative paragraph which read as follows: "Calls upon all Member States to comply with the above-mentioned resolutions".

611. The representative of the USSR stated that the fact that the Security Council was reverting for the third time in a year to the consideration of the prob-

lem of Cyprus clearly showed that the threat of military aggression against that country had not yet been averted and also that foreign interference in its internal affairs still continued. The differences between the two communities on the island had been encouraged for a long time and were being used also as a pretext for interference from outside. It was, however, quite clear that but for foreign interference the present Cyprus problem would not have arisen. The Zürich and London agreements concerning Cyprus had been also a legacy of colonialism. It was only by tearing the ties which linked the Cyprus Republic to its former colonial masters and by freeing it from the trusteeship which NATO wished to impose on Cyprus, that its internal difficulties could be solved and stabilization could take place. The Soviet Union believed that, given willingness and goodwill on the part of the interested parties, the Security Council resolutions of 4 and 13 March 1964 had created the necessary premises for a just solution of the Cyprus conflict. In view of that, and since the Government of Cyprus considered it necessary for the country's security and territorial integrity, the Soviet delegation would not oppose the extension for three months of the stay of the United Nations Force in Cyprus, provided that the financing of the Force would be on the same basis as in the 4 March resolution. The Soviet Union would, however, be opposed to any widening of the functions of the United Nations Force, including the latter's use of force to restore order, as that would inevitably lead to direct interference in the internal affairs of a sovereign State.

612. The representative of Turkey maintained that the United Nations Force was not in Cyprus to re-establish the authority of the Greek Cypriots over the whole territory of Cyprus. If it were so, then there would be no question of an agreed settlement. The United Nations could not be made to accept that all actions by the Greek Cypriots were legal actions of a lawful government while those of the Turkish population were acts of rebellion.

613. The representative of Turkey reiterated that his Government, instead of practising a "partitionist" policy, had indeed upheld the territorial integrity and independence of Cyprus and for that reason had warned the Greek Cypriot leaders against their aim of uniting with Greece by resorting to violence. In that connexion, the Turkish Government would be interested to know whether the Cyprus Government would stop taking unlawful measures such as the purchase of heavy weapons and the institution of conscription and whether it would also stop the practice of taking hostages, the massacring of Turkish Cypriots and co-operate in the restoration of the constitutional rule of law in Cyprus.

614. The representative of the United States said that the United Nations Force had made progress since its establishment in the elimination of fortifications and arrangements for harvesting crops, and in other fields also had taken measures to implement the programme outlined in the report of the Secretary-General of 29 April 1964. Nevertheless, it was clear that the withdrawal of the Force at the present time might lead to an early resumption of fighting which could develop into still more serious conflict. An extension of the United Nations Force was therefore essential and the United States delegation would support the five-Power joint draft resolution (S/5776/Rev.1). It was clear that, whatever shortcomings existed in the mandate of the Force, it was unlikely that the

Council could agree on any changes in the mandate. The Force was empowered already to take firm action whenever necessary and it had done so with respect to the situation in the Kyrenia Pass. The United States delegation hoped that the Force would continue to implement vigorously its mandate and contribute more and more to the restoration of law and order on the island. It also hoped that the parties would avoid further acts and utterances that might lead to an aggravation of the situation. In that connexion, the increased importation of arms was most serious, because the greater the quantity of arms in the possession of the two sides, the more difficult would be the task of the United Nations Force. The Secretary-General had expressed his concern on that issue and the United States believed that the competitive inflow of arms into Cyprus would aggravate the tension between the two communities. Besides raising various legal and constitutional issues, the importation of arms was also clearly contrary to the letter and spirit of the 4 March resolution. It was therefore necessary that the United Nations Force have the full co-operation of the two communities in Cyprus and, in that connexion, the United States was deeply shocked at the practice of taking hostages and particularly the abduction of members of the United Nations Force. Co-operation must be provided also by all Member States, and particularly by the parties to the international agreement concerning Cyprus, in accordance with paragraph 1 of the 4 March resolution. It would create a favourable atmosphere for the work of the Force as well as for that of the Mediator. In conclusion, he noted that only a relatively small number of countries had thus far heeded the Secretary-General's appeal for financial contributions for the support of UNFICYP. He emphasized that maintenance of international peace and security was the concern of all Members and appealed to all Members to respond to the Secretary-General's request for financial contributions.

615. The representative of France said that his Government was seriously concerned over a situation which divided friendly Governments and one which caused sufferings to the people of Cyprus. In that respect, it would urge the competent authorities and the Secretary-General to make sure that assistance to the refugees would not be affected by the continuation of the conflict between the majority and the minority.

616. As regards the over-all solution of the question, it was absolutely essential to achieve first a relaxation of tension and to restore calm on the island. Despite the means employed, progress had been limited in that respect. However, the fact that the parties concerned had appreciated the efforts of the Secretary-General and his representatives gave encouragement and justification to renew for a further period of three months the mandate of the United Nations Force. It was hoped that within the framework of the 4 March resolution, the United Nations Force would help to establish conditions under which the solution of the basic problem could be undertaken. It was obvious, as the Secretary-General had also reported, that in that respect actions by either side could delay the restoration of normal conditions. The practice of taking hostages or the importation of arms were such actions which were also in contradiction with the provisions of the Council's resolutions.

617. The representative of Cyprus reiterated that his Government disapproved of the practice of taking

hostages and was determined to do its best to put an end to it. However, it failed to understand why the Turkish leaders in Cyprus should not have accepted a request by the Red Cross to make a statement to the effect that all those persons reported to be missing had been found safe in their homes. There was also no truth in the allegations about massacres of Turkish citizens and the Secretary-General's report would bear that out.

618. With regard to the restoration of constitutional law and the allegation that the Greek elements had ousted the Turkish personnel from the Government of Cyprus, it should be remembered that it was the Turkish element itself which had decided to withdraw from the Government and to withhold its co-operation. In doing that, their objective was to try and create a separate State. As early as 30 December 1963, Dr. Küçük had declared that he did not consider himself as the 'Vice-President of Cyprus'. The Cyprus Government could not paralyse itself because the Turkish element and the Vice-President had withdrawn from it, or agree that it should not act because, under the Constitution, Dr. Küçük's approval was necessary.

619. The questions of abandoning conscription and purchase of arms were connected with the question of threat of invasion from Turkey. Cyprus had every right to arm itself and organize its defence when Turkey would not give the assurance not to intervene militarily in Cyprus. As a sovereign State and a Member of the United Nations, Cyprus had every right to import arms for its security. Moreover, if there was any conflict of law or any conflict with regard to any treaty between Member States, then the principles of the Charter should prevail. Cyprus only wanted a democratic solution in accordance with the principles and purposes of the Charter of the United Nations.

620. The representative of Greece stated that his country was not following a policy of expansionism in regard to Cyprus. Since 1955, Greece had been in favour of self-determination. That was the only peaceful way of determining the will of the majority in countries. There was a difference between that principle which was sanctioned by the Charter and the policy of partition which could be imposed only by force.

621. At the 1139th meeting on 20 June, the representative of Czechoslovakia stated that the real threat to the State of Cyprus and the deterioration in the relations between the two communities in that country were due to outside interference. The repeated threat of foreign invasion, under the pretext of right intervention arising out of unequal treaties, had created an atmosphere of crisis. In paragraph 119 of his report, the Secretary-General also had referred to the unhelpful effect produced by the recurrent threats of landing in Cyprus. The Foreign Minister of Cyprus had also given a number of examples as proof of the continued existence of that threat. Consequently, the basis of a stable and lasting solution must be sought in the safeguarding of the sovereignty of Cyprus and in the guarantee of its independence and territorial integrity. The constitutional Government of Cyprus was the sole representative of its national sovereignty and it was to that Government alone that every means must be made available in order to reaffirm its authority. The measures taken by that Government to ensure its defence were based on its right under Article 51 of the Charter. No provisions

of the Security Council resolutions could be invoked to deny that right to the legal Government of Cyprus.

622. In view of the fact that the primary task of the United Nations Force in Cyprus was to ensure international peace and to contribute to the protection of the Republic of Cyprus against the danger of foreign invasion, Czechoslovakia would be willing to approve the Secretary-General's recommendation for an extension of that force for a period of three months on the same basis as the 4 March resolution.

623. The representative of China stated that the report of the Secretary-General and the statement made before the Council clearly showed that the situation in Cyprus was clearly still far from satisfactory. As a result of mutual fear and distrust, there was a state of tension which had led to shooting incidents. While the return of normal conditions depended on a political solution acceptable to all parties, the state of tension could be removed if fighting were to stop and law and order were restored. In that respect it was encouraging to note that the presence of the United Nations Force had prevented a recurrence of open fighting. That by itself was a notable achievement.

624. The United Nations Force had also made progress in other fields as well. All that had contributed to the well-being of the people of Cyprus and to the return of normal conditions. However, the United Nations Force had not finished its task and therefore it would be appropriate that its mandate should be renewed. For those reasons, the Chinese delegation would support the five-Power joint draft resolution.

Decision: *At the 1139th meeting on 20 June 1964, the draft resolution submitted by Bolivia, Brazil, Ivory Coast, Morocco and Norway (S/5776/Rev.2) was adopted unanimously (S/5778).*

The text read as follows:

"The Security Council,

"Noting that the report by the Secretary-General (S/5764) considers the maintenance in Cyprus of the United Nations Peace-Keeping Force created by the Security Council resolution 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 the Security Council resolutions of 4 and 13 March 1964 (S/5575, S/5603),

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

"1. Reaffirms its resolutions of 4 and 13 March 1964;

"2. Calls upon all Member States to comply with the above-mentioned resolutions;

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

"4. 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 three months, ending 26 September 1964."

625. After the vote, the representative of Bolivia stated that his delegation wished to stress the positive aspect in the statements of the Foreign Minister of

Cyprus and the representative of Turkey. The former had renewed his Government's decision to maintain the island's sovereignty and territorial integrity and had reiterated also its recognition of human rights and the guarantee of individual freedom for all its citizens. Bolivia believed that the guarantees given by the Government of Cyprus of equal respect to all citizens regardless of their position was of great importance.

626. Bolivia also appreciated the fears of the Turkish Government regarding the fate of the Turkish population in Cyprus and, to that end, it believed that there should be a categorical assurance that there would be no discrimination against that community. Bolivia also considered as a positive element the statement of the representative of Turkey that his Government would not be opposed to re-examining the London and Zurich treaties. That statement might be of assistance in resolving the differences between Turkey and the Government of Cyprus.

627. The representative of the USSR emphasized that, in voting on the five-Power draft resolution, the position of his delegation on the question had remained unchanged. The USSR delegation also wished to express the hope again that all the parties concerned would take the necessary measures to translate into a living reality the decisions of the Security Council on the question of Cyprus and to normalize the situation on the island in the interest of the maintenance of international peace and security.

H. Subsequent communications

628. During this period various communications were received from the representatives of Cyprus and Turkey. The latter included letters transmitting communications from Dr. Küçük, Vice-President of Cyprus, from Mr. Orek, Minister of Defence of Cyprus, and Mr. Denktas, president of the Turkish Communal Chamber of Cyprus.

629. In letters dated 16 June (S/5768), 23 June (S/5781), 1 July (S/5795), 8 July (S/5806), 13 July (S/5815) and 15 July (S/5820), the representative of Cyprus referred, among other matters, to the positions taken by Dr. Küçük and to the question of his claim to be Vice-President; dissatisfaction with the extremist Turkish Cypriot leadership among the Turkish community; the status of the Ambassador of Cyprus to Turkey; objections to the return of General Grivas; the rights of Cyprus in relation to Turkish threats; the question of naming a representative of the Government of Cyprus in Geneva; the smuggling of arms and military personnel and a note on that subject dispatched to the Turkish Government on 14 July.

630. By letters dated 18 June (S/5774), 22 June (S/5779), 26 June (S/5790), 29 June (S/5788), 30 June (S/5791 and S/5792), 7 July (S/5802), 8 July (S/5807), 10 July (S/5813) and 14 July (S/5818), the representative of Turkey dealt, *inter alia*, with a reply to a message addressed by Archbishop Makarios to all Heads of Member States on 9 June; abductions and the return of missing Turks; the suspension from duty of the Cyprus Ambassador to Turkey and the presence in Cyprus of General Grivas; the importation of arms and the necessity of concurrence by the Vice-President in that connexion; comment on the report of the Secretary-General of

15 June, as well as replies to the reply made thereto by the Secretary-General; the situation of Turkish Ministers in Nicosia following 22 December 1963; comments on the intentions attributed to Archbishop Makarios and on the relation of UNFICYP to the Constitution of Cyprus; the activities of General Grivas; statements made by the Foreign Minister of Cyprus during the Council debate; and the abolition of the Supreme Constitutional Court and changes in the administration of justice in Cyprus.

631. On 3 July, the Secretary-General replied (S/5797) to statements made by Dr. Küçük, Vice-President of the Republic of Cyprus, in a telegram (S/5790) transmitted on 26 June by the representative of Turkey. The Secretary-General stated that with regard to numerous messages of Dr. Küçük in the past, it had been the practice to acknowledge them in the usual way, since he had not considered it to be his proper function to enter into discussion with Dr. Küçük about the political issues which had comprised the main substance of those messages. It was not the intention of the Secretary-General to depart from that practice. However, in his message transmitted on 26 June, Dr. Küçük had made certain charges, allegations and insinuations which unmistakably impugned the objectivity, integrity and good faith of senior members of the United Nations Secretariat in Cyprus, and which could not be permitted to pass unchallenged and to which the Secretary-General took vigorous exception.

632. The Secretary-General stated that all those statements were groundless and inexcusable. While the Secretary-General recognized Dr. Küçük's right to take exception to anything in his report and while he appreciated the reasons for his anxiety about the situation in Cyprus, and the Secretary-General himself wished to see anything done that could properly be done under the resolutions of the Security Council to help the Turkish Cypriot community and the whole of Cyprus return to peaceful and normal conditions, he did not think that that purpose could be served by distortion, gross exaggeration or hysteria. The Secretary-General further stated that he had full confidence in

the senior United Nations officials in Cyprus, military and civilian alike. Those highly responsible officials, who had given distinguished service to the United Nations in past years, had reported to him fully promptly and faithfully and he was certain that their reporting was unbiased and objective. The United Nations operation in Cyprus was being conducted with absolute integrity and served no special interest of any community, group or element in Cyprus. The Secretary-General added that his last report reflected with reasonable accuracy and without the least bias the complex situation with which it had dealt. It was written neither in ignorance nor in disregard of the communications of Dr. Küçük. In that respect he needed only to observe that the refusal to accept partisan viewpoints was no basis for changing United Nations officials with bias.

633. By a letter dated 22 June (S/5782), the Acting Permanent Representative of the Mongolian People's Republic transmitted the text of a letter from Mr. Yumjagiin Tsedenbal, Chairman of the Council of Ministers of the Mongolian People's Republic, to the President of the Security Council. It stated that Turkey, in violation of the provisions of the Charter and the Security Council resolutions, was concentrating enormous forces around the Republic of Cyprus and was thus encroaching upon its freedom and territorial integrity. It added that certain Powers of the North Atlantic military bloc had intervened flagrantly in Cyprus and thereby had created a threat not only to the independence and territorial integrity of Cyprus but also to international peace and security.

634. In a letter of 3 July (S/5819), the permanent representative of Sweden informed the Secretary-General that the Swedish Government had decided to comply with his request and that a Swedish contingent in the strength of approximately 1,000 as well as police personnel in the strength of forty, would consequently continue to form part of UNFICYP through 26 September 1964. The Swedish Government also had decided to make a voluntary contribution in the amount of \$120,000 for the three-month period beginning 27 June 1964.

Chapter 6

LETTER DATED 10 JANUARY 1964 FROM THE PERMANENT REPRESENTATIVE OF PANAMA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

A. Communications to the Council

635. In a letter dated 10 January 1964 (S/5509), the representative of Panama requested, under Articles 34 and 35 (1) of the United Nations Charter, that the Security Council be convened as soon as possible to consider urgent matters connected with the grave situation which existed between Panama and the United States of America because of the Canal enclave in Panamanian territory. The letter stated that the tragic situation in Panama had been brought about by the repeated threats and acts of aggression by the United States Government which constituted an infringement of the territorial integrity and sovereignty of Panama and a serious danger to peace and international security. On 9 January, Panama had been the victim of bloody aggression in which twenty persons had been killed and over 300 wounded.

636. By a telegram dated 10 January 1964 (S/5511), the Assistant Secretary General of the Organization of American States transmitted to the Secretary-General of the United Nations the text of a communiqué issued by the Inter-American Peace Committee of the Organization of American States. The communiqué stated that, at the joint request of the Governments of Panama and the United States, the Inter-American Peace Committee had held a special meeting in the afternoon of 10 January 1964 to consider the events which had occurred in Panama during 9-10 January. The Committee, with the consent of the interested parties, had decided to study the case and to go to Panama the same evening in order to investigate the situation and to recommend measures for the settlement of the dispute.

**B. Consideration at the 1086th meeting
(10 January 1964)**

637. The Security Council included the item in its agenda at its 1086th meeting on 10 January 1964, and invited the representative of Panama to participate, without vote, in the Council's discussion.

638. The representative of Panama stated that his country had been the victim of an unprovoked, armed attack by the United States armed forces stationed in the Panama Canal Zone. It was not the first act of aggression committed in recent years by the United States against the Republic of Panama; he recalled that on 3 November 1959, American soldiers and policemen had attacked a peaceful demonstration of Panamanian citizens who were carrying the flag of Panama through a part of the Canal Zone. The acts of aggression which were now directed against Panama had reached a critical point on the night of 9 January. The immediate cause had been the actions of United States citizens and students in the Canal Zone in connexion with the flying of the Panamanian flag in the Canal Zone. Under an agreement between Panama and the United States, the flags of both countries must fly together at certain places and buildings in the Zone. However, the United States residents in the area, who were known as "Zonians", had done all they could to prevent the implementation of the agreement. As a concession to the "Zonians", the United States Governor of the Canal Zone had decided arbitrarily, in disregard of the agreement, that in some places in the Canal Zone neither the Panama flag nor the United States flag should be hoisted. Nevertheless, United States students at schools located in the Canal Zone had decided, on their own initiative, to hoist only the United States flag. That act of contempt for an international agreement and that challenge to the nation and people of Panama, the representative of Panama declared, had greatly disturbed the Panamanian community with the result that a number of Panamanian students and citizens had decided to hoist the Panama flag at those places where it should legally be hoisted. The reply of the police in the Canal Zone and of the military forces garrisoned there had been to open fire with machine guns on the peaceful demonstrators.

639. The representative of Panama stressed that the Canal Zone had never been sold, ceded or rented to the United States, and that Panama had always maintained sovereignty over it. Panama had granted certain limited rights to the United States which were necessary for the construction, maintenance, sanitary protection and servicing of the Canal. Nevertheless, since 1903, when the Isthmian Canal Agreement had been signed, the United States had gradually and unilaterally arrogated to itself functions and prerogatives to which it was not entitled under treaties governing the Canal. He maintained that in spite of the fact that the United States had never given due attention to the claims advanced by Panama, and had disregarded the efforts made by Panamanian patriots over many years to regain Panama's legitimate rights over the Canal, Panama had always acted within the framework of the principles of international law. Notwithstanding the fact that the Agreement of 1903 had been virtually imposed upon Panama, the United States, he added, had only fulfilled those parts of the treaty which it chose to implement unilaterally. Speaking of some of Panama's grievances with the United States over the

Canal, the representative of Panama stressed that the Canal Zone must not continue under its present status which was a source of permanent discord. His country could not continue to be subjected to treaties which had been imposed on it against its interests and which were injurious to its very life. It was imperative that the status of the Canal should be changed either through nationalization or internationalization of the Canal. In the latter case, Panama would have to be given special privileges. He hoped that lasting solutions would be sought which would guarantee the well-being and economic development of Panama.

640. The representative of the United States of America regretted the tragic and needless loss of human life in Panama. The incidents in the Canal Zone were a matter of extreme concern to his Government, especially since they had blotted the record of a long, friendly relationship between the two countries. His Government was doing everything possible to restore the situation; the President of the United States had conferred by telephone with the President of Panama earlier that day, and the two Presidents had agreed that there had to be an end to violence in the Canal Zone. At the same time, the United States President had given instructions to United States authorities to do everything within their power to restore and maintain peace and order in the Zone. Moreover, the President had immediately sent several of the most expert and competent United States officials to the area. In addition, the Organization of American States had taken up the question and had acted with great rapidity.

641. The United States representative, in rejecting the charges, stated that, according to United States information, the violence had started when a group of Panamanian high-school students had been permitted by United States Zone authorities to move peacefully to the Balboa High School within the Zone, for the purpose of raising the Panamanian flag. On the way out of the Zone some of the students had become unruly and had damaged property by throwing stones and by other means. The Zone police had, however, continued to escort them to the zonal boundary and most of the students had peacefully withdrawn. Subsequently, disorderly crowds of people had come back into the Zone, destroying property and attacking United States citizens. At the same time, rioters in Panama City had attacked United States citizens and property. Those assaults had been accompanied by sniper fire across the boundary and also by the use of "Molotov cocktails". The Zone police had attempted to stop further penetration into the Canal Zone by the use of tear gas and eventually by small-calibre fire when it had become necessary to protect human life. However, as the police had been unable to restore order, the United States armed forces had assumed responsibility for the protection of the Zone.

642. There was no evidence, he added, that either the police or the army had ever gone outside the Zone. The facts showed that the United States, instead of committing aggression against Panama, had only taken minimum measures to ensure the safety of the Zone and its inhabitants. He believed that since the Inter-American Peace Committee was on its way to Panama, the problem should continue to be pursued in the regional forum in accordance with Articles 33 and 52 of the Charter.

643. The representative of Brazil observed that with the scant information available on the situation in

Panama, it was difficult for his delegation to express its views on the merits of the question. His Government, however, looked upon the events in the area with utmost concern and deplored that the situation had reached so serious a stage as to constitute a threat to the peace and security of the region. He expressed gratification at the speedy action by the OAS and added that he had confidence in the ability of the OAS to handle the delicate situation. Nevertheless, he believed that the Security Council should also adopt certain emergency measures which would strengthen the decision of the regional organization, as both the Security Council and the OAS were concerned with the maintenance of peace and the establishment of a harmonious and just settlement between the parties involved. For those reasons, the representative of Brazil suggested that the President of the Council be authorized to appeal to the Governments of the United States and Panama to bring to an immediate end the exchange of fire and the bloodshed and to request that they impose the utmost restraint over the military forces under their command and the civilian population under their control.

644. The representative of the Union of Soviet Socialist Republics stated that the Security Council had been convened because of an extremely serious situation which had been created in the Canal Zone as a result of the use of armed force by a great Power against a small Latin American country. The repression by the United States armed forces of a demonstration of peaceful Panamanian citizens in a part of the territory of Panama constituted an undeniable violation of peace and security. The Security Council, as the principal organ of the United Nations responsible for the maintenance of international peace and security, could not ignore a question which went beyond the competence of the regional organization. The Soviet Union opposed the utilization of force in relations among States and had on numerous occasions pointed out that the presence of foreign troops and the existence of foreign military bases on the territories of other countries involved the danger of serious complications. The statement of the representative of Panama had shown the underlying causes which had led to the unprovoked aggressive actions by the United States against Panama. The Soviet Union supported the appeal made by Panama and considered that the Security Council must take immediate steps to put an end to the military action by the armed forces of the United States against the Republic of Panama.

645. The representative of the United Kingdom of Great Britain and Northern Ireland expressed regret at the recent disturbances in Panama, and commended the prompt action which had been taken by the Inter-American Peace Committee. He believed that recourse to the OAS to seek a solution to the question was in accordance with Article 36, paragraph 2, and Article 52, paragraph 2, of the United Nations Charter and that it was the duty of the members of the Security Council to encourage a settlement by those means and not to exacerbate matters or make more difficult the search for reconciliation. The remarks made by the USSR representative, he added, had hardly met those requirements. His delegation had confidence that the Governments concerned were making every effort to bring under control that tragic situation. He supported the suggestion made by Brazil as a most constructive one.

646. The representative of Morocco expressed his delegation's concern with the question before the Council and considered the proposal made by Brazil an important initiative, because it reflected the importance which the Security Council attached to the peaceful solution of the problem, while at the same time, it left the way open for the regional organization to take action which might either at the present, or at a subsequent stage, provide the Security Council with the assistance necessary for the solution of the problem. He expressed his delegation's sympathy for the victims who had fallen in Panama and hoped that the assurances given by the representative of the United States would contribute to make it possible for the two countries to find a solution to the problem on the basis of respect for the legitimate interests and aspirations of the parties concerned.

647. The representative of Panama, in a further statement, said that his delegation favoured the Brazilian suggestion and added that in his view the proposal was not incompatible with the mission undertaken by the Inter-American Peace Committee.

648. The representative of the Ivory Coast stated that it would not be appropriate at the present time to try to place responsibilities or to offer condemnations in connexion with the events in Panama. The Council should only try to arrest the course of events and prevent any further deterioration in the situation. Article 33 of the Charter set forth certain preliminary prerequisites for dealing with matters such as the one before the Council; he was gratified to note that both parties had supported the Brazilian proposal, while at the same time seeking solutions within their regional organization. It was understood, however, that the United Nations would keep the matter under review and would be able to intervene should the situation deteriorate. In those circumstances, he supported the Brazilian proposal.

649. The representative of the United States welcomed the Brazilian proposal and assured the Council that the United States would comply in letter and spirit with any such representation. He suggested that the President's appeal should take note of the action which had already been taken by the OAS.

650. The representative of China believed that the differences between Panama and the United States could be amicably settled once peace and order was restored in the Canal Zone. His delegation was pleased to note that the OAS had taken steps to deal with the crisis, and he was confident that the regional organization would be able to handle the situation in the most effective manner. His delegation was glad to support the Brazilian proposal.

651. The representative of Czechoslovakia expressed his delegation's sympathy with the people of Panama. He believed that there had been a tendency in the discussion to minimize the gravity of the events which had taken place and, particularly, the fact that the Security Council had been apprised of them. The Security Council had been seized with a complaint by Panama that its sovereignty and territorial integrity had been violated which, he added, was part of a whole chain of events brought about by unequal treaties which had been imposed upon the Republic of Panama. Therefore, the Council, in approving the suggestion made by Brazil, should avoid placing on the same footing the forces which had committed aggression and the Republic of Panama. The Council, as he understood from the state-

ment by Panama, had not only to deal with immediate events, but also with the basic situation which had brought them about, and which could lead to further tragedies. In his view the Security Council remained seized of the question.

652. At the conclusion of the discussion, the Council adopted the Brazilian proposal and the President noted that he was authorized to address an appeal to the Governments of the United States and Panama to bring about a cease-fire and that bloodshed should stop. He then adjourned the meeting on the understanding that the question remained on the agenda of the Council.

C. Subsequent communications

653. In a cable dated 11 January 1964 (S/5519), the Minister for Foreign Affairs of Panama, replying to the appeal made by the President of the Security Council, stated that his Government had taken all steps to prevent further disturbances and that the situation had been restored to normal pending definition of the aggression which had been committed against Panama and the determination of the damage which had been done and the compensation which had to be paid for it.

654. By a letter dated 16 January (S/5520), the Secretary General of the OAS transmitted to the Security Council copies in English and in Spanish of a press release issued on 15 January by the Inter-American Peace Committee. The document referred to conversations which had been held between representatives of Panama and the United States in Panama, and stated that the parties had agreed to begin "formal discussions"⁵ which would be initiated thirty days after diplomatic relations between the two countries had been re-established, by means of representatives who would

⁵ The Spanish text of the communiqué used the word "*negociación*".

have sufficient powers "to discuss" without limitations all existing matters of any nature which might affect the relations between the two countries.

655. In a letter dated 31 January (S/5519/Add.1), the United States Secretary of State, in reply to the appeal by the President of the Security Council, stated that his Government had complied with the appeal and that efforts had been directed towards a cessation of violence and the restoration of order. The Secretary of State reiterated his Government's readiness to discuss all problems affecting the relations of the United States and Panama and to seek a peaceful solution to the present difficulties.

656. By letters dated 4 and 7 February (S/5531, S/5541), the Secretary General of the OAS informed the Security Council of action taken by the OAS in connexion with the dispute between Panama and the United States. By that action the Council of the OAS had (1) convened the Organ of Consultation under the terms of the Inter-American Treaty for Reciprocal Assistance on a date and at a place to be fixed in due course; (2) constituted itself as provisional Organ of Consultation under the terms of that Treaty; (3) urged both Governments to abstain from any act which might result in violating the peace in Panama, and (4) established a general committee composed of all the members of the Council, with the exception of the representative of the parties in conflict. The general committee's functions were: (a) to investigate, fully and at once, the acts which had occurred in Panama on 9-10 January 1964, and to report to the Council thereon; (b) to propose to the parties procedures intended to ensure that the peace would not be violated while an effort was being made to find a solution to the dispute between them; (c) to assist the parties in their search for a fair solution of the problem and to report to the Organ of Consultation on that phase of the question; and (d) to establish any special committee it might deem necessary for the fulfilment of its task.

Chapter 7

THE INDIA-PAKISTAN QUESTION

A. Communications to the Council

657. By a letter dated 7 October 1963 (S/5435), the representative of India forwarded copies of notes sent by his Government to the People's Republic of China and to Pakistan protesting against the fixing of boundary markers "on Indian territory of the State of Jammu and Kashmir by the Governments of the People's Republic of China and Pakistan". India considered that action by the two Governments as a further violation of international law and practice.

658. By a letter dated 9 October (S/5437), the representative of Pakistan drew the attention of the Security Council to press reports to the effect that Bakshi Ghulam Mohammed had announced "moves to integrate the disputed State of Jammu and Kashmir more fully into the Indian Union". The significance of those moves lay in indicating India's attitude of doing all in its power to preclude a fair and amicable settlement of the dispute concerning the State of Jammu and Kashmir through an ascertainment of the wishes of its peoples.

659. By a letter dated 12 November (S/5454 and Corr.1), the representative of India stated that Bakshi Ghulam Mohammed, until recently the democratically elected Prime Minister of the State of Jammu and Kashmir, was fully entitled to state what he had stated, both under the Jammu and Kashmir Constitution and under various provisions of the Constitution of India. Jammu and Kashmir was a constituent State of the Indian Union and, therefore, Indian Union territory.

660. By a letter dated 1 November (S/5450), the representative of Pakistan further drew the attention of the Security Council to "certain unmistakable hostile military activities" on the part of the Indian authorities which had resulted in a grave situation along the cease-fire line in Kashmir. Describing the background of that situation, he stated that India for some time past had been taking measures to evict the Muslim population residing on the Indian side of the cease-fire line and that by March 1963, 503 families consisting of 2,787 members had been forced to cross into *azad* Kashmir territory. Pakistan also alleged that recently Indian

armed patrols had been paying increasing attention to Chaknot village which, though lying on the Indian side of the cease-fire line, had been under the administrative control of *asad* Kashmir authorities ever since the conclusion of the Cease-Fire Agreement in 1949. Pakistan asserted that the situation prevailing near the village of Chaknot was of far greater significance than a mere breach of the Cease-Fire Agreement inasmuch as it was an attempt to upset by violence the political and administrative status of an area which was under the control of the *asad* Kashmir authorities. Pakistan believed that by its activity along the cease-fire line India aimed to convert that line into a kind of international boundary between Indian-occupied and *asad* Kashmir and, thus, to preclude the very settlement of the dispute contemplated by the Security Council on the basis of which alone the cease-fire had been effected and maintained.

661. By a letter of 27 November (S/5467), the representative of India denied that his Government had carried out any military activities in or near the village of Chaknot on the cease-fire line and stated that no Indian troops had been concentrated in that area. On the contrary, Pakistan's troops had been recently deployed in the Kel area in the vicinity of that village and Pakistan aircraft had been flying over that area. India also denied that it was evicting Muslims from Kashmir. India had already brought Pakistan's violations of the Cease-Fire Agreement to the notice of the United Nations observers stationed along the cease-fire line and it had every confidence that they would duly ascertain the facts.

662. By a letter dated 3 January 1964 (S/5503), the representative of India, in continuation of his Government's letter of 27 November 1963 (S/5467), forwarded a copy of a letter from the United Nations Chief Military Observer containing an award of a cease-fire violation by Pakistan in the area south-east of Kel.

663. By a letter dated 3 January (S/5504) and in continuation of its letter of 9 October 1963 (S/5437), Pakistan drew the attention of the Security Council to a statement of the Indian Prime Minister on 27 November 1963 to the effect that India was taking certain steps "towards integrating the Indian-occupied area of the State of Jammu and Kashmir with the Indian Union and divesting it of its quasi-autonomous status". India's action would be not only a violation of its commitments under the two resolutions of the United Nations Commission for India and Pakistan (UNCIP) but also of the various statements made previously by the spokesmen of India.

B. Request for a meeting of the Security Council

664. By a letter dated 16 January 1964 (S/5517), the Minister of External Affairs of Pakistan requested an early meeting of the Security Council to consider the grave situation that had arisen in the State of Jammu and Kashmir as a "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" of Jammu and Kashmir.

665. In its letter, Pakistan also stated that as a result of the theft of the holy relic from the Hazratbal shrine in Srinagar, the Muslim population of Jammu and Kashmir had begun demonstrations, paralysing life in Srinagar and many other parts of the State. The events in Kashmir were having a serious effect on

public opinion in *asad* Kashmir and Pakistan and unless it could be demonstrated that the peaceful procedures of the United Nations were capable of halting India's repressive policy, the people of *asad* Kashmir and Pakistan might, in desperation, turn to other courses.

666. By a letter dated 24 January (S/5522), the representative of India stated that his Government had already refuted Pakistan's allegations with regard to the special status of the State of Jammu and Kashmir. So far as the constitutional arrangements between the constituent State of Jammu and Kashmir and the Indian Union were concerned, nothing had happened to support even remotely Pakistan's allegations about the existence of a tense situation. In fact, Pakistan itself had taken every opportunity of creating difficulties and an atmosphere of crisis in Kashmir. It was now trying to exploit certain recent incidents in Kashmir in order to divert attention from the serious and tragic disturbances of considerable magnitude in East Pakistan affecting the minority community there. The theft of the holy relic had caused sorrow to people of all faiths in Kashmir. The demonstrations which had followed the theft were not of a political or communal character and the demonstrators had appealed to the Government of India to help in recovering the holy relic. The relic had since been found and restored with due ceremony. In those circumstances, Pakistan's request for a meeting of the Security Council was purely propagandist. The discussions in the Council could only lead to exacerbation of feelings and to a worsening of the communal situation. The primary need of the time was to establish harmony and peace between the various communities in India and Pakistan.

C. Consideration at the 1087th to 1093rd meetings (3-17 February 1964)

667. On 3 February 1964, the Security Council agreed, without objection, to include the item in its agenda. The representatives of India and Pakistan were invited to participate in the discussion without the right to vote. The Council considered it at fifteen meetings held between 3 February and 18 May 1964.

668. At the 1087th meeting on 3 February, the representative of Pakistan stated that the present tense situation had arisen as a result of India's policies toward the State of Jammu and Kashmir, in particular its declared intention to "integrate" that State within the Indian Union territory. As a reaction to those Indian policies, the people of the State of Jammu and Kashmir had once again risen in a protest which the foreign observers had described as "open rebellion". In spite of India's strict censorship over the happenings in Kashmir, enough information had leaked out to show that India's colonial hold over Kashmir was disintegrating. Dispatches of foreign correspondents clearly showed that the massive demonstrations and the paralysing general strike in Kashmir were not only an expression of the resentment of the Kashmiris against the theft of the holy relic but also of their indignation against continued Indian domination.

669. The situation in Kashmir was exemplified by the imprisonment of Sheikh Abdullah since August 1953. Sheikh Abdullah, once described by the Prime Minister of India as "the biggest and most popular leader in Kashmir", had remained in jail since then except for one brief interval of three months. At the time of Sheikh Abdullah's arrest, the Indian army

had resorted to indiscriminate shooting of protesting Kashmiris. The recent events in Kashmir had so moved him that he had written from jail to the President of India protesting against the "reported indiscriminate arrests" and "a process of dehumanization" and asked for a revision of India's Kashmir policy. The feelings that Sheikh Abdullah voiced in his letter were shared by millions of Kashmiris.

670. India's present designs to integrate the State of Jammu and Kashmir had first been revealed in a statement on 3 October 1963 by the then "Premier" of the "Indian-occupied" Kashmir. The statement of the State Premier had been followed by an announcement of the Indian Home Minister on 27 November 1963 and the same day, the Prime Minister of India had stated that article 370 of the Indian Constitution, which gave Kashmir a special status, would be subject to a process of "gradual erosion".

671. Pakistan had then protested to India and had pointed out that the measures contemplated by the Indian Government with regard to Kashmir were deliberately aimed at destroying the basis of agreement on Kashmir as embodied in the UNCIP resolutions of 13 August 1948 and 5 January 1949, and violated the Security Council resolutions of 30 March 1951 and 24 January 1957. India's actions constituted defiance of the Security Council and of the principles of the Charter.

672. Pakistan had never admitted or recognized India's claim of sovereignty over the territory of Jammu and Kashmir in disregard of the right of self-determination of the people of that territory. Moreover, India, through its own numerous declarations, had admitted that Kashmir's accession to it was not final and that a plebiscite had to be held in Kashmir to decide its future. That was also the position taken by India before the Security Council, where, besides affirming the provisional and conditional nature of the accession, India had also declared that the State of Jammu and Kashmir retained its autonomy within the Indian Union and that India had very limited jurisdiction over the State. Those assurances had been repeated by the representative of India at the time of the adoption of the 30 March 1951 resolution by the Security Council. India at that time had stated that the proposed Constituent Assembly would not prejudice the issue before the Council. The Security Council, nevertheless, in its resolution of 30 March 1951, had affirmed that the convening of a Constituent Assembly and any action that it might take would not constitute a disposition of the State in accordance with the principles embodied in the two UNCIP resolutions. However, after the arrest of Sheikh Abdullah, Bakshi Ghulam Mohammed, the new Premier, had undertaken to facilitate the steps contemplated by India to tighten its hold over Kashmir. By an order promulgated in 1954, India had sought to reduce, step by step, the status of Jammu and Kashmir to a province of the Indian Union. Finally, the so-called Constituent Assembly had adopted a constitution in November 1956, whereby it declared that "Kashmir is and shall be an integral part of the Union of India". Pakistan had again brought the matter to the attention of the Security Council, and on 24 January 1957 the Council had adopted another resolution reaffirming its earlier affirmation of 30 March 1951 on the question of the relationship between the Constituent Assembly and the future status of the State of Jammu and Kashmir. India, however, despite Security Council resolutions and pro-

tests by Pakistan, had continued to adopt measures to increase its power and authority over the State of Jammu and Kashmir. The latest measures contemplated by it would reduce the State to the level of a mere administrative unit of India.

673. The representative of Pakistan then referred to the communal situation on the sub-continent and stated that the present rebellion in Kashmir had further aggravated relations between Pakistan and India and had led to communal riots in the two countries. Because of that human tragedy, the President of Pakistan on 13 January had made an urgent appeal to the people of Pakistan to maintain calm and had emphasized the supreme need for preserving peace. He had also sent an urgent appeal to the President of India to take effective steps to restore order and peace in Calcutta and other areas of West Bengal.

674. The representative of Pakistan maintained that the lack of progress in the solution of the Kashmir question and the persistence of communal unrest were part of the same policy that India pursued towards Pakistan. Two years earlier India's stand before the Council had been that the two UNCIP resolutions calling for a plebiscite in Kashmir could not be implemented because Pakistan had not carried out its obligations under those resolutions. Pakistan had then declared that it was ready to agree to any method of determining the obligations of the parties and also any further measures needed to be taken by either side to advance the objective of those two resolutions. But India refused to submit its differences with Pakistan, even on questions of fact, to mediation or to arbitration. Instead, it contended that the accession of the State of Jammu and Kashmir to India was final and therefore there was nothing that remained to be done with regard to Kashmir.

675. During the last discussion of the India-Pakistan question, the representative of Pakistan said, the view of the majority of the members of the Council had been that the two countries should enter into bilateral negotiations to find a just and honourable settlement of the dispute between them. In November 1962, through the good offices of the United States and the United Kingdom, the President of Pakistan and the Prime Minister of India had agreed to undertake bilateral talks. Those talks had begun in the last week of December 1962 and continued until May 1963. They had ended in complete failure because India had refused to move from the rigid position taken by it. The United States and the United Kingdom had then proposed that the two countries should agree to the appointment of a mutually acceptable mediator. While Pakistan had been still engaged in seeking certain clarifications from the two countries on the mediation proposal, the Prime Minister of India had effectively sabotaged that proposal by a statement in the Indian Parliament on 13 August 1963. At that stage India had also announced its plans to proceed with the further integration of Kashmir within the Union territory. In those circumstances the Security Council must take appropriate action to ensure that the Kashmir dispute should begin to move rapidly towards an honourable and just solution in the interest and for the well-being of the people of the India-Pakistan sub-continent, in particular, and in the interest of the people of Asia in general.

676. At the 1088th meeting of the Council on 5 February, the representative of India said that Pakistan's submission to the Council was propagandistic and agitational and without any justification. No new situa-

tion had arisen to aggravate the existing conditions in Jammu and Kashmir.

677. Pakistan had also pretended to show a great solicitude for the Indian Muslims and had stated that hundreds of thousands of them had been pushed into East Pakistan. But Muslims constituted 50 million of the population of India. India had no official religion and its civilization was a synthesis of many diverse cultures. Much of India's differences with Pakistan arose from the fact that while Pakistan was a theocratic state, India had based itself on secularism. Muslim public opinion in India had always strongly endorsed the policy of the Indian Government as against Pakistan's self-imposed duty of voicing their alleged grievances. In its campaign of hatred of India, Pakistan's objective was to sow discord and turmoil and to weaken India politically and economically so that it could continue its occupation of a part of Indian territory. In that respect it was playing China's game by undermining India's defence against China. However, nothing could induce any Government in India to make any concession on the question of its unity and territorial integrity.

678. As regards Pakistan's charge that India was trying to "integrate" Kashmir into the Union territory, it should be remembered that the whole of Kashmir had become an integral part of India when the Ruler of the State of Jammu and Kashmir had executed the Instrument of Accession to India and the then Governor-General had accepted that Instrument. The law did not provide that the Instrument of Accession could be conditional and there was no provision for consulting the people or that accession had to be ratified by ascertaining the wishes of the people of the acceding State. The Indian Independence Act of 1947 clearly stated that "an Indian State shall be deemed to have acceded to the Dominion if the Governor-General has signified his acceptance of an instrument of accession executed by the Ruler thereof". Therefore, there was no substance in the suggestion that the accession of Jammu and Kashmir was not complete because the people of that State had not been consulted.

679. The Foreign Minister of Pakistan had stated that India had obtained the signature of the Ruler on the Instrument of Accession at a time when the people of Jammu and Kashmir had risen in rebellion against the Ruler and had ousted his authority from the State. That was a complete distortion of facts. It was the tribal raiders and Pakistan nationals, aided and abetted by the Pakistan Government, who had carried the fighting into Kashmir and had compelled the Ruler to turn to India for aid. It was on that occasion that Sheikh Muhammed Abdullah had spoken with gratitude about India's assistance in Kashmir's hour of peril. Finally, at the time of the United Nations Commission's visit to Karachi, Pakistan had had to admit its share in the aggression against Kashmir and also that three of its brigades had been fighting in Kashmir territory since May 1948.

680. It was in that context that the two UNCIP resolutions of 13 August 1948 and 5 January 1949 had to be understood. The very foundation of those resolutions was that the presence of Pakistan in parts of Jammu and Kashmir was illegal, and that Pakistan must withdraw its troops and vacate its aggression. It was only on Pakistan's complying with that essential condition that the possibility of holding a plebiscite in Kashmir could arise. All assurances by India with regard to holding a plebiscite had been given in that

context. Moreover, the possibility of a plebiscite had been envisaged because at that time no elections had been held in Kashmir. Subsequent to that, Kashmir had had three general elections with universal adult franchise, and in all those elections a party had been returned to power which had firmly supported Kashmir's integration with India. Therefore, if it was necessary to ascertain the wishes of the people, that had been done three times already. With the passage of time and various other factors intervening, the two UNCIP resolutions had become obsolete and were no longer binding on India.

681. Pakistan's allegations about the so-called attempt on the part of India to "integrate" Kashmir further within its territory dealt with matters which were entirely within India's domestic jurisdiction. Part XXI of the Indian Constitution dealt with some special arrangements that the central government had with some of the constituent States. Obviously, they were of a transitional nature and were to be deleted from the Constitution once their necessity was over. The Prime Minister of India had used the expression "the gradual erosion of article 370" because by its very nature article 370 was temporary. Moreover, the steps that India had taken or was contemplating were in the interest of better administration in Kashmir, better labour legislation and also to let the State of Kashmir participate fully in modern economic processes for its orderly development.

682. Pakistan had also sought to establish some connexion between those constitutional changes and the theft of the holy relic from the Hazratbal shrine. From that, it would be clear that Pakistan had tried to give a communal turn to the incidents in Kashmir as it had hoped that communal riots would follow the theft of the holy relic. Fortunately, however, there had been complete communal unity during the period of demonstrations in which all communities had participated. The demonstrations against the local administration exemplified the fundamental right in a democracy of the people to express their dissatisfaction with their government. However, as testified by foreign correspondents, they had been non-communal and particularly not against India.

683. After having failed in its design to stir up trouble in Kashmir, Pakistan had diverted its attention to East Pakistan and serious communal riots had broken out in Khulna and Jessore. The repercussions of the Khulna riots had resulted in the riots in Calcutta which, however, had been put down firmly by the West Bengal government and the normal situation had soon been restored.

684. In contrast to Pakistan's attitude, India had always taken strong action against communal riots and had given the fullest protection to all its citizens. The Prime Minister of India had repeatedly appealed to Pakistan to enter into a "No War Declaration". That offer had been refused. When the recent trouble had broken out, the President of India had appealed to the President of Pakistan to issue a joint declaration to the peoples of the two countries for peace and harmony. That suggestion had also been rejected by Pakistan. India had then proposed that the Home Ministers of the two countries should meet and visit the scenes of disturbance. Pakistan had submitted a counter-proposal which amounted to a refusal of the Indian suggestion. While referring to the bilateral talks on Kashmir, the Foreign Minister of Pakistan had sought to suggest that those talks had failed due to Indian intransigence.

The facts, however, were that on the eve of the first round of talks, Pakistan had announced an agreement in principle on the demarcation of the border between the part of the State of Jammu and Kashmir under the unlawful occupation of Pakistan and the Chinese province of Sinkiang. Despite that provocation, India had continued the talks. In March 1962, while the talks had been going on, the Foreign Minister of Pakistan had gone to Peking and signed a border agreement with the People's Republic of China. Again, India showed restraint and had continued the talks. Finally, the talks had been broken off by the Foreign Minister of Pakistan in spite of all the efforts on India's part to keep the talks going.

685. At the time of China's aggression against India, Pakistan had carried on virulent propaganda against India and in favour of China. It had made every effort to prevail upon friendly countries not to give assistance to India and had also, in fact, taken the attitude that it was not China but India that had been guilty of aggression.

686. The Foreign Minister of Pakistan had professed a desire, which India fully endorsed, to settle international problems by peaceful rather than by violent means. But Pakistan had acted differently. Even in its letter of 16 January 1964, there was an implied threat that the people of *azad* Kashmir and Pakistan might turn in desperation to other courses". In fact, Pakistan's underlying sentiment with regard to Kashmir had always been that if the problem of Kashmir was not settled to its satisfaction then there would be communal disturbances, there would be other trouble and even bloodshed. Therefore, Pakistan had approached the Security Council not with an appeal but with a threat and India was being asked to submit to that threat. Pakistan had complained that India was changing the *status quo* with regard to Kashmir and yet it had given away to China, with its border agreement, 2,000 square miles of Kashmir. Apart from the fact that legally and constitutionally Kashmir was part of India, it had now assumed vital importance because of the continuing menace of China, and India today was perhaps the only country which could stand up to Chinese expansion and aggression. India could not undertake that task if it were made domestically and internationally weak.

687. The trial of Sheikh Mohammed Abdullah, to which the Foreign Minister of Pakistan had referred, was a matter which was *sub judice*. India regretted the delay that had taken place in concluding that trial, but it was being conducted according to the procedures laid down by law. The trial was public and every facility was being given to the accused to defend himself.

688. Pakistan had made a great deal of play with the idea of self-determination. It was, however, clear that the "self" contemplated in the enunciation of that principle was not and could not be a constituent part of a country. The principle could be operative only when one was dealing with a nation as a whole, and the context in which it could be applicable was the context of conquest or of foreign domination, or of colonial exploitation. The principle of self-determination could not be applied to bring about the fragmentation of a country or its people as it would lead to disastrous consequences. Moreover, Pakistan, which was preaching self-determination to India, had not even so much as thought of holding

an election in its own country, nor had it thought of permitting self-determination to the Pathans who wanted a state of their own.

689. Pakistan had also charged India with evicting Indian Muslims from its territory. However, the Indian census figures from 1961 showed that there had been an increase of 25.6 per cent in the population of Muslims in India during the period from 1951-1961, against an over-all increase in India's population of 21.5 per cent. The fact was not only that Indian Muslims were not leaving the country, but that Pakistani Muslims in large numbers had been infiltrating into the surrounding Indian States of West Bengal, Assam and Tripura. That could also be borne out by the Pakistan census figures. In contrast to the increase in the Muslim population in India, the Hindu population in East Pakistan had remained practically stationary, although the increase in population of Muslims during the same period was 26 per cent. The fact that there was no increase in the Hindu population clearly showed that they had been made to migrate to India. Moreover, eviction from India was only under the provisions of the rule of law.

690. The representative of India reiterated his country's desire to establish normal and friendly relations with Pakistan. However, the passing of a resolution would not be helpful in that respect. It was likely further to aggravate feelings. The first thing was to restore normal conditions in the disturbed area of India and Pakistan and to bring about inter-communal unity and harmony in both countries. For that purpose, India was prepared to take any and every step in co-operation with Pakistan and would welcome a meeting of Ministers of the two countries to discuss ways and means; secondly, threats of violence which had emanated from Pakistan from time to time must cease. Pakistan should declare, along with India, that the two countries would never resort to war and would settle all their differences by peaceful means.

691. At the 1089th meeting of the Council on 7 February, the representative of Pakistan stated that he was surprised that the representative of India had characterized Pakistan's request for the Council's consideration of the recent developments in regard to the Kashmir question as "agitational". After all, the Security Council was the main organ of the United Nations charged with the responsibility for the maintenance of international peace and it was abundantly clear that the recent situation in Kashmir was a threat to peace. The representative of India had made a number of other charges against his country and Government which were irrelevant to the question under discussion. On the question of Kashmir itself, the representative had stated nothing new. He had claimed that if India was left to itself, there would be no communal trouble whatsoever. That claim could not be reconciled with the number of riots that had taken place in India since the Minorities Agreement of April 1950. In March 1961, large-scale killings of Muslims had taken place in the province of Madhya Pradesh. Reports in the foreign Press and even some Indians had admitted that the Muslim minority in India had suffered greatly in the recent riots in West Bengal which had been due to some extent to the exaggerated accounts in the Indian press of riots in East Pakistan. The Calcutta Muslims, according to press reports, had not even been given police protection and had been left at the mercy of the communal

parties who, in an organized manner, had carried out their design of uprooting Muslims from their homes.

692. On the question of eviction of Indian Muslims, the representative of India had tried to prove by census figures that there had been not only no eviction but in fact an increase in the Muslim population of three West Bengal districts. But the West Bengal districts, in which a relatively high increase of Muslim population was shown, were not contiguous to those Pakistan districts where a slow rate of increase of Muslim population had been recorded. Obviously, therefore, there could be no possible connexion between those trends of population growth. Moreover, the Indian authorities had introduced a strict system of border checkpoints to prevent the entry of non-Indians through unauthorized routes into Indian territory. These restrictive measures had resulted in almost complete stoppage of entry to Assam, Tripura and West Bengal.

693. As regards India's claim that due processes of law had been followed in the eviction of Muslims from India, there was evidence from impartial foreign observers that most of those who had received the so-called "show cause" notices were expelled even before the courts could pass a judgement on their cases, while others did not receive even that warning before the police came to evict them. In any case, if India believed that all those who had been evicted had not been its nationals, then it should have no objection to having the matters examined by an international commission of inquiry as Pakistan had proposed last year. Pakistan had not rejected a meeting between the Home Ministers of the two Governments. In fact it had made a positive response by stating that once order had been restored, the two Ministers could meet to discuss measures necessary to enable the refugees as well as the evictees to return to their homes.

694. On the question of Kashmir, the representative of India claimed that there was no provision for consulting the people of the states acceding to either India or Pakistan or requiring that the accession had to be ratified by ascertaining the wishes of the people. In contrast, India had stated before the Security Council at its 227th meeting that on the question of accession India had always enunciated the policy that in all cases of dispute the people of the state concerned should make the decision. On several other occasions before the Security Council and in public statements of its officials, it had affirmed that the wishes of the people had to be ascertained whenever there was a conflict in the views of the ruler of a State and his people. It was for that reason that the Prime Minister of India had stated on 7 July 1952, that "India had accepted Kashmir's accession only provisionally in 1947, pending the expression of the will of the people".

695. The representative of India had also argued that the religious complexion of a princely state had not been an issue in connexion with its accession. That had not been India's position in 1947 or at the time that Junagadh had acceded to Pakistan. On that occasion India had insisted that where the ruler of a State did not belong to the community to which the majority of his subjects belonged, the question of accession should be ascertained by reference to the will of the people. At that time, the then Governor-General of India had also told the Ruler of the State of Jodhpur that, if he were to decide to accede to Pakistan, his decision would come into conflict with the

principle underlying the partition of India which was on the basis of Muslim and non-Muslim majority areas. If the question of religious complexion had figured in the case of Junagadh, Jodhpur and Hyderabad, it should also be applicable to the State of Jammu and Kashmir.

696. The representative of India had also stated that Jammu and Kashmir had become an integral part of India when the Instrument of Accession had been signed and accepted, and that from that day Kashmir had the same position vis-à-vis the Indian Union as other component parts. That was not, however, the position that India had taken at the earlier meetings of the Security Council. For instance, at its 463rd meeting, India's representative had declared that Kashmir had "acceded tentatively in October 1947". Moreover, if Kashmir, as claimed now by India, was an integral part of the Indian Union, then there was nothing left to negotiate or adjudicate between India and Pakistan and no need to hold bilateral talks. However, at the end of the bilateral talks that had taken place between December 1962 and May 1963, the joint communiqué issued had stated that "the two Ministers recorded with regret that no agreement could be reached on the settlement of the Kashmir dispute".

697. The circumstances in Kashmir which had formed the genesis of the Kashmir dispute had been repeatedly stated by the parties before the Council and were on its record. However, in terms of the Charter and in terms of moral and legal obligations of Member States, the controversies which had existed before the acceptance of an agreement could not be revived in connexion with the implementation of an agreement. In the Kashmir dispute the allegations of aggression by the two parties against each other had been debated in the Council and with the United Nations Commission before the two UNCIP resolutions had been adopted. Their acceptance by the two parties had disposed of the contentious issues prior to their adoption. At previous meetings of the Security Council, India had stated that it would not be a party to the reversal of previous decisions taken by the United Nations Commission with the agreement of the parties. India was now claiming that those two resolutions dealing with plebiscite "were conditional, and contingent on Pakistan vacating its aggression...". The two resolutions provided for a cease-fire, a truce agreement, and a plebiscite in Jammu and Kashmir. There was no question of their conditional acceptance. The Security Council was fully aware that Pakistan was not required by the terms of the two resolutions to make a unilateral and unconditional withdrawal of its military forces from the State. The obligation of Pakistan to withdraw would come into force and operation only after the conclusion of a truce agreement under the resolution of 13 August 1948 which provided for a synchronized withdrawal, leading to the demilitarization of the State. So far, India had withheld its co-operation in formulating a truce agreement. All proposals to that effect by the various United Nations representatives had been rejected by India including one regarding the stationing of a United Nations force. Pakistan had even offered to submit to impartial determination the responsibility for the deadlock in the implementation of the 13 August 1948 resolution and to rectify the default through the speediest method if found to be in default.

698. Even if there were some substance in India's allegation of non-compliance by Pakistan with its ob-

ligations under the UNCIP resolutions, that infraction by Pakistan should not be allowed to work against the people of Kashmir in exercising their right of self-determination. Moreover, the question whether Pakistan had committed aggression or not could best be answered by the people of Kashmir themselves who were its victims. India should, in fact, be insistent on an unfettered plebiscite in Kashmir which would enable the victims to return an overwhelming verdict against the aggressor. The fact that it was Pakistan which sought the plebiscite and India which rejected it, showed how much truth the Government of India felt there was in its contentions.

699. India had denied that any situation had arisen to aggravate the existing conditions in Jammu and Kashmir. However, there was enough evidence from the reports of foreign correspondents covering the recent events in Kashmir to suggest that a spontaneous referendum of the people had taken place in which the people of Kashmir had returned an overwhelming verdict against India. As those press reports pointed out, the theft of the holy relic had brought to the surface all the stored resentments of the Kashmiris, and a new factor, that of the self-assertion of the Kashmiris, would henceforth be a major factor in the future discussions of the Kashmir question at the United Nations. Even after the reported recovery of the holy relic, reports continued to come of strikes and of indiscriminate arrests and also that the people of Kashmir were demanding the release of Sheikh Abdullah and the holding of a plebiscite. If the evidence already before the Security Council was considered insufficient, then the Council could employ whatever machinery it thought fit for a thorough and impartial fact-finding of the situation in Jammu and Kashmir, which should also include evidence from the political prisoners. The situation in Kashmir needed urgent action.

700. At the 1090th meeting of the Council on 10 February, the representative of India stated that the representative of Pakistan had realized that the only way he could justify his Government's approach to the Security Council was to make out a case of trouble and discord in Kashmir. The facts, however, showed that there had been no communal disturbances in Kashmir and that far from being in rebellion against India, Kashmir had turned to India for help. With the assistance provided by India, the sacred relic had been found and had been identified already by the respected religious leaders of Srinagar, including leaders of the opposition party.

701. Pakistan was not interested in Kashmir because of its interest in the welfare of the Kashmiri people, but for its own security and defence. That fact had been made clear in various statements of Pakistan's leaders, including those of President Muhammad Ayub Khan. If Pakistan were sincerely interested in the welfare of the people of Kashmir, then it was time that it put an end to the controversy it had begun. Pakistan talked glibly of a plebiscite without realizing its consequences. The stirring of communal passions on a large scale could lead to serious communal riots all over the sub-continent, leading to large-scale migrations. Pakistan's whole argument had been that unless the Kashmir problem was solved, relations between the two countries would not improve. That was an open threat to the Security Council and to the peace of the region. While India had repeatedly declared that under no circumstances would it resort to war for settlement of its

differences with Pakistan, Pakistan had never made such a declaration. In fact there had never been a refutation by the representative of Pakistan of the various statements made by responsible Pakistan leaders threatening violence against India.

702. India had always condemned communal riots. Its policy, since independence, had been to create confidence in the minority communities so that communal incidents should become a thing of the past. However, in that respect, the attitudes of India and Pakistan were diametrically different. The incitement of communal riots had been a part of Pakistan's policy.

703. On the question of illegal movements of persons from East Pakistan into India, and the establishment of an impartial tribunal to determine whether the Muslims who had been evicted were Indian or Pakistani nationals, he said that the matter was entirely a domestic one and noted that the representative of Pakistan had himself stated that the maintenance of communal harmony was a domestic problem for India and Pakistan. Certainly, no Government would like to abdicate its sovereign right of determining who was its national and who was an alien.

704. Turning to the aspect of self-determination, he said that while India fully endorsed the principle, it could not accept it as an instrument for the fragmentation of States and nations. As a Member State of the United Nations, India had already exercised the right of self-determination. Through a Constituent Assembly of elected representatives in which the representatives of Jammu and Kashmir had also participated, the Indian people had given themselves a Constitution under which three general elections already had been held. Thus, the people of Jammu and Kashmir had already exercised their right of self-determination; but if it was suggested that there should be self-determination for the people of Jammu and Kashmir as distinct from the people of India, that was a proposition that India could not accept because it appeared to be based on the premise that the majority of the people of Jammu and Kashmir happened to profess a particular religion. By citing the examples of Junagadh, Jodhpur and Hyderabad, the representative of Pakistan had tried to prove that the question of religious complexion had been a factor in the decision of the ruler of a State on accession either to India or to Pakistan. But in all those cases, the principle of contiguity would have been contravened apart from the fact that a large majority of the people of those states had favoured accession to India. In the case of Kashmir, not only had there been a legal and unconditional accession, but the principle of contiguity had also been satisfied. Moreover, the Kashmir National Conference, which represented the large majority of the people of Kashmir, had been clearly in favour of accession.

705. All statements made by the Indian Prime Minister and other public leaders with regard to consulting the wishes of the people had been made in the context of the situation then existing and on the clear understanding that Pakistan would discharge its obligations to vacate its aggression.

706. It was Pakistan's non-compliance which had made the two UNCIP resolutions obsolete. Pakistan had tried to explain away its aggression by stating that the controversies which had existed before the acceptance of agreement could not be revived once the agreement was reached. It would, however, be very

strange that because India had agreed to a compromise formula on certain conditions, the compromise became sacrosanct even if the conditions had not been fulfilled. India had never abandoned its sovereignty over the State of Jammu and Kashmir and had never agreed to any resolution which even by implication questioned that sovereignty.

707. Pakistan had violated the terms of the 13 August 1948 resolution in numerous ways. Those were the continuing presence of Pakistan's forces and other personnel in Kashmir; the introduction of additional military equipment into occupied territory; the construction of airfields in occupied territory; the incorporation of the occupied area of Jammu and Kashmir into Pakistan; the use of its membership of military pacts to increase its military potential in Kashmir and the strengthening of the so-called *azad* forces; the occupation of northern areas; the continuous threats of force and the creation of a war atmosphere, which were a constant menace to the cease-fire line; the organization of subversion and sabotage in Jammu and Kashmir; the negotiation and signing of a border agreement with China and the surrender of 2,000 square miles of Kashmir to China, thus disrupting the territorial unity of the State of Jammu and Kashmir. Those violations by Pakistan were a clear proof that the 13 August 1948 resolution had been made obsolete by Pakistan's actions.

708. Pakistan had come to the Security Council on two specific charges, first that India had been trying to integrate Kashmir further into its territory, and secondly, that there was a grave situation in Kashmir which called for action by the Security Council. The representative of Pakistan had, however, failed to substantiate either of those charges and therefore there was nothing before the Council on which it need take action. India would be prepared to discuss all its outstanding differences with Pakistan, including Kashmir, once the bitter feelings and communal passions had subsided. That was, however, a matter essentially for India and Pakistan and intervention of a third party would not be helpful.

709. The representative of Morocco stated that his country, which maintained very close relations with both Pakistan and India, was greatly concerned with the repercussions of the dispute between them. It would, therefore, be greatly relieved if the two countries could achieve a just and equitable solution which would give satisfaction to all concerned, including the population of the State of Jammu and Kashmir. In order to restrict the scope of the present conflict, the Moroccan delegation believed that it would be extremely desirable for the two countries to refrain from undertaking any unilateral action which might create new complications or which might challenge the decisions which the Security Council had already taken in agreement with the two parties.

710. It was imperative that in the interest of peace the leaders of the two countries should begin negotiations and reach a solution based on the respect of rights and, particularly, the right of peoples to self-determination. It was perhaps only on that basis that a solution could be found which would be valid and at the same time final.

711. The representative of the Ivory Coast noted that while Pakistan had complained that India was infringing the Security Council's resolutions of 30 March 1951 and 24 January 1957, as well as the two

UNCIP resolutions, by seeking to integrate into its territory that part of the State of Jammu and Kashmir which was under Indian control, India had claimed the State of Jammu and Kashmir as an integral part since 27 October 1947 so that any constitutional steps that it might take with regard to that State were purely of a domestic nature. The Security Council had repeatedly discussed the Kashmir question and had advocated solutions contained in many of its resolutions. No one had suggested that those resolutions should be invalidated, nor was there any request to draw up an indictment or pass judgement. The Council was being asked to take measures to ensure that the problem of Kashmir should progress towards a just and honourable solution. The Ivory Coast accepted all previous Security Council resolutions on the question, recognized their dynamic character, reaffirmed its support of the principle of self-determination, and condemned all forms of racial or religious discrimination. It also noted with regret and sorrow the unfortunate results of the violence that had occurred on the sub-continent for which there could be no justification. Kashmir must cease to be a perpetual cause of tension in relations between India and Pakistan. For the sake of peace and security in that region, it was the Council's duty not to side-step the fundamental issue before it. There was enough evidence to suggest that India was prepared to hold talks with Pakistan in the settlement of its differences and Pakistan also had stated that it only sought a peaceful and just solution of the Kashmir dispute. In the light of those expressions, it would be fitting to call upon India and Pakistan to resume negotiations. He suggested that at the conclusion of the present debate, the President of the Council could formulate an appeal calling upon the two countries to re-establish a climate of understanding between themselves and to restore peace and harmony between the communities. The Council should also urge them to take into account in their negotiations the previous decisions of the United Nations, to give regard to the wishes of the people concerned and to have recourse, if they both considered it useful, to the good offices of a country or a statesman of their choice.

712. The representative of the United Kingdom of Great Britain and Northern Ireland stated that his Government continued to hold the view that the Kashmir dispute could best be settled by agreement between India and Pakistan. The United Kingdom would continue to give its support to efforts to reach an agreement that would give effect to the resolutions already adopted by the United Nations. It was apprehensive that a discussion in the Security Council at present might prejudice the prospects of negotiations towards such an agreement. However, now that the matter had again been brought before the Council, the occasion should be used for discussion and negotiation with a view to moving towards a settlement. For that reason, his delegation welcomed the efforts being made to find common ground between India and Pakistan and would be pleased if a fresh approach by those members of the Council who had not had previous direct contact with the consideration of the Kashmir question in the Security Council should result in progress towards a settlement.

713. The United Kingdom Government's position on the status of Kashmir and on the question of self-determination had been made clear most recently by its sponsorship of the Security Council resolution of

24 January 1957 which had reiterated that the final disposition of the State of Jammu and Kashmir would be made in accordance with the will of the people, expressed through the democratic method of a free and impartial plebiscite under United Nations auspices. It would be unrealistic to consider the status of Kashmir purely in terms of the legal effect of the Maharajah's instrument of accession. The United Kingdom believed that it was impossible to leave out of consideration fifteen years of discussion in the Security Council and the decisions taken by it. It believed that there was a dispute with regard to Kashmir which should be made subject to negotiation with due regard to previous Security Council resolutions and to the wishes of the people of Kashmir. In view of its historic association with the Kashmir problem and its close ties of friendship with both India and Pakistan and also realizing that satisfactory permanent political, defence and economic arrangements for the Indian sub-continent could never be reached until there was an agreed Kashmir settlement, the United Kingdom Government had constantly sought ways and means of moving towards that settlement.

714. Apart from the question of Kashmir, the delegations of the two countries had touched in their statements on other subjects of contention between them, notably, the communal rioting in East Pakistan and West Bengal, and the problem of population movements between those two areas. The United Kingdom delegation believed that the most immediate and practical way of handling those sources of tension would be to hold a meeting of the representatives of the two Governments and would deplore anything that might stand in the way of such negotiations. On the Kashmir question itself, two factors should be borne in mind. The Council's authority and the principles of the Charter required that its decisions, taken in the course of the last fifteen years, should not be lost to view. Secondly, the adoption of resolutions ignored by one of the parties had not led to a constructive solution. The Council's attention should therefore be directed to searching for common ground between India and Pakistan which could be on the lines that both India and Pakistan should restore normal conditions and inter-communal harmony and undertake talks on their communal and related problems with a view to preventing further outbreaks. If the two parties were to consider that the exercise of good offices in that connexion would be helpful, the United Kingdom delegation would suggest that the Security Council should stand ready to discuss that aspect. The two countries should also resume negotiations on Kashmir and, as necessary, other related matters. The United Kingdom delegation, through its experience of the previous bilateral talks between India and Pakistan, was convinced that some degree of outside help would be necessary if satisfactory results were to be achieved. If the two parties agreed to that suggestion, the United Kingdom delegation would recommend that they should consider all possibilities in that respect, including that of engaging the assistance of the Secretary-General.

715. At the 1091st meeting on 14 February, the representative of China stated that when the Council had first been seized of the Kashmir question, it had not sought to impose a solution but had made efforts to find common ground on which a structure of settlement could be built. It was on those protracted consultations that the Council's decisions had been based

and both parties had solemnly pledged their implementation. That being so, it could not be said that the Council's resolutions had become obsolete. In spite of the Council's best efforts, the fact remained that the dispute over Kashmir had persisted for some sixteen years and once again had manifested itself in communal riots and violence. Certainly, neither India nor Pakistan could allow the dispute to drag on at a time when the common security of the area was under threat of aggression from outside. The Chinese delegation was encouraged by the expression of willingness by both parties to find a peaceful solution and it was the clear duty of the Council to extend its help in bringing about such a solution. No doubt, the pre-condition of such a settlement was the creation of a climate of understanding. The Chinese delegation believed that the train of thought embodied in the Council's resolution of June 1962 was still useful. The Council should, therefore, urge the parties, possibly with the good offices of a third party, to enter into negotiation at the earliest possible date.

716. The representative of Norway stated that the seriousness of the conflict between India and Pakistan had been underlined by the recent communal uprisings and the violence that had occurred not only in Kashmir but also in the two countries. The core of the problem was still the same as it had been fourteen years before, when Norway had last served on the Council: the political future of the State of Jammu and Kashmir. The Security Council resolutions as well as those of the United Nations Commission had not been rescinded and still represented the United Nations view on that question. It was essential that a final settlement of the Kashmir question be satisfactory to the people of Jammu and Kashmir and that its main features be acceptable to India and Pakistan.

717. Although the statements before the Council by the representatives of India and Pakistan had shown the wide gap between their respective positions, a closer examination would show some signs which might encourage the Security Council to undertake a new approach to reconciling their differences. Both parties had deplored the renewed outbreaks of communal violence and had indicated their willingness to enter into negotiations. The Council should encourage those efforts which should be concentrated on the resumption of direct negotiations on outstanding questions between them, including the question of Kashmir. In order to facilitate that and to increase the chances of singling out the areas in which agreements could most likely be had, the Norwegian delegation believed that it would be advisable to seek the good offices of a country or an outstanding personality. In that respect the services of the Secretary-General could be of great assistance.

718. The representative of Czechoslovakia stated that in spite of many common bonds between the peoples of India and Pakistan, including their joint struggle for independence, there was a dispute and conflict between them as had been made clear by the statements of their representatives before the Council and by reports of large scale communal riots. The history of that conflict showed that it was closely linked with the problems resulting from the partition of the Indian sub-continent and was part of the many complex problems left behind by the former colonial régime.

719. There were essentially no new elements in the Kashmir question and consequently there was no need to examine again the juridical and political arguments

advanced by the two parties. Moreover, Czechoslovakia had taken a position in the past which was well known and need not be repeated. At present, the Security Council's role should be to assist the two parties to renew their negotiations which would be in accordance with Article 33 of the Charter. Instead of adopting a formal resolution, the Council should make an appeal to the two parties to re-establish communal peace and harmony and to prevent a resumption of acts of violence. The Council should not constrict its appeal by introducing into it questions of a controversial nature which might constitute an obstacle in the path of the suggested *pourparlers*. It was for that reason that the Czechoslovak delegation did not believe it advisable to impose upon the parties the idea of mediation or good offices of a third party. Such mediation would be useful only if it could come about as a result of understanding between them.

720. The representative of France stated that the very structure of India and Pakistan, in which peoples of diverse culture and customs lived side by side, provided a model of coexistence. However, there was a danger that because of lack of final agreement between the two countries, that process of coexistence might be jeopardized for the whole sub-continent. Recent uprisings and the statements of the two parties before the Council had confirmed that disturbances occurring at any point could produce chain reactions of violence on both sides of the border. While working for conciliation, it was essential to eliminate all prejudices and to revise judgements which no longer corresponded to reality and to lay the foundation of a true settlement of the Kashmir question. It could not be overemphasized that, when questions affecting the very existence of States were involved, the passage of time, far from facilitating the search for a solution, often made it more difficult. The French delegation appreciated the efforts made in the Council to find a common ground between the two points of view. It had no doubt that only the restoration of a climate of understanding and the resumption of talks would help bring about a settlement. In that respect, account should be taken of such important elements as past decisions of the United Nations, the wishes of the peoples concerned and the legitimate interests of the two countries. It was hoped that the two parties would soon resume contacts and would not hesitate if they felt it desirable to resort to the procedure of good offices in order to facilitate their task.

721. The representative of the Union of Soviet Socialist Republics stated that a study of the documents submitted by the two parties and their subsequent statements had shown that there were no new aspects of the question other than those already touched upon in the past. The religious and communal animosity which had been brought to the notice of the Security Council was a heritage of colonial rule when strife had been stirred up purposely by the colonial Powers to serve their own interests. The fact that the Security Council had to discuss the Kashmir question again gave further confirmation to the conclusion that territorial disputes were the most prevalent causes of friction among countries in different parts of the world. It was for that reason that the head of the Soviet Government, Mr. Khrushchev, at the end of 1963, had sent a message to the Heads of State of the countries of the world containing a proposal to conclude an international agreement to rule out the use of force in solving territorial and boundary problems. Another important

aspect of those disputes was that many Asian countries such as India and Pakistan, although they felt that one of the most important tasks before them was to improve their economy, could not, because of those territorial disputes, give their entire attention to that task. They were also forced to retain and increase their military forces, thereby expending their resources on unproductive endeavours.

722. With regard to the substance of the question, the position of the Soviet Union was that the question of accession of the State of Kashmir had already been settled by the people of Kashmir. The Soviet delegation believed that the dispute between India and Pakistan should be settled by the two interested parties solely by peaceful means. A prerequisite for that would be to restore an atmosphere of calm and peace. The Soviet delegation had taken note of the statement of the representative of India, stressing in particular the fact that India would co-operate to strive for an improvement of its relations with Pakistan. The Soviet Union also hoped that the present consideration of the India-Pakistan dispute by the Council would result in contributing to the creation of a situation in which both parties would themselves arrive at a peaceful settlement. It was also hoped that in the course of consultations to determine how the Council's present consideration of the problem should be completed, all concerned would take a business-like approach to find a formula which would be in harmony with the interests of peace and would bring about a relaxation of tension.

723. The representative of Bolivia stated that the complex question of Kashmir, which the Council had had under its consideration for some fifteen years, was a complicated one with many factors, including religious animosity. The Council, however, could not renounce its hope that an early and adequate solution would be found. That hope arose from the Council's confidence in the peaceful and conciliatory wishes of the two parties. It was doubtful that the adoption of another resolution would serve the Council's objective which could best be advanced by direct talks between the parties. The Council could help in bringing about a propitious atmosphere for the resumption of those talks. Bolivia would support the suggestion that an appeal be made to the two Governments that, in an atmosphere free from violence, they should make every effort to find a peaceful solution of the question.

724. The representative of the United States of America said that it was a matter of regret to his Government that India and Pakistan had so far been unable to reach a settlement of the Kashmir question either through the mechanism set up by the Security Council or in bilateral talks. The United States also felt concerned over the recurring communal disturbances resulting in loss of life, destruction of property and displacement of people. All that had resulted in great human misery. It was clear that until there was a far greater effort to resolve those problems, they would continue to threaten the integrity and prosperity of both countries.

725. In 1948, India and Pakistan had agreed to the two UNCIP resolutions as a political compromise of the difficulties which had followed from the partition of the sub-continent and the ensuing dispute over the status of Kashmir. The essence of that compromise was that the people of Jammu and Kashmir should have the right to determine their future. Because it

was an equitable compromise, the United States had supported it during all those years. However, in the light of present day realities, it was necessary to see how those basic principles could be applied anew to achieve a political settlement. Because of a threat to the security of India and to part of Kashmir itself from Communist China and also because of its own deep concern for a peaceful settlement of the Kashmir dispute, the United States had urged for bilateral talks last year. Although those talks had not brought an agreement, they had not been entirely useless. It was, however, clear that an agreement could not be imposed from outside. The legitimate security interests of the two countries involved intricate internal problems of law and order and political consent. The international community expected from both of them that they would continue to strive to resolve those differences peacefully through negotiations. It must be recognized by both countries that the problem of Kashmir could not be settled unilaterally by either party. It could only be settled by agreement and compromise, taking into account the free expression of the will of the people concerned. The resources of the United Nations were available in that respect. The United States also believed that the two countries should consider the possibility of a recourse to the good offices of a country or a person of their choice to assist them in bringing about the resumption of negotiations and in mediating their differences and would suggest that the Secretary-General might be of assistance in exploring the possibility of such third-party mediation.

726. At the 1092nd meeting of the Council on 15 February, the President, speaking as the representative of Brazil, stated that the Security Council had adopted a number of resolutions whose validity had not been impaired by the passage of time. They would continue to represent the will of the Council until a new and fresh approach to the problem was agreed upon by the parties concerned through direct talks. Recent developments with regard to Kashmir and the general desire for a peaceful settlement of that dispute further indicated the need of such a fresh approach. In accordance with its own traditions of settling its boundary questions by peaceful means, including the processes of mediation and arbitration, Brazil would encourage the parties to adopt such a course of action. It was, however, certain that no settlement would endure if the wishes of the people of the territory in dispute were not fully respected. Accordingly, the principles embodied in the past resolutions of the Security Council should be observed by both parties and unilateral measures, against the provisions of the Security Council resolutions, should be avoided in order to create and advance an atmosphere of mutual confidence.

727. At the 1093rd meeting on 17 February 1964, the Security Council agreed without objection, to adjourn its meeting on the question. While announcing the adjournment, the President recalled that the item remained on the Council's agenda and that the President or any member of the Council could call for a meeting at any time.

D. Resumption of the discussion at the 1104th and 1105th meetings (17 and 20 March 1964)

728. By a letter dated 4 March 1964 (S/5576), the representative of Pakistan requested the Security Council to resume its consideration of the India-Pakistan question.

729. In a letter dated 8 March 1964 (S/5582), the representative of India stated that the Council, under rule 33, paragraph 2, of its provisional rules of procedure, had adjourned *sine die* on 17 February and that, therefore, any further meeting of the Council on the India-Pakistan question could be called only for substantial reasons. No such reasons had been furnished by Pakistan. As India had already stated in the Council, there had been no justification for Pakistan's request for a meeting of the Security Council in February and there was even less justification at present.

730. At its 1104th meeting on 17 March 1964, the Security Council resumed its consideration of the India-Pakistan question.

731. The representative of Pakistan stated that, since the Council's adjournment on 17 February, three facts had emerged. First, the movement of protest in the State of Jammu and Kashmir had continued. Secondly, India had not relented in its policy of repression against the people of Jammu and Kashmir. Thirdly, India was continuing in its policy of taking measures to further integrate the State of Jammu and Kashmir against which Pakistan had specifically protested to the Security Council. The statements of the members of the Council contained an appeal to the two parties to refrain from measures which might aggravate the situation. That appeal had not been heeded by India. A new Prime Minister had been installed on 28 February in Kashmir who seemed to be more in agreement with India's policy of complete integration of the State. He had already recommended a number of measures which were designed to destroy the separate identity of the people of Jammu and Kashmir and prevent them from exercising their right of self-determination.

732. India had denied that the demonstrations in Kashmir were directed against it. In that respect, the truth could be found out easily if the Security Council had some kind of fact-finding agency. In the absence of such an agency, one had to rely upon the reports of impartial foreign observers. Instead of responding to the wishes of the people, India was threatening stern action against them for opposing its plans of integration. That situation was justification enough for Pakistan's request for the Council's consideration of the question. But there were other factors also. The situation on the cease-fire line was more troubled than before. Serious incidents had taken place in recent weeks resulting in exchange of fire and loss of life. There had also been statements by Indian leaders, including Cabinet Ministers, threatening Pakistan with dire consequences. Those were matters that the Security Council alone could deal with and thus avert the danger to peace.

733. One of the trends of the Council's recent debate had been to emphasize the necessity of resuming negotiations. While Pakistan always welcomed negotiations, it believed that, in view of its past experience of bilateral talks, a mere appeal for negotiations would not help if it did not contain also precise terms of reference. As far as the Kashmir question was concerned, there could not be any more precise formula than the international agreement embodied in the two UNCIP resolutions. It was only on that basis that an enduring solution could be found. No fresh approach could improve upon the substance of the two UNCIP resolutions, which was the ascertaining

of the popular will in Jammu and Kashmir without interference from outside. It was, therefore, necessary that the conclusions of the Council's present debate should contain a precise and concrete formula in order to enable it to make progress towards an amicable settlement of the dispute.

734. The representative of India recalled that on the so-called question of integration, India had already stated repeatedly that the State of Jammu and Kashmir was an integral part of the Indian Union and there could be no question of integrating it further. Pakistan had also referred to military preparation on the cease-fire line. Those charges had been investigated by the United Nations Military Observers and an award of violation had in fact been given against Pakistan. After the adjournment of the Council, Pakistan had again tried to create tension on the cease-fire line. India had again lodged a complaint with the United Nations Observers and according to its information, Pakistan had not extended its co-operation to the Observers in the investigation of that complaint. There was indeed no real emergency, and India would suggest that the Council might adjourn its consideration until the first week of May 1964. Moreover, as the Indian Parliament was at present in session, the Minister designated to represent India would not be able to do so until the first week of May.

735. The representative of Czechoslovakia proposed, under rule 33, paragraph 3, of the provisional rules of procedure, adjournment of the consideration of the India-Pakistan question to 5 May 1964. The Council, however, agreed to a Brazilian suggestion to delay its decision on the Czechoslovak motion for adjournment until 20 March.

736. At the 1105th meeting on 20 March, the representative of Brazil stated that as a result of consultations it was found that there might be some advantage in agreeing to an adjournment as proposed by Czechoslovakia. However, his delegation would consider the date of 5 May as a target date. There could be circumstances, such as new developments of a political or military nature, in which the Council might be called into session before that date. This discussion was adjourned until 5 May.

737. By a letter dated 19 March 1964 (S/5612), the Foreign Minister of Pakistan drew the attention of the Security Council to a statement of the Prime Minister of India that while India was not "prepared to go across the cease-fire line and attack the territory occupied by Pakistan, obviously, if it becomes necessary in defence of our territory to cross the line, we will cross it". The Foreign Minister stated that notwithstanding the qualifying clause in the Indian Prime Minister's statement it had categorically asserted that India regarded Kashmir as its territory and considered it within its right to cross the cease-fire line under the pretext of "defence" whenever, according to India's own judgement, it became necessary to do so. Pakistan considered that statement as an unmistakable threat of Indian aggression on Kashmir and in the circumstances found it necessary to inform the Security Council of its obligation to protect *azad* Kashmir from the danger of armed attack to which it had become exposed.

738. By a letter dated 20 March 1964 (S/5617), the representative of India forwarded a full text of the questions and answers from the verbatim record of the proceedings in the Indian Parliament and added that the interpretation given by the Foreign Minister

of Pakistan of those proceedings was misleading. From the replies given by the Prime Minister of India, it was clear that India would scrupulously observe the cease-fire line, unlike Pakistan's actions in that respect, but, if India was attacked by Pakistan, then it reserved its right to defend itself even if such defence might involve a crossing of the cease-fire line. India believed that its position in that respect was in accordance with international law and had been so stated previously.

739. By a letter dated 14 April 1964 (S/5657), the representative of Pakistan stated that according to press reports India, in violation of the Security Council resolutions and the International agreement regarding Kashmir, had introduced a bill in the State Assembly of Jammu and Kashmir with the objective to bring that State more in conformity with other parts of the Indian Union.

740. By a letter dated 30 April (S/5673 and Corr.1), the representative of India stated that Pakistan's charges as contained in its letter of 14 April had no basis. As explained in the Security Council by its representative on 20 March 1964, India was free to proceed with any constitutional processes with regard to the State of Jammu and Kashmir which was already an integral part of the Indian Union.

741. By a letter dated 24 April (S/5668), the representative of India forwarded a copy of a note containing the protest lodged by it with Pakistan against an "attack by the Pakistan Armed Forces on an Indian police patrol on 21 February 1964" along the cease-fire line in which fourteen lives were reported to have been lost and nine members of the Indian patrol had been captured. The United Nations Chief Military Observer had given an award of violation against Pakistan as he had done earlier in the case of Chaknot. Those incidents clearly showed that Pakistan was deliberately trying to create tension and conflict across the cease-fire line, in utter disregard of its obligations under the Cease-Fire Agreement.

E. Further consideration at the 1112th to 1117th meetings (5-18 May 1964)

742. At its 1112th meeting on 5 May, the Council resumed its consideration of the question.

743. The representative of Pakistan, recalling his statement before the Council on 17 March 1964, stated that the same situation still prevailed, notwithstanding the release since then of Sheikh Abdullah. Since December 1963, two demands had been constantly pressed by the people of the State of Jammu and Kashmir, to release Sheikh Abdullah and to hold a plebiscite. Ever since his release, Sheikh Abdullah had asked for self-determination, for negotiations among India, Pakistan and the Kashmiri leaders and for peace and amity between the peoples of the sub-continent by settling the dispute in Jammu and Kashmir. Those sentiments had occasioned a number of threats to Sheikh Abdullah, including some from members of the Indian Government. It was a fact that the people of Kashmir had challenged the validity of the accession to India of their State and were carrying on a movement for their freedom and self-determination. The urgency of the situation could best be appreciated by recalling that at present there was not even a truce agreement between India and Pakistan over Kashmir. They were only committed to the agreement embodied in the two UNCIP resolutions. The Cease-Fire Agreement

was based upon those two resolutions and was linked with the other two provisions of the resolutions: the establishment of a truce and the holding of a plebiscite. The Agreement of 29 July 1949, to which India had referred in its letter of 20 March 1964 (S/5617), was merely an agreement for the demarcation of the cease-fire line and explicitly affirmed that it was under the provisions of part I of the UNCIP resolution of 13 August 1948. Although a unilateral denunciation of the UNCIP resolutions had no meaning, the representative of India's declaration that the UNCIP resolutions had become "obsolete" would also make the cease-fire order "obsolete". However, the two UNCIP resolutions could not be abrogated except by the agreement of India, Pakistan, the United Nations and the people of Jammu and Kashmir.

744. The representative of Pakistan then stated that there had been statements from well-known Indian leaders and organizations stressing the need for a change in India's attitude. Those developments were no doubt encouraging to all those wishing to establish a climate of friendship between India and Pakistan. However, that trend could not be left to grow by itself. It needed encouragement from the earnest efforts of the United Nations.

745. It was also encouraging to note that recently there had been an increased sympathy for the Kashmiri people's struggle for self-determination from outside. The People's Republic of China had given support to a Kashmir solution based on the wishes of the Kashmiri people as pledged to them by India and Pakistan. Iraq and Ceylon had also extended their support for the implementation of the United Nations resolutions on Kashmir. More recently, Indonesia and the Philippines had also taken a similar stand. Support was being extended to delegations of Kashmiri leaders by Morocco, the Ivory Coast, Nigeria, Sierra Leone, Guinea, Senegal, Sudan, Somalia, Algeria, Tunisia, Turkey, Syria, Jordan, Lebanon and Saudi Arabia.

746. India's response, however, had continued to be negative. India had not responded to the realities of the situation. In view of that attitude on the part of India, Pakistan would suggest that Sheikh Abdullah be invited to appear before the Security Council, in accordance with rule 39 of its provisional rules of procedure, so that he could give the Council information which might be of assistance in examining the Kashmir question.

747. At the 1113th meeting of the Council on 7 May, the representative of India said that the representative of Pakistan had forgotten to mention the most vital fact which had changed the whole situation in Kashmir. That fact was China's attack on India. China was at present in possession of about 15,000 square miles of Indian territory. At India's expense, Pakistan had also recently handed over 2,000 more square miles to China. In the context of the recent events in Kashmir, it was vital to India to recover the territory which China had unlawfully occupied and also to prevent further aggression from that side. The defence of Ladakh was impossible except through Kashmir.

748. The real issue before the Council was Pakistan's aggression on Indian territory which had not yet been vacated. It was a matter of regret to the people and the Government of India that the Security Council had not taken any action on Pakistan's aggression. Even Sheikh Abdullah, from whom the representative

of Pakistan had quoted extensively on the question of the status of Kashmir, had held Pakistan responsible for committing aggression. In his statement before the Council in 1948, Sheikh Abdullah had narrated the aggressive acts committed by the Pakistan raiders who had been supported by the Pakistan army. It was Sheikh Abdullah who then had stated that "under those circumstances, both the Maharaja and the people of Kashmir had requested the Government of India to accept our accession". All facts relating to the Kashmir accession were quite clear. First, there was the fact of legal accession which was complete and irrevocable; secondly, there was the consent given by Sheikh Abdullah as the leader of the largest political party in the State; and finally, the Constituent Assembly, elected on the basis of adult suffrage, had ratified the Constitution which stated that "Kashmir is and shall be an integral part of India". Moreover, Sheikh Abdullah's release proved that the situation in Kashmir was normal and that no disturbance was expected. Not only was there no revolt in Kashmir, there had in fact been complete inter-communal unity during the episode of the theft of the holy relic, and not a single incident had taken place to mar the friendship between the different communities living in Kashmir. Demonstrations to which the representative of Pakistan had referred were a permissible expression of grievance and could not be cited as evidence of revolt.

749. The representative of Pakistan had also argued that if India considered the two UNCIP resolutions as obsolete then the cease-fire agreement would also become obsolete. However, it would be clear from the Security Council records that the cease-fire line was a complement of the suspension of hostilities and could be considered separately from parts II and III of the 13 August 1948 resolution. There seemed to be a sinister significance in those suggestions. Linked with Pakistan's assertion that the people of Pakistan had been pressing for action "to liberate" the people of Kashmir, it would make clear that Pakistan was working up a situation which might lead to further aggression against Kashmir.

750. Pakistan had also claimed support of many African-Asian countries in its stand on Kashmir. One was not aware how Pakistan's case was presented to those countries. In any case, hardly any value could be attached to *ex-parte* judgements. As regards the support extended by the People's Republic of China, it could be described as a "marriage of convenience" as both had aggressed against India. For sixteen years the Chinese Government had maintained a neutral stand on the Kashmir issue but, after its own aggression against India, it had now chosen to take sides.

751. The representative of India then said that Pakistan's suggestion to invite Sheikh Abdullah to appear before the Council was totally unacceptable to his Government. Sheikh Abdullah's status was that of a private citizen of India while the parties before the Council were India and Pakistan who alone could decide on the composition of their delegations.

752. The representative of India concluded by stating that India-Pakistan differences could be solved by those countries themselves and that there would be a greater chance of a settlement if there was no intervention from outside. In the circumstances, the Security Council should take note of the discussions that had already started between the two Home Ministers expressing the hope that those discussions would end

successfully and would bring about an atmosphere of communal harmony. When such an atmosphere was established, it would then be possible to discuss all other outstanding differences between the two countries.

753. At the 1114th meeting of the Council on 11 May, the representative of Pakistan stated that far from "handing over" 2,000 square miles to the People's Republic of China Pakistan had not surrendered a single inch of territory to China because the boundary negotiations between China and Pakistan had resulted in the relinquishment of 750 square miles of territory by China in favour of Pakistan. That territory was in effective possession and administrative control of China while the territory that Pakistan was being charged with having surrendered had never been under effective control of the former British Government of India. In fact the notes sent by the former British Government to the Chinese authorities had acknowledged the latter's title and sovereignty over that area. Pakistan wished to reiterate that the Sino-Pakistan Boundary Agreement had not in any way affected the status of the territory of Jammu and Kashmir or the imperative of demilitarization of the State as required by the UNCIP resolutions. Article 6 of that Agreement had clearly laid down the provisional aspect of the Agreement as far as the boundaries of Kashmir were concerned.

754. The representative of India had advanced yet another argument by stating that Kashmir had assumed vital importance for India's defence against China. Besides being militarily an unsound contention as the security of India could not be threatened either through Ladakh or the valley of Kashmir, it was a dangerous doctrine because under such a doctrine the principle of self-determination and international agreements would have to give way to the considerations of military strategy.

755. The representative of India had also charged Pakistan with threatening a breach of the peace in Kashmir. Far from being interested in breaching the peace, Pakistan was anxious that the "peace plan", as embodied in the two UNCIP resolutions, be implemented. To that end it had sought negotiations, mediation and even arbitration to remove the difficulties that had stood in the way of the implementation of those resolutions. India had rejected all those avenues that the Charter of the United Nations recommended in the settlement of disputes and was even protesting against the Security Council exercising its powers of persuasion. India had asked for a "better atmosphere to discuss its differences with Pakistan" but had blocked every move to bring about that "better atmosphere". During the past seventeen years, it had been Pakistan's experience that all its efforts to establish an atmosphere of moderation were undone by the lack of progress towards settling the Kashmir dispute.

756. On previous occasions India had maintained that Pakistan had no *locus standi* in the Kashmir question. It had now put forward the view that even Kashmir had no *locus standi* and that a leader of the people of Kashmir should not be invited to state his views on the question. The representative of India had questioned the relevancy of the recent statements of Sheikh Abdullah and had stated that the rules of evidence debarred their having any effect on the basic question. If India wished to apply strictly the rules of evidence, it was all the more necessary to let Sheikh Abdullah appear before the Council and state exactly his views on the central issue of the dispute.

757. India had stated that there had been no pressure to release Sheikh Abdullah and that the recent demonstrations in Kashmir were a normal and democratic expression of the people's grievance against the local administration. The fact, however, was that the demonstrations in Kashmir were different from normal demonstrations in democratic countries as they were held by the people of a territory whose status was in dispute, rejecting annexation forced on them and demanding that they be enabled to decide their future through a plebiscite. Those demonstrations had all the significance of a rebellion.

758. At the 1115th meeting of the Council on 12 May, the representative of India reiterated that the present discussion of the Kashmir question was untimely. The Home Ministers of the two countries had begun their talks for the restoration of communal harmony and the present debate was likely to make their task more difficult. The Kashmir question, as all other outstanding differences between the two countries, could be solved through bilateral talks and by creating an atmosphere conducive to such a settlement. Pakistan had charged that India was not helping in the creation of such an atmosphere. But facts spoke differently. It was the President and the Prime Minister of India who had made appeals to Pakistan's President for joint efforts in the restoration of communal harmony and their appeals had been turned down. It was India again which had repeatedly offered to Pakistan a no-war declaration.

759. Pakistan had charged India with not fulfilling its international obligations under the two UNCIP resolutions. The fact was that it was Pakistan that had not yet complied with the very first of its commitments under those two resolutions by not withdrawing its troops from two-fifths of Kashmir and by continuing its aggression. Similarly, Pakistan had failed to realize that the significance of its treaty with China was not its territorial aspect but the fact that Pakistan had no common frontier with China and that Pakistan's negotiations concerned a territory which was part of India. In claiming an accretion of 750 square miles to its territory, Pakistan stood self-condemned for aggression because under no circumstances could that territory belong to Pakistan.

760. The question of China's aggression against India was not irrelevant as far as the Kashmir question was concerned. It was a fact that China had attacked India through Ladakh and that she was in unlawful possession of a large part of Indian territory which could only be recovered if Kashmir remained part of India and provided facilities for resistance against China. It was not a colonial argument as Pakistan had tried to suggest because as far as India was concerned Kashmir was not a foreign country and India was not trying to subject people of a different race or nationality. The President of Pakistan had himself spoken of Kashmir as being vital to Pakistan's defence; would that mean that Pakistan considered Kashmir a colony and its people belonging to a different race?

761. The representative of Pakistan had repeated his proposal to invite Sheikh Abdullah for a hearing before the Council. As India had already pointed out, Sheikh Abdullah occupied no official position in Kashmir. Besides, there were other political parties in Kashmir who would wish to be heard as well as the representative of fifty million Muslims in India who had a vital stake in the future of Kashmir.

762. In all its considerations about Kashmir, India had always kept in mind not only the peace and happiness of the people of Kashmir but the inter-communal unity that prevailed there and in the rest of the country. The Kashmir question would not be solved by imposing a solution from outside or by third party intervention in the discussion that the two countries might decide to have.

763. The representative of Morocco stated that the decisions taken by the Council since 1948 had been placed in the framework of a balance of historical and juridical considerations based on the Charter of the United Nations. If the Council was asked to consider the question again, it was not because it had failed but because the principles upon which it had based its decisions had not been applied, leading to an implementation of its decisions. The time that had passed had not robbed those decisions of their value. In spite of the many attempts made by the Council and direct negotiations between the parties, a solution to the dispute was yet to be found. It was, therefore, encouraging to find that the two parties remained deeply interested in finding a peaceful solution of the question and that both had stated that the higher interest of the people of Kashmir was still their sole objective. A new effort, therefore, could be undertaken with the co-operation of the two parties and to urge upon them to renew bilateral talks. It might be pointed out, however, that direct negotiations could not exclude the responsibility of the Security Council from a question with which it had been concerned for the last sixteen years. To facilitate the resumption of talks, the Council could request the Secretary-General to be available to the two parties, on a commonly agreed basis, and also to report back to the Council on the progress and results of those talks.

764. The representative of the Ivory Coast stated that his delegation was encouraged by the response of the parties to the Security Council's appeal for negotiations and calmness of atmosphere. It was hoped that the parties would continue their negotiations towards finding a solution which would be acceptable to both sides and would also be in harmony with the interests of the people of Kashmir. Those negotiations could benefit by reference to the leaders of Kashmir who were of primary concern in the dispute as the Ivory Coast delegation felt that the interests of the people of Kashmir, pursuant to the principles of the Charter, must be kept in mind during those negotiations. In that respect the part that Sheikh Abdullah had played since his recent release was encouraging and gave rise to the hope that his efforts might lead to a solution acceptable to both India and Pakistan as well as to the people of Kashmir. There was, however, some apprehension that the resumption of talks might not be a spontaneous act or that the talks, if started, might run into some serious difficulty. To avert that possibility, the Ivory Coast delegation would suggest that the Secretary-General might be entrusted with the task of facilitating the resumption of negotiations and their successful conclusion.

765. The representative of Norway stated that his delegation was encouraged to see that the situation had improved due to the fact that both parties had taken strong action to put an end to the communal uprisings and had started discussions on a ministerial level. Another encouraging development was the release of Sheikh Abdullah. The talks between Sheikh Abdullah and the Prime Minister of India had greatly strengthened

the belief that a peaceful and amicable solution of the Kashmir question could be found. In those improved circumstances, the Council could consider what encouragement and assistance it could render the parties in order that they might benefit fully from the present improved situation. In that respect, the parties could benefit greatly from having recourse to the Secretary-General. Moreover, if and when the parties deemed it appropriate and useful, the Secretary-General could also be of assistance in providing the good offices of a country or a statesman. In view of the fact that the Council had a continued interest in the solution of the Kashmir question, it should be kept informed of the progress achieved as well as of any further assistance that the two parties might find it necessary to seek.

766. The representative of China stated that there had been some discernible improvement in the situation. There was a subsiding of the communal disturbances since talks between the officers of the two Governments had begun. Then there was the release of Sheikh Abdullah and it was reported that he had made suggestions for a solution of the Kashmir question. The Council should urge the two parties to take advantage of the recent favourable developments in the situation and to resume negotiations at the earliest possible date, with a view to arriving at a mutually agreeable settlement in accordance with the spirit of the Charter and with due regard to the United Nations resolutions on the question. The Secretary-General might be persuaded to participate in helping in the search for a solution to the question. In that respect he recalled that his delegation had already mentioned previously the possible help that could be obtained from the Secretary-General who came from a country neighbouring both India and Pakistan and was in a special position to have intimate knowledge and appreciation of the intricacies of the question.

767. The representative of India had referred repeatedly to the armed attacks on India's eastern border. It was obvious that India would have been in a much better position to meet those attacks had the Kashmir question been settled.

768. The representative of Brazil also expressed satisfaction at the talks that were being held between the Home Ministers of India and Pakistan and at a statement by the Home Minister of Pakistan that a substantial measure of agreement had already been reached. Brazil continued to believe that a final solution of the Kashmir question could only be found by the parties themselves, taking into account the wishes of the people of the area. In that respect Brazil also welcomed the release of Sheikh Abdullah and subsequent talks between him and the Prime Minister of India. The recent developments on the sub-continent had demonstrated that a realistic approach was perhaps beginning to emerge. Although there was no substitute for direct talks in the present case, the parties should keep in mind the fact that the United Nations over the years had developed the best available international machinery for settlement of disputes and that that machinery was at their disposal at all times. Moreover, the Secretary-General was especially well qualified by his background and personal knowledge of the problem to assist them, if they so desired.

769. The representative of Czechoslovakia recalled his delegation's statement of 14 February 1964 to the effect that the substance of the dispute between India and Pakistan was a legacy of colonial rule and could

best be solved only by those people themselves through direct talks. Recent developments with regard to the India-Pakistan question gave further hope of its final solution. A favourable factor in that respect was the release of Sheikh Abdullah. The talks between the Home Ministers of India and Pakistan, which were still continuing, also gave encouragement. Thus, direct discussions on questions in dispute between the parties, without any prior conditions, was the only useful and beneficial way. The representative of Czechoslovakia then recalled a statement of his Prime Minister of 14 April 1958 in Calcutta, India, and added that within the scope of the constitutional arrangement that had enabled the will of the Kashmir population to be expressed, the question of the home-rule position of Kashmir had already been solved. It would be beneficial to world peace and security as well as to the solution of the differences between parties concerned in a spirit of peaceful coexistence if the forces standing firmly on the position of peace, freedom and independence of nations were further strengthened.

770. At the 1116th meeting of the Council on 13 May, the representative of Bolivia stated that his delegation was convinced that the question of Jammu and Kashmir could not be solved simply by means of a Security Council resolution but only through constructive bilateral talks. In that respect, there were some encouraging developments, one of them being the recent talks between Sheikh Abdullah and the Prime Minister of India. It was hoped that those talks would constitute a starting point of an ultimate solution of the question. The Security Council should not try to impose a decision that might be rejected by either party. The same principle should also apply to the suggestion regarding the good offices of the Secretary-General. While there was no doubt that the Secretary-General's assistance could contribute immensely in the success of the talks between the parties, he should not, however, assume that role until the parties themselves so desired and gave their consent.

771. The representative of the United States stated that in the opinion of his delegation the Security Council had a real obligation to contribute to the creation of as favourable an atmosphere as possible for the prompt and peaceful solution of the Kashmir question. The Council could do so by demonstrating its willingness to assist the parties to compose their differences in any way they might find helpful. The United States fully shared the views expressed in the Council as to the role of the Secretary-General and believed that the Council should call upon him to assist the parties in any way they might deem appropriate. New developments had pointed to the desirability of taking a fresh look at the Kashmir situation, and the necessity of renewed efforts to bring about a peaceful solution of the problem and of all other differences between the parties. The United States would also wish to encourage the continuation of talks between India and Pakistan on the relations between the Muslim and Hindu communities in their respective countries. In the interest of the peoples of those countries, it seemed to be a propitious time to make a renewed attempt at conciliation.

772. The representative of the USSR stated that the Soviet delegation was once more constrained to note the absence of any essentially new circumstances in the Kashmir problem since the Council's last discussion. The present situation confirmed the Soviet delegation's view that the India-Pakistan dispute should be settled

by the two countries themselves through direct negotiations, particularly after normal conditions were restored. On the substance of the question, the Soviet position had been repeatedly stated by the head of the Soviet Government, Premier Khrushchev. That position consisted of the view that the future of Kashmir had already been resolved by the people of Kashmir themselves. However, a realistic reading of the situation no doubt revealed that there was a serious conflict between Pakistan and India especially in connexion with the question of Kashmir. Those differences were the remnants of colonialism in that area and were having adverse effects on the progress of the people of the two countries. Therefore nothing should be done which might cause relations between the two countries to deteriorate further and cause their efforts to be sidetracked from constructive aims. In that respect, the Soviet delegation was encouraged to note from statements before the Council that the talks between the Home Ministers of the two countries had begun and had achieved considerable success. That method of bilateral talks should be further pursued as it was likely to produce fruitful results. It was encouraging to note that most of the members of the Council had expressed agreement with the method of direct talks between the parties as being the most promising and effective method to be used. It was therefore important that the situation should not be complicated by adding new factors and that no attempt should be made to impose a solution from outside.

773. The representative of the United Kingdom of Great Britain and Northern Ireland noted with satisfaction the talks on communal problems that the Home Ministers of India and Pakistan had held in response to an appeal by the Security Council and hoped that they would lead to a reduction of tension on the sub-continent. The United Kingdom delegation also noted that since the Council's last meeting, Sheikh Abdullah had been released and had held discussions with the Prime Minister of India and other Indian Ministers and that, in his statements, Sheikh Abdullah had laid great stress on the prime necessity of restoring amity between India and Pakistan. For the time being, therefore, the Council should be content with encouraging the parties to continue those consultations in order that an honourable solution, satisfactory to the peoples of India and Pakistan, as well as the people of Kashmir, might be reached. If at any stage they believed that a degree of outside assistance would be helpful, the United Kingdom delegation would urge the parties to consider the possibility of engaging the assistance of the Secretary-General.

774. The President, speaking as the representative of France, stated that it was encouraging to note that the communal strife had subsided somewhat since the last discussion of the India-Pakistan question by the Council. The discussions of the two Home Ministers and the importance attached to them by both parties also constituted a further cause for encouragement. The French delegation considered that another important development in the situation was the release of a distinguished Kashmiri leader who, it believed, would be able to exercise his influence and his personal authority toward bringing different points of view together and increase the possibilities of a peaceful settlement. In those circumstances, the French delegation hoped that the two parties, taking full advantage of the present favourable situation, would resume negotiations without delay to bring about a successful conclusion of the dispute

between India and Pakistan and to re-establish friendly relations between them. The United Nations and its Secretary-General could play a helpful role in that respect. The French delegation felt that the Secretary-General should see that the Security Council was enabled to follow the development of the situation, and that to that end he should be periodically informed by the two parties of progress or difficulties encountered in the course of their bilateral negotiations, and should if necessary be able to offer them assistance to avoid any possible break-down of the negotiations.

775. At the suggestion of Brazil, supported by Norway, the Council decided that the President, after consultations with the Council members, should gather the conclusions which had emerged from the present debate on the India-Pakistan question and submit them in order to conclude the current discussion of the question.

776. At the 1117th meeting of the Council on 18 May, the President stated that he had tried to carry out the task entrusted to him by the Council at its last meeting to work out the agreed conclusions of the Council's debate. Despite every effort, it had not been possible to reach unanimity on one of the important points. He was thus unable to present an over-all conclusion, but must limit himself, in the first part of his report, to setting forth the points where no difference of opinion appeared between the members of the Council, and, in the second part of the report, the different trends expressed on another point. The conclusions were as follows:

- I. (a) The members of the Council noted that the debate of the last week followed the discussions which had taken place in February and March of this year on the question of Jammu and Kashmir. They recalled that, especially during the month of February, they had already expressed the views of their Governments on the basic facts pertaining to the problem, including the pertinent resolutions of the United Nations, the question of the juridical status of Jammu and Kashmir, and the principles of the Charter applicable to the case. They confirmed that the statements which they had made at that time were still valid.
- (b) The members of the Council expressed their concern regarding two great countries which should have good relations one with the other and the opinion that the present differences between them—particularly the question of Jammu and Kashmir—should be settled amicably in the interests of world peace.
- (c) The members of the Council expressed their feeling that recent developments might lead to a softening of the positions adopted, to better mutual understanding and, therefore, to a situation in which the conversations between the parties concerned would have a better chance of leading to a settlement.
- (d) The members of the Council expressed their conviction that everything possible should be done to consolidate these favourable elements and to avoid jeopardizing these advantages, which would require on the part of the parties concerned an attitude of conciliation and moderation and,

on the part of the United Nations, an attitude of prudence, as well as of careful and vigilant attention.

(e) The members of the Council expressed the hope that the two parties would abstain from any act that might aggravate the situation and that they would take such measures as would re-establish an atmosphere of moderation between the two countries and also peace and harmony among the communities.

(f) The members of the Council expressed the hope that, in the light of the debate, the two countries would resume their contacts as soon as possible in order to resolve their differences by negotiation, in particular their differences related to Jammu and Kashmir.

II. A number of members of the Council had expressed the view that the Secretary-General of the United Nations might eventually give useful assistance to the parties to facilitate the resumption of negotiations on the question of Jammu and Kashmir or to assist them in carrying out those negotiations if they should meet with any difficulties. Other members of the Council, on the other hand, 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 turning to the Secretary-General.

III. The India-Pakistan question remained on the agenda of the Security Council.

777. The representative of Pakistan stated that the debate had two outstanding elements. First, it was evident that all members of the Council had expressed concern about the situation and had also made it clear that the Security Council had a continuing obligation to bring about the peaceful settlement of that dispute. Second, it had been a major theme in the pronouncements of the members of the Council that no settlement of the dispute would be genuine and durable if it did not take into account the wishes of the people of Jammu and Kashmir. Pakistan believed that the enunciation of those principles would serve as the background to further developments in the situation. As regards direct negotiations, Pakistan had had discouraging experience over the years. The fact that those efforts had failed repeatedly showed that it was not within the power of one party alone to make negotiations constructive and meaningful and further that they could not be made so without a reference to the wishes of the people of Jammu and Kashmir. Pakistan had hoped that the Security Council would be a positive and material factor in the situation and that it would firmly lay down the framework within which contacts between India and Pakistan could be carried on for a solution of the problem of Jammu and Kashmir. It would also have liked that a definite role be assigned to the Secretary-General to enable him to facilitate progress and to ensure a fruitful result of those contacts.

778. The representative of India stated that one factor had clearly emerged from the debate in the Council, that in the State of Jammu and Kashmir, instead of an open revolt as alleged by Pakistan, there was complete peace and normalcy. It was a tribute to the

people of Kashmir that there was complete communal harmony in that part of India. The second factor that emerged was that the question before the Council could only be solved by bilateral negotiations, and any intervention by a third party would only hinder those negotiations. The time had come to have a new look at the Kashmir situation, taking into consideration the effect that it would have on the people of India and the peace and communal harmony prevailing there. India wanted a settlement with Pakistan but Pakistan must accept

certain basic positions which India would continue to hold. One was that Kashmir was an integral part of India and a second, that no country could be a party to surrendering a part of itself. India was an example of intercommunal living and it would like its experiment in that respect to succeed. India was always ready and willing to receive the Secretary-General as an honoured guest but it would not wish him to come in the context of the Kashmir debate, unless both parties agreed that he should do so.

Chapter 8

LETTER DATED 1 APRIL 1964 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF YEMEN, CHARGE D'AFFAIRES A.I. ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

A. Communications to the Council

779. In letters dated 20, 28 and 30 March 1964 (S/5618, S/5628, S/5632), the Permanent Representative of the United Kingdom charged Yemen with violations of air space of the Federation of South Arabia in the area south and west of Harib and with air raids in the territory of the Federation. The letters stated that the United Kingdom Government had repeatedly given warning and sent protest notes to the Yemeni Republic authorities asking that the air space and frontier of the South Arabian Federation should be respected and stating that further attacks would force counter-measures. Accordingly, after the 27 March attack, when a helicopter had crossed the Beihan frontier and opened fire, British aircraft had been ordered to deliver a counter-attack on 28 March upon a Yemeni military fort just inside the Yemeni frontier about a mile from the township of Harib. To minimize the risk of loss of life, a warning message had been dropped. The British Government had taken that action strictly in exercise of its right of defence.

780. By a letter dated 1 April 1964 (S/5635), the Deputy Permanent Representative of Yemen requested an urgent meeting of the Security Council to consider the situation resulting from continuous British acts of aggression against peaceful Yemeni citizens, culminating in an attack on 28 March which, according to the Yemeni letter, had caused the death of twenty-five Yemeni citizens and several injured besides the material damage. The Yemeni letter further charged that Britain had committed more than forty acts of aggression against Yemeni towns and villages since the establishment of the Yemen Arab Republic.

B. Consideration at the 1106th to 1111th meetings (2-9 April 1964)

781. The Security Council included the item in its agenda at its 1106th meeting on 2 April, and invited the representative of the Yemen Arab Republic to participate, without vote. The Council also acceded to the request of the representatives of Iraq (S/5638), the United Arab Republic (S/5639), and the Syrian Arab Republic (S/5643) for participation in the discussion.

782. At the 1106th meeting of the Council on 2 April, the representative of Yemen described the British air attack of 28 March and said that that flagrant act

of aggression was a part of a British plan to open a hot-war front in the southern and south-eastern regions of the Yemen Arab Republic in order to plunge that whole area into chaos and confusion hoping that such a state of affairs would contribute to the overthrow of the Yemen Arab Republic. Such flagrant violation of the United Nations Charter coming from a founding Member of the United Nations and a permanent member of the Security Council was indeed incompatible with its responsibilities under the Charter.

783. While the British had been carrying out their aggressive policy against the Yemen Arab Republic they had at the same time been sending communications to the Security Council charging Yemen with aggressive actions. Those propagandistic letters and charges were merely a smoke-screen to cover their own plan of aggression. The story of British aggression went back to 1830 when they had first occupied Aden by force. That policy had continued and had become more aggressive after the Yemen revolution of 26 September 1962. The British considered that a progressive republic in the Arabian peninsula endangered their own presence and interests in that region. In pursuance of its policy of disrupting the progress of the Yemen Arab Republic, the United Kingdom had carried out numerous acts of aggression in defiance of the Charter. The representative of Yemen listed some thirty-nine acts of aggression by the British and ten villages and centres occupied by British forces after the Yemen Revolution.

784. The representative of Yemen concluded by stating that the Council should, *inter alia*, condemn the British act of aggression of 28 March, condemn the continuous British interventions in the internal affairs of the Yemen Arab Republic, ensure withdrawal of the British troops from Yemen territory and villages, ensure just compensation for the Yemeni lives and property losses inflicted by the British aggression, and recognize that the British presence in Aden and the Protectorates was a permanent threat to peace and security in the whole region.

785. The representative of the United Kingdom of Great Britain and Northern Ireland stated that the request by the Yemeni Republican authorities for a meeting of the Security Council was indeed a matter of surprise to his Government because if any country had been a victim of aggression it was the Federation of South Arabia. Beihan, one of the States of the Federation, had been for some time the object of a series of deliberate acts of aggression on the part of the Yemeni

authorities. The British Government was responsible for the defence of the Federation and had an obligation to assist it in protecting its territory. His Government was not prepared to accept the series of charges made against it nor could it accept the claim of sovereignty over part of the territory of the Federation. The Federation had been the victim of incursions, provocations and shooting incidents for all of which the Yemeni authorities were responsible. The United Kingdom Government had always followed a policy of strict non-involvement in the internal affairs of Yemen.

786. After giving details of recent violations of the air space of the South Arabian Federation and of air attacks, the United Kingdom representative stated that it had become clear that the Yemeni Republican authorities wished to foment frontier trouble for their own purposes. After the 13 March attack, warning and protest notes had been sent. The attack on 27 March, coming the day after the protest had been delivered, had been a clear indication that those violations were deliberate and according to a set policy. In those circumstances, the United Kingdom Government had seen no alternative but to make a defensive response in order to preserve the territorial integrity of the Federation of South Arabia. The Yemeni attacks must also be looked at against the background of radio war and subversion, including incitement to rebellion and murder. The British Government, in order to minimize damage to civilian property or loss of life, had chosen an isolated target and all possible steps had been taken to give full warning of the intended action. While the British Government regretted any loss of life as a result of that defensive act, it did not accept the figures given by the Yemeni Republican authorities. There had been no massing of British troops. The United Kingdom was primarily interested in seeing peaceful conditions established on the frontier and in the whole area. It was for that reason that last year it had proposed to the Yemeni Republican authorities—and had informed the Secretary-General of the proposal—to establish a demilitarized zone on the border in the Beihan area from which both sides could withdraw their military forces. In reply, however, the Yemeni authorities made entirely unrealistic counter-proposals covering an area almost entirely on the Federation's side of the frontier. The United Kingdom Government was still prepared to see whether, on the basis of an equal withdrawal on both sides of the frontier, a solution could be found to ease the tension in the area.

787. The representative of Iraq noted that the United Kingdom representative had described the action in the Harib area as a "defensive response" and had expounded a theory of retaliatory action which had been rejected already by the Security Council. In that respect he recalled a 1956 statement of the United Kingdom representative in the Security Council declaring, *inter alia*, "that the whole principle of retaliation is wrong, morally and politically". Furthermore, the so-called retaliatory action had been taken against alleged Yemeni raids which, even as described by the United Kingdom delegation, had not involved loss of human life, and to cite them as justification for a raid on the scale of that of 28 March did not reflect well on the sense of responsibility of the United Kingdom. Such an attack was a clear violation of the obligations of Member States under the Charter, especially those of the permanent members of the Security Council.

788. The United Kingdom had claimed that it had no wish to be involved in the internal affairs of Yemen. However, the Secretary-General had stated in his report of 3 March 1964 (S/5572) that the Royalists in Yemen had been receiving "arms and ammunition in appreciable amounts . . . from some source, though not necessarily across the northern frontier". Those arms and ammunition could then come only from the southern and eastern frontiers, namely from the so-called South Arabian Federation. In those circumstances, one wondered whether it was because of that involvement that those series of acts of aggression, including that of 28 March, had taken place.

789. The representative of the Union of Soviet Socialist Republics stated that the charge levelled by the Yemen Arab Republic against the United Kingdom had not been denied by the latter. The United Kingdom, in its letter to the Security Council, and the British High Commissioner in Aden, had acknowledged that as a result of the attack of 28 March there had been some loss of life. Last year the United Kingdom delegation had declared in the Security Council that its policy in Yemen was one of strict non-involvement and non-interference. The aggressive acts which had been brought to the notice of the Security Council were certainly not in keeping with those declared intentions. The United Kingdom itself had informed the Security Council that its planes had violated the air space of Yemen. If it had any justification for such action, then the United Kingdom should have submitted its case to the Security Council. Its aggression no doubt constituted a flagrant violation of the principles and purposes of the United Nations Charter. The concentration of British military forces and equipment between the Beihan Protectorate and Harib represented a unilateral act in that series of aggressive acts against Yemen. In a series of communications to the Security Council in 1963, the Yemen Arab Republic had drawn the Council's attention to various armed actions taken by the United Kingdom against it. From the Secretary-General's report (S/5572), it was clear that arms and ammunition were being transferred from the Beihan region which was south-east of Harib to the Royalist forces. The use by the United Kingdom of its base in Southern Arabia for aggressive action against the Yemen Arab Republic had clearly shown the timeliness of President Nasser's suggestion that all foreign military bases in Arab lands should be liquidated. The Soviet Union supported that proposal. The British aggression against Yemen went further than the idea of a local conflict and was so regarded by the peoples of the Arab States. The Arab League, at its meeting of 31 March, had stressed in particular that the Arab States regarded the British aggression against Yemen as aggression against all their peoples. The Soviet delegation would fully support the demand of the Yemen Arab Republic that the Security Council should condemn British aggression as well as its intervention in the internal affairs of a sovereign Member State. Furthermore, in order to guarantee the independence of the Yemen Arab Republic from any future encroachments, it was necessary to liquidate the basis of that aggression and that an end be put to all provocations. The United Kingdom should also be asked to pay adequate compensation.

790. The representative of the United Arab Republic stated that the Yemeni statement had given clear proof of the aggression committed by the United Kingdom and the Council would be well justified in condemning

that aggression. However, if any further proof had been needed, it had been provided by the letter that the United Kingdom itself had sent to the Security Council. The United Kingdom had put forward retaliation as its excuse. The theory of retaliation, as Iraq and the Soviet Union had already pointed out, had been rejected by the Security Council. However, it was not just a retaliatory act, as a report published in the *Washington Post* of 2 April had provided ample proof of its being a premeditated act which had the approval of the Prime Minister of the United Kingdom himself.

791. At the 1107th meeting of the Security Council on 3 April, the representative of the United Kingdom said that in his statement of the previous day he had not wished to dwell on past events, but to look to the future and to see how the situation could be improved so that the South Arabian Federation could live in peace with its neighbours. There was a discrepancy between the list of alleged incidents given at the last meeting of the Security Council by the representative of the Yemeni Republican authorities and those contained in the letter of the Yemeni representative of 29 August 1963 (S/5408). In a communication to the Security Council, the United Kingdom had given an exact list of incidents begun by the Yemeni Republican authorities in the month of August 1963 (S/5424). From this could be seen the sort of provocation the South Arabian Federation had had to face.

792. The representative of Iraq had drawn certain deductions from the Secretary-General's report which were clearly unwarranted. The Secretary-General in his report to the Security Council had drawn no such conclusions. In fact he had carefully stated that the control exercised by the United Nations Observers on a long frontier was necessarily far from complete. It was the understanding of the United Kingdom delegation that the supplies were in fact being obtained by the Royalist forces in substantial quantities by capture or by other means from the forces of the United Arab Republic. However, the policy of the United Kingdom Government continued to be one of non-involvement in the affairs of Yemen and it had scrupulously carried out that policy. The United Kingdom Government still adhered to its proposal for an equal withdrawal by military forces on both sides of the frontier and would have wished it to be commented upon by other representatives on the Council. In that respect, if the Council felt it appropriate to invite the Secretary-General to use his good offices to assist in arranging such a withdrawal, the United Kingdom would welcome it. Furthermore, if the Council considered it appropriate to invite the Secretary-General to assist in some other ways, for example in the stationing of observers along the whole of the frontier or in providing help in demarcating the frontier itself, the United Kingdom Government would be ready to consider that also. Such action must, of course, be worked out with the agreement of all the parties concerned, with a view to devising ways and means of preventing infringements and incursions and eliminating all activities that could disturb the peace of the area.

793. The representative of Iraq said that from all available evidence no doubt was left that the United Kingdom had decided prior to 28 March to undertake a punitive action against the Yemen Arab Republic and that the 28 March air attack was not a spontaneous act of defence as the United Kingdom representative had tried to make out before the Council. Moreover, grant-

ing that it was a counter-attack, as claimed by the United Kingdom, could any Member State, particularly a permanent member of the Security Council, be allowed to undertake retaliatory action against another Member State? In the past, the Council had rejected and condemned acts of retaliation and the representative of the United Kingdom had also participated in that action of the Council. The Council could do no less on the present occasion and should therefore condemn the United Kingdom action of 28 March as inconsistent with the obligations of a Member State under the Charter.

794. The representative of Iraq then said that there appeared to be two main reasons for the British attack of 28 March: first, to force Yemen to recognize the South Arabian Federation, and secondly, to incite the tribes in the Harib area to rise against the Government of the Yemen Arab Republic in order to undermine that Government. It must be recalled that Yemen had never relinquished its claim to sovereignty over Aden and the Protectorates, not even under the 1934 treaty between it and the United Kingdom by which they had agreed that pending negotiations nothing should be done to upset the *status quo*. In spite of that understanding, the British Government had continued to violate the spirit of that treaty by prejudicing the claim of Yemen over Aden and the Protectorates. That situation had been further aggravated when the British Government had refused to recognize the new Republican Government of Yemen, which had been recognized by most Member States. That non-recognition seemed to be the basis of the problems of Southern Arabia as the British Government was insisting that Yemen should first renounce its claim to Aden and the Protectorates. Yemen, however, could not do so as long as the people of that area were not given a proper opportunity freely to decide their future. Yemen's stand in that respect was entirely in keeping with General Assembly resolution 1949 (XVIII) of 11 December 1963, which had asked the British Government to give to the people of the territory of Aden an opportunity to decide their future through United Nations supervised elections. Despite that stand of the Yemen Arab Republic, a campaign to overthrow the Republican Government had been intensified, which included the supply of a considerable amount of ammunition through the southern frontier to the Royalists. Taking those factors into consideration, the Council would be well advised to consider the following measures: (a) condemn the retaliatory raid of 28 March 1964 as inconsistent with the obligations imposed by the United Nations Charter; (b) request adequate compensation for the victims; (c) call upon the United Kingdom to cease all activities undermining the authority and position of the Government of the Yemen Arab Republic; (d) reaffirm the Assembly's resolution of last year that the base at Aden should be liquidated without delay; and (e) urge the United Kingdom Government to withdraw its troops at present occupying Yemeni territory.

795. The representative of Yemen reiterated that he hoped that the Council, which had been convened to consider his Government's complaint, would deal with that matter only and would not be diverted into considering questions which could best be dealt with by the Committee of Twenty-Four.

796. The representative of the United Arab Republic stated that the premeditated 28 March attack on Harib was indeed the result of the British colonial policy

under which Britain had occupied other people's territories and had established there its military bases. The British action had been condemned by the Council of the League of Arab States, and Britain must realize that its policy of intimidation would not work at the present time when people all over the world desired to live as free men. Britain had suggested the establishment of a demilitarized zone in the area, but how would Britain negotiate that proposal with Yemen when it did not recognize the Yemen Arab Republic? The only way that Britain could salvage its legitimate interests in the area would be to vacate its aggression in Southern Arabia and to deal with the Yemen Arab Republic on an equal footing.

797. At the 1108th meeting on 6 April, the representative of the Syrian Arab Republic stated that the British air raid of 28 March had had repercussions throughout the Arab world. Syria, which had many common bonds with Yemen, felt equally the pain of that attack. The United Kingdom representative had tried to justify his Government's action by stressing the need to resort to reprisals and its so-called obligations to protect and defend the South Arabian Federation. As far as "reprisals" were concerned, the United Kingdom itself on various occasions in the past had stated in general terms that "the principle of armed retaliation was wrong". The Council must, therefore, condemn retaliation as it could not set up double standards in that respect.

798. As regards the so-called South Arabian Federation, the United Kingdom had tried to give the status of a State to a conglomeration of territories possessing none of the attributes of a State. The local and despotic rulers of those territories had signed, in doubtful circumstances, certain treaties by which the United Kingdom claimed to protect their interests. The basic characteristics of those treaties were their non-ratification by any organ in the territories, and secondly, that no deadline was set during which they would remain in force. In fact, the character of those treaties made it clear that the United Kingdom was not a Protectorate Power under international law but a colonial Power, and that the United Kingdom claim of protecting "the South Arabian Federation" could not be supported by international law.

799. The representative of Morocco stated that in the absence of a state of belligerency between the United Kingdom and Yemen, the act of reprisal undertaken by the United Kingdom could not be sanctioned by any concept of international law. Such an action might have fitted into the logic and methods of military imperialism, but it was certainly not in keeping with the expressed desire of breaking with traditions of colonialism. Since the British action had been prepared in advance and had been of an exceptional size, it could not be considered as mere endemic friction across controversial frontiers. If, as the United Kingdom representative had stated in justification of his Government's action, Yemen had been carrying out subversive incursions in the territory in the South of the Arabian peninsula, then the United Kingdom should have referred the matter to the Security Council instead of taking unilateral action. It seemed that the United Kingdom had a political objective in mind and was in fact protecting its military base in Aden. The United Kingdom attack had been the first reaction against the Arab move for evacuation of military bases from their lands. The Moroccan delegation had no doubt that the

Security Council would condemn the United Kingdom action and the use of reprisals as incompatible with the obligations of Member States under the Charter.

800. The representative of the Ivory Coast stated that his delegation had paid due care to the reasons submitted by the United Kingdom representative for the action of 28 March. It also knew by experience the feelings of insecurity and continuous anxiety felt by independent States bordering on colonial territories where nationalist movements were under repression. Furthermore, Yemen, because of the probable importation of arms across its southern frontier, felt it necessary to set up a vigilant guard there. It was a situation like that in other small States of Africa, Asia and Latin America, which were defending their liberty with inadequate and meagre resources. An objective study of the present case would yield the picture of a helicopter indulging in the so-called acts of provocation resulting in two victims that turned out to be camels, while on the other hand, a counter-attack was carried out by eight planes against a fortification causing the death of twenty-five persons. Thus, the result of the counter-attack could not be measured in the same terms as the action which it sought to repress. The incident of 28 March was being described as retaliation. The policy of retaliation had been universally condemned. According to the statement of the representative of Yemen, the United Kingdom had paid compensation for an earlier case of a similar nature on 23 June 1963. The Ivory Coast delegation hoped that in the present case also the United Kingdom would settle amicably the incident of 28 March and guarantee just compensation for the lives and property which had been destroyed. Ivory Coast would also support any draft resolution which would condemn or deplore the bombing of Fort Harib on 28 March; provide a formula to ensure respect for the sovereignty, integrity and inviolability of the territory of Yemen; and condemn any act of reprisal as being contrary to the objectives of the United Nations Charter.

801. The representative of the United States of America stated that from the complaint submitted by the Yemen Arab Republic and the letter before the Council from the United Kingdom, it would appear very clearly that there had been incursions and attacks across the border in both directions for some time, which had resulted in a most regrettable and distressing loss of life. Such attacks across borders, including that on the fortress near Harib, could quickly escalate into full-scale war. The United States Government had repeatedly expressed its emphatic disapproval of provocative acts and of retaliatory raids. For that reason, it would have preferred it if the border incident between Yemen and the South Arabian Federation had been placed before the Council at an earlier date. It was also evident that neither the interests of Yemen nor those of the Federation and the United Kingdom had been advanced by the incidents which had taken place. In fact, as a result of those incidents, the chances of conciliation had diminished and the situation had steadily deteriorated. However, it would be advisable to isolate those elements which might lead to an improvement on the Yemen-South Arabian Federation frontier. The United States delegation had been encouraged by the expression in the communications from both sides of an assurance to the Council of a desire to preserve the peace and to exercise patience and self-restraint. In that respect, the most encouraging development was the revival of the proposal for the withdrawal

of forces on both sides in certain sensitive areas of the frontier where most of the recent incidents had occurred. Much of the trouble on that frontier seemed to stem from the fact that it had never been defined. The United States was disappointed that an agreement on that point could not have been reached the previous December when such proposals were under discussion. In view of the present development, the proposal for creating a pullback area could be discussed anew to help start negotiations on that point. The Security Council might consider the appointment of a good officer or ask the Secretary-General to consider appointing one to assume the task of bringing together the parties to the dispute.

802. The representative of the USSR said that his delegation would not have considered it necessary to reiterate its position on the question before the Council but for some statements subsequently made. The representative of the United Kingdom had not been able to refute the facts submitted to the Council by the representative of Yemen and subsequently by other representatives. Therefore, it seemed strange to see efforts being made to put on an equal footing the aggressor and the victim of the aggression. The Soviet delegation would oppose any efforts to water down the responsibility of the aggressor because that would preclude the adoption of a programme of action to eliminate all aggression in the future.

803. The representative of Morocco expressed his delegation's satisfaction at the United States' statement condemning categorically the use of reprisals. However, the United States representative had tried to give the Council a quantitative enumeration of the incidents that had occurred on the frontier since a certain date and had not given a qualitative assessment of the latest incident. Nevertheless, the United States proposal had some positive elements as it expressed concern for the maintenance of peace in the region and on the frontiers of Yemen. But the situation in Yemen was not merely one of incidents along its southern frontier. There was also a political problem which the Council had previously examined. The Secretary-General, who was following the evolution of that situation, was reporting on it to the Security Council. Perhaps the United States' suggestion could be interpreted within the framework of the efforts of the Secretary-General in that respect. However, a solution to the political problem in Yemen should be found within a general framework, independent of the present incident, and should be capable of bringing together all the problems of the territory. For the time being, the Council should pronounce itself on a specific incident without entering into the controversies of the over-all political problems of the region.

804. The representative of the United Arab Republic stated that the Council was called upon to take action on the British act of aggression. Other political problems existed which, in accordance with the Charter, should be settled by negotiations. But these problems were not presently before the Council. It was hoped that the United States delegation would not insist on a course that might dilute the issue of aggression and that the complaint would be judged on its merit, irrespective of other issues in the area.

805. The representative of Iraq said that the United States suggestion that the Yemen Arab Republic should concentrate on finding a solution for the future would amount to forcing Yemen to recognize the South

Arabian Federation and its occupation of eight towns lying on the Yemeni side. Negotiations would be justifiable only if the United Kingdom was first prepared to recognize the Government of the Yemen Arab Republic, implement General Assembly resolution 1949 (XVIII) of 11 December 1963, and state that it would cease forthwith all intervention from the Beihan area.

806. The representative of the United Kingdom stressed that the action taken on 28 March had not been made on Harib town, but on a military fort which constituted a centre of subversion and aggressive activities against the South Arabian Federation.

807. At the 1109th meeting on 7 April, the representative of the United Kingdom further stated that the incident of 28 March must be seen not as an isolated one, but against the background of previous happenings in the area. The Yemeni Republic authorities, supported by some other outside Governments, appeared to be implacably hostile to the Federation of South Arabia and seemed determined to destroy it through propaganda, subversion and armed attacks. Shooting incidents had been succeeded by violations of the air space of the Federation; and violations of air space by air attacks with bombs and machine guns. The Yemeni authorities were supported by enormous numbers of United Arab Republic troops, and the successive reports of the Secretary-General had given ample evidence of that support. Despite the pledges of the United Arab Republic under the disengagement agreement, there were at least 30,000 United Arab Republic troops still in Yemen. The United Arab Republic must take its full share of the blame for the deterioration of relations between the Federation of South Arabia and Yemen.

808. It was against that background of fear and apprehension that the Government of the Federation, in accordance with its Treaty with the United Kingdom, had called upon the United Kingdom Government to defend the territorial integrity of the Federation. Advance planning of the attack on Fort Harib was necessary in order to ensure that only those responsible for the terror and subversion should be involved in the attack, and that civilians in the town of Harib should not be affected. Contrary to what had been said in the Council, that action had not been retaliation or a reprisal. It had been taken in response to an urgent request for help and, as authorized by the Charter, had been a legitimate action of a defensive nature.

809. The United Kingdom believed that some constructive action could be taken by the Security Council. The Yemeni representative had said that the United Kingdom suggestions were diversionary and distracting. The proposal for a demilitarized zone, however, was strictly relevant to the Harib incident. The Yemeni authorities themselves had appeared to see some merit in that suggestion in December when they had submitted certain counter-suggestions. If the Council thought it appropriate, those could be further explored, with the assistance of the Secretary-General. That process need not involve the question of recognition as it was always possible to establish a *de facto* improvement on the ground without any implication of recognition.

810. The representative of the United Arab Republic, in reply to the British statement about the presence of the United Arab Republic forces in Yemen, stated that his country was bound to Yemen by the obligations of the Defence Pact of 1956 and also by

the Arab League Mutual Defence Pact. Those treaty obligations had led to the formation of the joint Yemen-United Arab Republic defence forces. As regards the suggestion about a demilitarized zone, the United Kingdom had not taken any note of Yemen's demand that the British vacate the ten places they had occupied since the establishment of the Yemen Arab Republic. Without that vacation, the demilitarized zone would become a convenient method for protecting the present occupation.

811. The representative of Syria maintained that acts such as the British action of 28 March could have no legal justification except with regard to the protection of a State. But it had been adequately proved that such a State did not exist. Under Article 51 of the Charter, the right of self-defence by a Member State was justified only if it had been a victim of armed attack. The Federation was not even a Member of the United Nations, nor had the United Kingdom, as a Member, contended that it had been a victim of an aggression. And, even if the provisions of the treaties linking the United Kingdom with the component parts of the Federation were valid, the obligations arising out of those treaties could not prevail over the obligations under Article 103 of the Charter.

812. The representative of Morocco said that while commenting upon the United States suggestion with regard to the demilitarization he had made it clear that while that proposal had some merit with regard to the re-establishment of peace in the region, it had none at present with respect to the consideration of the specific case before the Council. The United Kingdom, in defence of its action, had cited its treaty with the so-called Federation of South Arabia. But treaties of that nature were not valid in international law, otherwise the Minister of Foreign Affairs of the Federation, as a representative of his Government, would be its spokesman before the Council instead of the delegation of the United Kingdom. The representative of the United Kingdom, in stating that the attack of 28 March had been defence, had tried to distinguish a nuance between the concept of reprisal and the concept of legitimate defence. Legitimate defence excluded the right of pursuit. If the reprisals of 28 March were interpreted as being merely legitimate defence, then respect for territorial integrity and the use of military means for self-defence would legitimately create the right of belligerency which the United Kingdom had so far eschewed.

813. The representative of the USSR noted that the representative of the United Kingdom had categorically admitted that the responsibility for the act of aggression in the region of Harib did not lie with the local military authorities but with the British Government. That Government must therefore be considered as the proper object of all complaints and condemnation for the aggression.

814. The representative of France expressed his delegation's deep concern over the incidents on the frontier between Yemen and the South Arabian Federation. The main thing at present was to create conditions which should make it possible to prevent the repetition of those incidents. To that end, the French delegation would favour a decision by the Council which should be acceptable to all parties. The basic problem was that a dangerous situation had arisen in Yemen. The solutions which had been proposed had not been effectively applied, and so long as a satisfactory settle-

ment was not achieved, there could not be a guarantee that new difficulties would not arise.

815. At the 1110th meeting on 8 April, the representative of Yemen said that the United Kingdom statement on 2 April constituted an admission of the British aggression against Harib. From the beginning of the Yemeni revolution, the British had maintained a hostile attitude toward Yemen. They had occupied nine territories belonging to the Yemen Arab Republic. The Yemen Republic urged the Security Council to take all necessary measures to ensure the evacuation of the British forces from all those territories so that conditions could return to what they had been prior to 26 September 1962.

816. The President, in his capacity as the representative of Czechoslovakia, said that the attack on 28 March had been confirmed by the documents before the Council and by the British statements. It was an attack whose scope went beyond that of mere frontier incidents. The United Kingdom had contended that its action had been retaliation against several air attacks made by Yemen. However, the policy of retaliation flagrantly contradicted the principles and purposes of the United Nations Charter. Even if the British attack had been a "defence response", as had been claimed, it was difficult to find any factors which could qualify the action as an act of defence, if Article 51 of the Charter was invoked.

817. By the terms of resolution 1949 (XVIII), the General Assembly had confirmed the colonialist character of the so-called Federation by reaffirming the right of the people of that territory to self-determination. The same resolution had also stated that the military base at Aden was prejudicial to the security of the region and that consequently its speedy abolition was desirable. It had also called upon the Administering Authority to put an end to the repressive acts carried out against the people living in that territory. In view of that stand already taken by important organs of the United Nations and of the recent military action undertaken by the British, the Security Council could not keep silent but must condemn that action. The British forces should evacuate the Yemeni territory. It was on that basis alone that conversations and eventual negotiations could be undertaken.

818. At the same meeting, the representative of Morocco introduced the following draft resolution (S/5649), co-sponsored by the Ivory Coast and Morocco:

"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),

"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."

819. In explaining the above draft resolution, the representative of Morocco stated that he would like to make it clear that the draft resolution was far from what its sponsors might justifiably have asked of the Council. However, taking into account the views expressed in the Council, they had felt that as wide a majority as possible would be gained by means of the present text. Although they had felt that the text was not on a level with the British aggression, they were prepared to accept it in order to act in harmony with the atmosphere of co-operation in the Council. He added that the sponsors also hoped that the Secretary-General, who had lent his good offices in the past in connexion with equally complex problems, would be willing to offer them again to the two parties and would try, by any means which he might judge appropriate, to examine with them every possibility of reaching a lasting solution.

820. The representative of the Ivory Coast stated that the draft resolution represented a real compromise among the ideas which were expressed in the Council. The principle of reprisal had been condemned by the representatives on the Council and that view was reflected in the draft. It also deplored the incidents which had arisen from the present tension. The sponsors had thus extended even further the idea of compromise, because while they recalled previous incidents, none of them was as serious as the specific incident which had been brought to the Security Council. Finally, with a view to preventing such incidents in the future, the draft resolution appealed to both parties to make all the necessary efforts to restore peace in the region and also requested the good offices of the Secretary-General.

821. At the 1111th meeting on 9 April, the representative of the United States expressed his delegation's appreciation to the sponsors of the draft resolution for their efforts to submit a draft which encompassed the various views submitted to the Council. In the view of the United States delegation, the fourth and fifth operative paragraphs of the draft contained positive suggestions for reducing tensions and for improving the situation in the area. The United States would urge the parties to offer the Secretary-General their fullest co-operation. Since the incident at Harib was the culmination of a series of incidents, the United States delegation felt that any action by the Council should be in the context of those facts, namely, to condemn not only reprisals but also attacks which led to reprisals. For that reason it had suggested to the co-sponsors to amend the draft resolution to insert in operative paragraph 1 the words "both attacks and" so as to read "*Condemns* both attacks and reprisals as incompatible with the purposes and principles of the United Nations"; and to replace operative paragraphs 2 and 3 by a single paragraph reading: "*Deplores* the British military action at Harib on 28 March 1964 and all attacks and incidents which have occurred in the area". Since the sponsors of the draft resolution had stated that they could not accept those amendments, the United States delegation could not consider the draft resolution equitable and responsive to the realities that had been reviewed in the Council's

debate. It was for this reason that the United States delegation could not vote for the draft resolution.

822. The representative of China stated that the essential facts involved in the present case were not in dispute. There had been numerous incidents in the area of the undefined border between Yemen and the Federation of South Arabia, which had culminated in the attack by British aircraft on the fort at Harib. It was to that incident of 28 March 1964 that the Council was called upon to give its immediate attention. It was generally felt that the military action on the part of the British authorities constituted a resort to force and, as such, was to be deplored. His delegation too found it difficult to reconcile the use of force, even in the face of provocation, with the provisions of the United Nations Charter. However, it should be remembered that the British military action was but the most recent and most notable of a series of attacks and incursions which were equally deplorable. In voting for the draft resolution the Chinese delegation would wish to point out that operative paragraph 1 of the draft resolution condemned "reprisals", without defining the term, and therefore it could be assumed that it denoted reprisals involving the use of force because there were different kinds of reprisals.

823. The representative of Bolivia supported the general endeavour to have the discussion end with the adoption of a draft resolution incorporating the different points of view submitted to the Council. The draft resolution was of exceptional flexibility and was presented as a compromise text. It must, however, be remembered that the United Nations was the only body to which weak countries could and must turn to seek protection to ensure their political freedom and territorial integrity. Because of a moral principle that could not be side-stepped, Bolivia considered it necessary to side with all the weak and small nations that were in circumstances similar to those of the Yemen Arab Republic.

Decision: *At the 1111th meeting on 9 April 1964, the draft resolution submitted by the Ivory Coast and Morocco (S/5649) was adopted by 9 votes to none, with 2 abstentions (United Kingdom, United States) (S/5650).*

824. Following the vote, the representative of the United Kingdom stated that his Government did not consider operative paragraph 2 of the resolution to be justified in view of the provocation from the Yemeni authorities which had led to the action against Harib fort. It had been a necessary action to protect the territorial integrity of the South Arabian Federation. As for the future, the United Kingdom Government could assure the Council that it would continue to work for peace and stability in the region. It would, however, look to the Council to ensure that Yemeni attacks would not occur again. The United Kingdom was also ready to consider with the Secretary-General ways and means of settling outstanding issues.

825. The representative of Yemen stated that his Government was satisfied with the resolution because it condemned the aggression of 28 March on Harib, even though it had called it a reprisal. The Yemen Arab Republic would spare no efforts to effect the evacuation of all British forces from its territory, seeking always the assistance of the Security Council and all other bodies of the United Nations in accordance with the Charter.

826. The representative of the USSR said that the resolution took into account to a certain extent the just requirements of the Yemen Arab Republic and contained a very precise indication of the essence of the problem of British aggression on 28 March against Yemen. It had unambiguously condemned that military action. It was because of that positive aspect of the resolution that the Soviet delegation had supported it. There was no doubt that the draft resolution had been considerably weakened by the efforts of the allies of the United Kingdom. However, in spite of its inherent weakness, the Soviet delegation hoped the resolution would promote the strengthening of peace in the region.

C. Subsequent communications

827. By a letter dated 10 April (S/5652), the representative of the United Kingdom stated that a Yemeni aircraft had violated that day the air space of the Federation of South Arabia in the Wadi Aim area, which was another example of the constant provocations to which the Government of the Federation was exposed by the Yemen Republican authorities.

828. By a letter dated 13 April (S/5656), the representative of Yemen denied that such an incident had occurred. The Yemeni aircraft had been flying over the Harib area, within Yemen's air space, to keep a close watch on, and try to prevent the smuggling of arms and ammunition from the Beihan area to the Yemen Arab Republic.

829. In a letter dated 14 April (S/5659), the representative of Yemen stated that British warplanes had violated the air space of Yemen on 3 and 10 April by flying over the area of Harib, in disregard of the Security Council's resolution (S/5650).

830. By further letter dated 1 May (S/5678), the representative of Yemen transmitted to the Security Council a list of alleged British armed actions against

the territory of the Yemen Arab Republic and of violations of its air space during the period from 4 April to 22 April.

831. In a letter dated 5 May (S/5684), the representative of the United Kingdom denied the charges made in the Yemeni letter of 14 April, as well as the allegation that there had been a massing of British armed forces in the Beihan area. The United Kingdom also would not accept the Yemeni claim to certain villages which had always been on the South Arabian Federation's side of the border. In fact, Yemeni forces were in occupation of some villages which historically had always belonged to the Federation.

832. By a letter dated 7 May (S/5687), the representative of the United Arab Republic transmitted to the Secretary-General a statement issued on 25 April 1964 by the Ministry for Foreign Affairs of the United Arab Republic in reference to the statement of the United Kingdom Government of 24 April concerning President Nasser's address in Yemen on 23 April 1964. The United Arab Republic considered the United Kingdom statement as an attempt to cover up its own colonialist policies. Britain's aim was to bring about the downfall of the Government of the Yemen Arab Republic and for that purpose it had already used Aden as a base for its attack against Harib on 28 March 1964.

833. By a letter dated 11 May (S/5693), the Secretary-General transmitted to the President of the Security Council the text of a resolution (A/AC.109/74) on the question of Aden, adopted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on 11 May 1964. In operative paragraph 3, the Special Committee called the attention of the Security Council to the dangerous situation prevailing in the area as a result of recent British military actions against the people of the territory.

Chapter 9

COMPLAINT CONCERNING ACTS OF AGGRESSION AGAINST THE TERRITORY AND CIVILIAN POPULATION OF CAMBODIA

A. Communications to the Council

834. By a letter dated 16 April 1964 (S/5666), the representative of Cambodia transmitted to the Security Council a set of documents relating to alleged acts of aggression by the armed forces of the United States and the Republic of Viet-Nam against the territory and population of Cambodia.

835. By another letter dated 13 May (S/5697), the representative of Cambodia transmitted a further complaint of his Government alleging "repeated acts of aggression by the United States-South Viet-Name forces", and requested an early meeting of the Security Council in accordance with Article 35 of the Charter.

836. By a letter dated 26 May (S/5724), the Special Representative of the Government of the Republic of Viet-Nam transmitted a memorandum in reply to the charges of Cambodia against his Government.

B. Consideration at the 1118th to 1122nd and 1124th to 1126th meetings (19 May-4 June 1964)

837. On 19 May the Security Council decided, without objection, to include the item in its agenda. The representative of Cambodia was invited, without objection, to participate in the discussion without the right to vote. Objection was taken to a United States proposal to extend a similar invitation to the representative of the Republic of Viet-Nam by the representatives of the Union of Soviet Socialist Republics and Czechoslovakia, who considered such an invitation as unnecessary inasmuch as the prime responsibility for the acts of aggression against Cambodia lay with the United States and inasmuch as the present régime in South Viet-Nam was illegitimate and did not express the will of the people.

Decision: *The Security Council decided by 9 votes to 2 (Czechoslovakia, USSR) to invite the representative of the Republic of Viet-Nam to participate, without vote, in the discussion.*

838. At the 1118th meeting on 19 May 1964, the representative of Cambodia stated that his Government in its communication of 16 April had already drawn the attention of the Council to the deplorable situation which had prevailed on the Cambodian-South Viet-Name frontier as a result of the aggression carried out by the armed forces of the Republic of Viet-Nam. During 1963 and the early part of 1964, 261 violations had taken place. Those acts were becoming more frequent and destructive. Two months after the attack on Chantrea, fresh aggression of equal magnitude took place on 7 and 8 May. On those two days, thirteen armoured units of the South Viet-Name regular forces, commanded by American officers, penetrated the Cambodian villages of Taey and Thlork in Suay-Rieng Province, resulting in loss of life and destruction of property. Shortly after that, South Viet-Name planes had flown over the same area violating Cambodian air space. The bombardment of the Cambodian villages by the South Viet-Name planes had resulted in five deaths and six wounded. It might be recalled that the earlier attack on Chantrea had resulted in seventeen deaths. The invaders, including the United States personnel, had used atrocious methods to kill some of the wounded persons. Those successive attacks had aroused the legitimate indignation of the people of Cambodia and the Royal Cambodian Government had sent its protests to the Republic of Viet-Nam and to the United States.

839. South Viet-Nam had claimed that its violation of Cambodian territory was unintentional and due to a mistake in map reading. However, those repeated violations made it clear that the South Viet-Name actions were of an obviously deliberate nature which had no justification. It was difficult not to hold South Viet-Nam responsible for those violations as no error on the part of the Viet-Name military could be possible. The maps used by them were those edited by the Geographic Service of Indo-China and by the Cartographic Service of the United States Army. Moreover, in the attack on Chantrea, the Viet-Name forces had been accompanied by United States advisers, which had been admitted by the United States Secretary of State. In fact, the responsibility of the United States was equally obvious because of its role in the war in South Viet-Nam, particularly because of the massive military aid and also its conduct of military operations in the area.

840. South Viet-Nam had also repeatedly alleged Cambodia's conspiracy with the rebels against it. The Saigon regime had made these charges without any proof. The presence of those rebels on Cambodian territory had never been confirmed by impartial observers, including members of the International Control Commission and foreign correspondents. Following a policy of neutrality and peaceful coexistence, Cambodia would never participate in the conflict between the Saigon regime and the rebels of Viet-Cong. There was no infiltration or passage by the Viet-Cong through Cambodian territory and to prove that Cambodia had even agreed to international control of its territory, particularly near the frontier with South Viet-Nam. In view of the fact that its request for verification had not been accepted, it objected to the gratuitous accusations made against it; a United Nations commission of inquiry would make it possible to investigate the case. Such a commission, however, could have only a limited control and could not replace the functions exercised on the frontiers by the International Con-

trol Commission established under the Geneva Agreement.

841. In accordance with its obligations under the Charter, Cambodia had always tried to find peaceful solutions of its conflicts with its neighbours. It was for that reason that since August 1963, Cambodia had requested the convocation of a Geneva conference in order to obtain recognition and an international guarantee of its neutrality and territorial integrity. However, that proposal was opposed by the United States Government. In continuance of its spirit of conciliation, Cambodia had then proposed on 18 February 1964 a four-Power conference consisting of Cambodia, the United States, South Viet-Nam and Thailand to obtain similar guarantees. The United States counter-proposal had cast doubt on the validity of the Cambodian frontiers, which had been fixed by treaties and agreements and had been confirmed again by a recent decree of the International Court of Justice. Meanwhile, renewed attacks took place against the territory of Cambodia. The responsibility for those attacks having been established, the Security Council should in those circumstances condemn the aggressors and call upon them to cease their acts of aggression. Furthermore, just reparations should be paid to the victims. It was also essential that the neutrality and territorial integrity of Cambodia should be internationally recognized and guaranteed. Therefore a conference on Indo-China should be convened at Geneva as soon as possible, and to facilitate its meeting the Security Council should make necessary recommendations.

842. The representative of the United States of America said that there was no basis whatsoever for a charge of aggression against his Government. An investigation of the incidents which had formed the basis of the Cambodian complaint had shown that, though an American adviser had accompanied the Viet-Name forces engaged in operations in the southwestern 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 adviser had accompanied a unit of Viet-Name forces which had inadvertently crossed the Cambodian border at Chantrea on 19 March. The United States Secretary of State had written to the Foreign Minister of Cambodia setting forth the circumstances of that incident, expressing regrets and undertaking to seek all reasonable precautions against a recurrence. It was clear that those border incidents had not indicated any hostility on the part of the United States towards Cambodia. It was equally clear that these events were disconnected incidents which had nothing in common except their origin in efforts by the Government of Viet-Nam to suppress military units of the Viet-Cong which were in armed conflict with the Government of Viet-Nam and which attempted to find a safe haven on the soil of Cambodia. The United States had also never refused to consider a proposal for the inspection of Cambodian territory, and specifically in the regions bordering South Viet-Nam. In fact it hoped that the Security Council would be able to establish some effective machinery to help stabilize the situation along the Cambodian-Viet-Name frontier.

843. The representative of the Union of Soviet Socialist Republics stated that Cambodia had clearly established that repeated acts of aggression had taken place against it. The nature of aggression appeared even more serious considering the fact that one of the aggressors was a major Power and a permanent

member of the Security Council. In spite of the undisputed nature of the evidence, the United States had disclaimed any responsibility and had even tried to refute the facts. From the information available to the Council it was, however, clear that the United States armed forces had participated in the armed actions taken in the beginning of the present year and again in the actions on 7 and 8 May. The United States should also bear responsibility for the armed actions on the South Viet-Nameese forces inasmuch as it had provided to those forces massive arms and it controlled their operations. The direct intervention by the United States in South-East Asia, particularly in South Viet-Nam, had resulted in military actions which in their scope and significance were the largest of any taking place at the present time in any part of the world. It was well known that at present there were 16,000 American soldiers in South Viet-Nam and that the United States was spending approximately half a billion dollars a year on that war. It was quite clear that in waging that war against the people of South Viet-Nam, the United States had violated its obligations under the Geneva Agreements of 1954.

844. In view of the role of the United States in the South Viet-Nameese war, it was not unexpected that American military personnel were directing and supervising armed units which had violated Cambodian territory. In the circumstances Cambodia's concern was legitimate. The so-called error in map reading was in reality a definite course of action. It was for that reason that Cambodia had proposed the convening of a Geneva conference to guarantee its territorial integrity and neutrality. If the United States really wished to respect the integrity of Cambodia, it should agree rather than put obstacles in the convening of such a conference. For its part, the Soviet Government had repeatedly stated to the United Kingdom, as Co-Chairman of the Geneva Conference of 1954, and to the United States that there should be an immediate convening of such a conference. So far there had been no positive response from those two Governments. It was clear that constant provocations and acts of aggression against Cambodia were intended to push it away from its policy of neutrality. In the circumstances, the Security Council must take appropriate measures to condemn the military activities of the United States and South Viet-Nam against Cambodia and assure the territorial integrity and neutrality of Cambodia. To that end, it was necessary to call an international conference to guarantee conditions for the independent development and the normalization of the situation in South-East Asia.

845. The representative of the United States replied that the USSR had tried to divert the Council's attention from the complaint of Cambodia to a general examination of the role of the United States in the war in Viet-Nam, a matter which the Cambodian representative had not even raised. To the extent necessary to clarify the matter before the Council, he would state that the only reason for the supply of military and technical aid to the Republic of Viet-Nam, at its request, was that South Viet-Nam was being subjected to a large-scale aggressive communist assault which was supported and directed from outside and designed to subvert the independence of the Republic of Viet-Nam, and to deprive its people of their right to live under the social system they preferred.

846. At the 1119th meeting of the Council on 21 May, the representative of Cambodia stated that under

the Charter the United Nations must take steps not only to stop acts of aggression but also to avoid their recurrence. In the present case Cambodia believed that the signing of an international agreement recognizing and guaranteeing its neutrality and territorial integrity would serve that purpose. To implement such an agreement, it was imperative that the Geneva Conference be reconvened.

847. The Geneva Conference of 1954 had established the International Control Commission which had worked uninterruptedly and efficiently in Cambodia since then. Members of the Council could have an idea of its useful work from the Commission's reports to the Co-Chairmen of the Geneva Conference. It was, therefore, unnecessary to establish a new United Nations body. The International Control Commission should be provided with all the necessary means to ensure a permanent and generalized control of the Khmer-South Viet-Nam frontier. The Cambodian suggestion to send United Nations observers was only meant to verify the soundness of the charges against it. Such a group, if appointed, would have limited and carefully defined terms of reference.

848. The United States had denied that any American personnel had crossed into Cambodia. However, American participation in the attack at Chantrea was admitted by the United States Secretary of State and further participation in the attacks on Taey and Thlok on 7 and 8 May was confirmed during the questioning of witnesses by the International Control Commission. The United States had also claimed that it had never rejected the proposal for an inspection of the Cambodian territory. However, there had not been up till now a favourable response to the Cambodian proposals to convene a Geneva conference and to the setting up of posts of inspection by the International Control Commission.

849. The representative of the Republic of Viet-Nam stated that, pending the arrival of a special delegation that his Government was sending to submit its case before the Council, he would like to state that his Government had never committed acts of aggression against Cambodia, with whom it wished to have neighbourly and friendly relations, to settle its differences by peaceful means, and to reduce tensions along its frontier. To that end it had officially and publicly expressed its regrets with regard to the occasional inadvertent crossings of the ill-marked border. It had also offered to compensate the victims of those incidents and to enter into bilateral talks with Cambodia on the question of the use of the Cambodian territory by Viet-Cong commandos which was the main cause of those border incidents.

850. The representative of the United States said that the facts about the case before the Council were relatively simple. The Forces of the Republic of Viet-Nam had in fact mistakenly crossed the ill-marked frontier while pursuing armed terrorists, and that Government had expressed its regret and had endeavoured to initiate discussions with Cambodia to remove the causes of the incidents. Those efforts, however, had not yet proved fruitful.

851. The United States believed that the incidents on the Cambodian-Viet-Nameese border could not be assessed properly without taking into consideration the armed conspiracy which sought to destroy the Government of the Republic of Viet-Nam. It was the people of Viet-Nam who were the major victims

of aggression, kidnapping and torture by the Viet-Cong. Contrary to what the Soviet Union had stated in the Council, the United States had no national military objective in any part of South-East Asia. American policy was the restoration of peace so that the peoples of the area might go about their own business without interference from the outside. The United States was currently involved in the affairs of the Republic of Viet-Nam because the latter had requested help to defend itself against armed attacks equipped and directed from outside. The objective of the Viet-Nameese Communist leadership in Hanoi was clearly to take control of all Indo-China. Hanoi sought to accomplish this in South Viet-Nam through subversive, guerrilla warfare, directed, controlled and supplied with military personnel, arms, and munitions from North Viet-Nam. In those circumstances, the United States could not be expected to abandon the people of Viet-Nam. It was being suggested that the United States, instead of military assistance to the Viet-Nameese people, should seek a political solution. But a political solution had been reached already in Geneva in 1954, and it was that solution that the Republic of Viet-Nam and the United States were defending against constant violations by the North Viet-Nam régime. The United States had also supported the true independence and neutrality of Laos, in accordance with the Geneva accords of 1962, but the Hanoi régime refused to withdraw the Viet-Nameese communist forces from Laos despite the repeated demands by the Lao Prime Minister, Souvanna Phouma.

852. As regards the question of the security of the Cambodian-Viet-Nameese frontier, the United States was in complete sympathy with Cambodia's concern for the sanctity of its borders and the security of its people. The difficulty was that the Viet-Cong had not been prepared to leave the Cambodian people free to pursue their own ends. There was, however, no basis for charges of aggression against the United States. As for the inadvertent crossing of an American adviser on 18 March 1964, it had already expressed its regrets. The recent difficulties on the border of Cambodia were only accidentally related to the Republic of Viet-Nam. They were in fact due to the activities of the North Viet-Nam régime which was supported by Communist China. They were using Cambodian territory as a passageway and a source of supply for attacks on the Republic of Viet-Nam and also as a sanctuary from counter-attack by the forces of South Viet-Nam. Such a situation could not be remedied by reconvening the Geneva Conference because it could not be expected to produce an agreement any more effective than the previous Agreement of 1954. The International Control Commission, established under that Agreement, had been unable to perform its functions effectively because of the voting procedure that required that decisions dealing with violations could be taken only by unanimous agreement. The Council would have, therefore, to look to some other method to restore stability to the border between Cambodia and Viet-Nam. There are several suggestions for practical steps to restore stability to the frontier area. The Council could request the two countries directly concerned to establish a substantial military force on a bilateral basis to observe and patrol the frontier and to report to the Secretary-General.

853. Such a bilateral force could be augmented by the addition of United Nations observers and possibly be placed under United Nations command in order

to provide an impartial third party element. A third suggestion might be to establish an all United Nations force. The United States would be prepared to contribute to the larger expenditure that might have to be incurred by the United Nations under the proposal. In addition to the adoption of one of the above suggestions, it would also be useful to ask the Secretary-General to offer assistance to the two countries in clearly marking their frontiers which would help in reducing the possibility of further incidents.

854. The representative of Cambodia stated that although the representative of the Republic of Viet-Nam had denied that his Government had committed any acts of aggression, there was enough evidence, including photographs of investigations carried out by the International Control Commission, to prove the South Viet-Nameese armed attacks on Cambodian territory. Instead of accepting its responsibility for those attacks, South Viet-Nam had charged that Viet-Cong were using Cambodian territory. There was no truth in that charge. There was no Viet-Cong presence or passage through Cambodia. While Cambodia had no objection to bilateral talks, it might be recalled that on the very day of the arrival of a delegation of the Republic of Viet-Nam in Phnom Penh, the attack of 19 March in Chantrea had taken place. South Viet-Nam had neither stopped its aggression against Cambodia nor agreed to fix a date for a Geneva conference which was a prior condition to holding bilateral talks.

855. The United States had maintained that the crossing of the Cambodian frontier by the Viet-Nameese troops was inadvertent due to ill-defined borders and also that the troops had gone in pursuit of the rebels. Cambodia could not accept that position. In the first place the borders of Cambodia were well defined and internationally recognized. Then, it was not mere crossing, but had involved bombing and use of armoured cars which could not be all due to a mistake. Moreover, under international law the right of pursuit in foreign territory was not recognized. For its part, Cambodia, while repulsing the aggressors, had scrupulously avoided crossing the frontier.

856. The representative of the USSR stated that the United States representative had tried to justify his Government's military intervention in South Viet-Nam by stating that its massive military aid was to help the South Viet-Nameese live under the social system of their choice. But, in fact, the United States had installed there an unpopular puppet régime. In order to uphold the power of that régime and to retain a bridge-head from which to carry out aggressive acts against the people of South-East Asia, the United States had concentrated a big armed force in South Viet-Nam and was waging a punitive war against the South Viet-Nameese people. The United States military involvement had aroused great concern, even in the United States, as would be clear from a letter of Senator Morse of 14 May 1964 in which he had stated that the unilateral United States military activities in South Viet-Nam had no justification under international law and were incompatible with its obligations under the Charter.

857. At the 1120th meeting of the Council on 21 May, the representative of Czechoslovakia stated that ever since its independence Cambodia had been forced to fight continuously to defend its neutrality and territorial integrity. Since the beginning it had had to meet

territorial claims and serious border incidents and a constant hostile propaganda against its foreign policy, including broadcasts from a so-called Free Cambodia radio. The recent violations were only a continuation of that hostility towards Cambodia. Even American press reports had pointed out that the Cambodian frontier had been violated many times and that American military advisers had participated in those actions. Apart from its participation in the military actions against Cambodia, the United States was also active in the war in the southern part of Viet-Nam. That war had direct connexion with the violations of Cambodian territorial integrity and neutrality. The United States intervention in South Viet-Nam was in complete violation of the Geneva Agreements and had led to the present tense situation in the whole of South-East Asia. In those circumstances, it was necessary, as Cambodia had proposed, to reconvene the Geneva Conference. The Soviet Co-Chairman of that Conference had supported that proposal. The United States had, however, opposed it and had advised Cambodia to solve its border problems through bilateral negotiations. The utility of that "advice" could be judged by the fact that the most serious attack against Cambodia had taken place on the same day when negotiations with South Viet-Nam were to be opened. Moreover, the problem did not concern only border incidents. The substance of the problem lay in the deep aversion of certain Western circles to Cambodian neutrality. The Czechoslovak delegation would, therefore, support the Cambodian proposal on reconvening the Geneva Conference and also of placing at the disposal of the International Control Commission all means of assuring the security of the frontiers. The Security Council should condemn the South Viet-Name-United States acts of aggression against Cambodia and should make recommendations on the convening of a new Geneva conference.

858. At the 1121st meeting of the Council on 25 May, the representative of the Republic of Viet-Nam stated that the border incidents between Cambodia and his country had been a major preoccupation of his Government because in reality it was the Republic of Viet-Nam which had been the victim of those incidents. Exploiting the existence of ill-defined and insufficiently protected frontiers, the communist troops had escaped into the Cambodian territory after having first pillaged peaceful Viet-Name-United States villages near the border.

859. Since 1958 the Republic of Viet-Nam had proposed repeatedly to Cambodia to have bilateral negotiations to resolve the border conflict. Instead of responding to that proposal, Cambodia decided to submit to the Security Council its complaint based on three recent incidents. As regards the first of those incidents, which occurred at Mong on 4 February 1964, the Republic of Viet-Nam had proposed to establish a joint commission of investigation. Cambodia rejected that proposal, stating that since the International Control Commission had already visited the area, a second investigation was unnecessary. As for the other two incidents, the Republic of Viet-Nam had already expressed its regrets and had offered to indemnify the victims. There was thus no hesitancy on the part of the Republic of Viet-Nam in resolving its differences with Cambodia arising out of those border incidents. It might also be remembered that those incidents had not always occurred only in one direction. There were several cases of violation of Viet-Name-United States territory by the Cambodian forces, resulting in loss of human life

and property. The fundamental causes of those incidents were the lack of a well-marked frontier and the violation of Cambodian territory by the Viet-Cong in the course of their aggressive activities against the Republic of Viet-Nam.

860. Maintaining that the frontier line between Cambodia and Viet-Nam was still not precisely defined in a number of places, the representative of the Republic of Viet-Nam recalled that before 1945, Viet-Nam, Cambodia and Laos formed the Federation of Indo-China and the question of international frontiers between those countries had not then been posed as it had been since their independence. For that reason, the demarcation of the frontier was not quite clear. Many of the border markers had been put in place more than seventy years ago and had either disappeared or been displaced by the local population. Furthermore, maps of the border regions were unreliable and some of them did not correspond with the decrees of the former Governor-General of Indo-China. In some cases, changes of terrain had been caused by alluvia and erosion. In view of all those reasons, it was difficult to agree with the Cambodian claim that the frontiers were well-defined.

861. The representative of the Republic of Viet-Nam then said that there was ample evidence to support his Government's contention that the Viet-Cong had frequently crossed the Khmer-Viet-Name-United States border in both directions. He cited a number of cases where the Viet-Cong were reported to have crossed the border to attack South Viet-Nam or had gone into Cambodia to get supplies and to avoid the operations of the Viet-Name-United States armed forces. In that respect another serious problem was the smuggling of explosives into Viet-Nam from Cambodia. According to statistics published by Cambodia itself, there had been a considerable increase in the import of potassium chlorate and red phosphorus during the last few years. The growing import of those two products corresponded with the intensification of sabotage and guerrilla activities in Viet-Nam. The Viet-Cong were also using the Mekong as a major thoroughfare for bringing to Viet-Nam strategic materials from Cambodia and for supplying the Viet-Cong troops. They had established military installations on both sides of the border.

862. In order that the border incidents harming relationships between Cambodia and itself might be solved finally, the Republic of Viet-Nam would propose the establishment of a commission of experts under United Nations auspices to help define and mark the frontiers between Viet-Nam and Cambodia, and also the setting up of an effective system of control of the border area. The Cambodian suggestion that a commission of inquiry be sent to the area did not seem to be adequate. A mere group of investigators could not keep a constant watch on the entire frontier. It was for that reason that the Republic of Viet-Nam had repeatedly proposed to Cambodia the establishment of joint patrols. Cambodia had rejected it as inconsistent with its concept of neutrality. It appeared to be more in favour of resorting to the International Control Commission. However, it should be remembered that the "troika system" governing the International Control Commission, combined with the unanimous agreement required for any of its binding decisions, had paralysed its work. Therefore, unless Cambodia agreed to the establishment of joint patrols, the only other effective solution would seem to be the establishment of an in-

ternational system of control of the border area under the aegis of the United Nations.

863. The representative of China stated that in the opinion of his delegation, the incidents forming the basis of the Cambodian complaint were local border incidents and of limited scope, and could not be described as "acts of aggression". They were mostly inadvertent crossing of the border and the Republic of Viet-Nam had already expressed its regret for the 19 March 1964 incident. They were, nevertheless, regrettable inasmuch as they had resulted in loss of life and the destruction of property. Moreover, if allowed to be repeated, they could give rise to grave consequences.

864. The representative of China believed that the causes of the border incidents could easily be discerned. Since the partition of Viet-Nam, following the Geneva Agreement, the Viet-Nam Republic had faced a well-organized communist régime in the north, which under the direction of Peiping, wished to dominate the south as well; the Viet-Cong terrorists in the south were also directed by the North Viet-Nameese régime. The peculiar terrain along the frontier between Viet-Nam and Cambodia, and also the fact that that frontier was not properly marked, had been used by the Viet-Cong to their advantage. If the Viet-Nameese troops had crossed the border in pursuit of the rebels, the Viet-Cong themselves had crossed it in the first instance to attack the Republic of Viet-Nam. In those circumstances, it was clear that a solution lay in co-operation between the Governments of Viet-Nam and Cambodia to work out effective measures to prevent any future unauthorized crossing of the border. However, the suggestion that the reconvening of the Geneva Conference could produce a guarantee of the frontier between Viet-Nam and Cambodia was illusory. The Geneva accords had been constantly violated by the communists and had been used to gain more ascendancy in the area. Moreover, the specific border question belonged to the two States and should be dealt with accordingly. The Council should take the present opportunity to urge upon the parties the desirability of an effective settlement through direct negotiations.

865. The representative of the United Kingdom stated that his Government, as one of the Co-Chairmen of the Geneva Conference of 1954, had a distinct position in relation to the question before the Council. It was for that reason that he wished to clarify the United Kingdom position with regard to the calling of the Geneva Conference. The United Kingdom was ready to join the Soviet Co-Chairman in issuing invitations to such a conference as soon as all the Governments concerned had expressed agreement to participate. In spite of its efforts that position had not yet been reached. It would, therefore, serve no useful purpose to join in issuing invitations which might be declined by a number of Governments. His delegation did not believe that the adoption of a resolution by the Security Council calling for a new conference would alter that basic situation.

866. While the United Kingdom delegation did not want to widen the debate on the Cambodian complaint to include consideration of political developments elsewhere in Indo-China, it wished nevertheless to state, since the USSR representative had already discussed in detail the situation in Viet-Nam, that the United Kingdom recognized the Republic of Viet-Nam and supported its struggle against a dissident group which,

with the help of the northern régime and in defiance of the Geneva Agreements, sought to impose its will on the Republic. It also endorsed the right of the Republic of Viet-Nam to seek help to defend its territorial integrity and the social system its people had chosen. Moreover, if the external communist aggression were ended, a major step would have been taken towards preventing border incidents between Cambodia and the Republic of Viet-Nam.

867. From the accounts submitted to the Council, the representative of the United Kingdom continued, it appeared that there was an area of agreement on the facts relating to the incidents on the border between Cambodia and Viet-Nam. His Government was distressed over these events and the loss of human life and property that they had entailed. It was also clear that the situation on the border was far from satisfactory and that the Council must respond to Cambodia's request for effective action. In that respect the representative of Cambodia had suggested that the International Control Commission should be entrusted with the task of exercising a degree of control over the border. That Commission, however, was already occupied by the tasks assigned to it by the Geneva Agreements of 1954. The Council should, therefore, look elsewhere for the necessary machinery which might well take advantage of the fund of experience built up by the United Nations since 1954. In that respect, the suggestions made by the United States held promise of providing an effective solution.

868. The President of the Council, speaking as the representative of France, stated that Cambodia had made it clear that it only sought that its territorial integrity and neutrality should cease to be at the mercy of military operations from outside. To achieve that aim it was necessary to express regrets for the border incidents that had taken place and to take measures to prevent their recurrence. The French Government endorsed Cambodia's position in those respects. For its part, Cambodia had faithfully carried out its obligations under the 1954 Geneva Agreement and had solemnly proclaimed its neutrality, which constituted the fundamental condition of its independence. That was a policy that should be respected and supported. At the same time, France shared the sufferings of the people of Viet-Nam and deplored the events that had taken place on its soil. In that respect also a faithful implementation of the Geneva Agreement would constitute the best means of putting an end to the painful situation in Viet-Nam and the regrettable incidents which had resulted from it.

869. As regards the border incidents that formed the basis of the Cambodian complaint, France wished to emphasize one aspect of those incidents and that was that at no time had the Royal Government of Cambodia taken any military initiative against its neighbours. There was no doubt that Cambodia was the victim of a situation to which it had in no way contributed. Its peaceful intentions were also evident from its request to convene a new Geneva conference, which it considered to be the only means capable of effectively guaranteeing its territorial integrity and neutrality. France was in full support of that request.

870. The Security Council must also take action to deplore the border incidents and to appeal to those responsible for them to avoid their recurrence and to make restitution to the victims of those incidents.

871. As regards ways of controlling points of access to Cambodian territory, the French delegation believed that it would be advisable to refer the matter to the bodies already established under the Geneva Agreement instead of establishing a new body. Recourse should be had to the two International Commissions, with headquarters in Cambodia and in Viet-Nam; that would permit action to be taken simultaneously in the Republic of Viet-Nam—i.e. in the territory from which the units which had crossed the Cambodian frontier had come—and the Kingdom of Cambodia, with a view to investigation of the facts in the event of any new violations of the Cambodian frontier. In order that the two Control Commissions might carry out that task, it would be fitting that their terms of reference be clarified and their method of work modified. While the Security Council could not define their new mandate, it could, however, make a recommendation about it to the Powers concerned. Cambodia and Viet-Nam would thus have a double guarantee, which could only contribute to good relations between them.

872. At the same meeting, the representative of Cambodia denied the charges that Cambodian soldiers had crossed the border to attack South Viet-Name villages or that Cambodia was being used as a base of supply for the Viet-Cong forces and for exporting explosive material. In defence of the aggression by the United States-Viet-Name forces, it had been stated that they had crossed the border in pursuit of rebels and also because the border had not been well marked. However, on various occasions, representatives of South Viet-Nam had been taken over the sites of those incidents and had seen for themselves that there was no possible room for error since all those places were five or six kilometres inside Cambodian territory at clearly defined points on the frontier. Foreign observers and the International Control Commission had found no evidence of the presence of Viet-Cong on the Cambodian territory. Moreover, among the victims of those aggressive acts, there was not a single dead or wounded Viet-Cong. For that reason, Cambodia had asked that the International Control Commission report regarding the border incidents be made public.

873. At the 1122nd meeting of the Council on 26 May, the representative of the United States reiterated that his country had not committed any action against Cambodia which could be considered aggression by any impartial standard. He added that the United States personnel assisting the Viet-Name Army were under strict orders not to cross the Viet-Name-Cambodian border. Furthermore, the United States was convinced that Viet-Nam had no aggressive designs towards Cambodia and could not be charged with acts of aggression.

874. The representative of the United States then said that while Cambodia had asked the Council's assistance with regard to its complaint against the Republic of Viet-Nam and the United States, and had stressed the responsibility of the Security Council to seek a solution in this matter, it was at the same time reluctant to accept United Nations machinery to implement that request. In fact, Cambodia had argued that the solution lay outside the United Nations. However, the International Control Commission, to which Cambodia would wish to entrust the border supervision, had a record of frustrations and inactivity in comparison with the achievements of the United Nations peace-keeping machinery. By the very nature of its compo-

sition, the Control Commission was unable to take quick and decisive action of a nature necessary to prevent a recurrence of the unfortunate incidents along the Cambodian-Viet-Name frontier. For that reason, the United States would not agree to any extension of the International Control Commission's mandate to deal also with the problem relating to the Cambodian-Viet-Name border. The United Nations had the necessary machinery available to meet the Cambodian request of effective control and protection of its border. Viet-Nam and the United States, the countries against which the complaint had been made, would welcome a United Nations border patrol force and were prepared to establish it here and now. They were also anxious to have the border clearly marked. In addition, the United States had an open mind towards suggestions that the United Nations appoint a committee of inquiry to look into various aspects of the border problem. However, such a committee must go beyond investigating the charges of Cambodia's alleged complicity with the Viet-Cong. It should have access to all available information and to the terrain and population on both sides. It should be empowered to make recommendations for further Council action for the stability of the region. It should address itself to the question of how the Cambodian-Viet-Name border could be made immune from violations from any force and from either side of the border. Impressive evidence had been presented by the Viet-Name representative to substantiate the fact that the Viet-Cong did in fact make use of Cambodian territory. United States evidence supported that of Viet-Nam.

875. The representative of Morocco stated that the incidents forming the basis of the Cambodian complaint were the result of the actions of the armed forces of the Republic of Viet-Nam. The frequency of those incidents had not shaken Cambodia's belief in its policy of neutrality which it had followed since its independence. The conflict within the territory of Viet-Nam could not provide an excuse for extending the war into Cambodian territory. While Cambodia was naturally concerned with the conflict in Viet-Nam, it wished to remain apart from that conflict. If Cambodia's neutrality had been respected, it would have spared the Powers concerned the political and diplomatic difficulties that had followed from that breach and which had led Cambodia to refer the matter to the Security Council.

876. In opposition to Cambodia's request for a conference to guarantee its neutrality, it was being stated that the discussions at such a conference might lead to a general examination of the entire South-East Asian situation. Cambodia had, however, given assurance that the purpose of the conference would be solely to seek an international guarantee of its territorial integrity and neutrality. Morocco was in full support of the Cambodian request as it had always sympathized and supported nations desiring to follow a policy of non-alignment. In that respect it was a matter of satisfaction to Morocco that France, for the first time in the Security Council, had so clearly subscribed to the position of the non-aligned States, and it hoped for similar understanding by other great Powers.

877. The Moroccan delegation had not overlooked the fact that the Geneva Agreements, and the evolution of events since then, had been outside of the authority of the United Nations. For that reason, the United Nations was hardly in a position to take a stand on

those agreements. However, the instruments set up by the Geneva Conference could still be used for the settlement of the problems existing in Cambodia at present. Further contacts between the Powers who were parties to the Geneva Agreements might facilitate such an understanding.

878. The representative of Cambodia reiterated that there was enough evidence, including eye-witness testimony, by members of the International Control Commission and the military attachés of accredited embassies in Cambodia, to support his Government's charge against the United States-South Viet-Namese troops for committing acts of aggression against its territory. The contention of an involuntary error could not be accepted as the investigations by the International Control Commission and the military attachés had shown the impossibility of an error of that type at points where the frontier was clearly marked by natural lines. At the same time there was no proof of the Viet-Namese charge that Viet-Cong had been using Cambodian territory. It was to avoid such charges that Cambodia had proposed a generalized international control over its frontier. However, the South Viet-Namese proposal to set up a committee of experts to demarcate the frontier would be unacceptable to Cambodia because it would reopen the whole question of frontiers, leading to further territorial claims. As regards the proposal for joint patrols, it should be remembered that the war in South Viet-Nam was a civil war in which Cambodia would never intervene militarily. It was to further strengthen its neutrality that Cambodia had proposed that the International Control Commission should exercise control over the frontiers. That Commission was already functioning in the area, and the establishment of a new body would be a long and arduous task. The present situation had arisen as a result of the non-observance of the Geneva accords of 1954 and it was, therefore, necessary to call a new meeting of the Geneva Conference. The Security Council should decide that such a conference should meet as soon as possible. Such a conference could determine the powers of the International Control Commission and provide it with means to establish effective control over the frontiers.

879. The representative of the USSR stated that the United States, instead of acknowledging its share in the acts of aggression that its forces, along with those of the "Saigon régime" had committed against Cambodia, had tried to put blame on the aggrieved party itself. However, the accusations made by the United States had no foundation. The Soviet Union would support the Cambodian request that the aggressive acts of the United States and South Viet-Nam should be condemned, that the victims of those attacks should be compensated, and that measures be taken to prevent a recurrence of those acts. The Soviet Union was also in support of the request to convene the Geneva Conference so as to recognize and guarantee the neutrality and territorial integrity of Cambodia.

880. The United States claim that its intervention in South Viet-Nam had been undertaken at the request of the Government of that country and to help its people was contrary to the facts. It was clear from various statements of public figures in the United States and from the American press reports, that the United States had intervened to prevent the people of Viet-Nam from expressing their will through elections as provided for in the Geneva Agreement of 1954. In fact, there were demands in the United States

to extend the South Viet-Namese war and to further increase American military intervention in that region.

881. The representative of the United States reiterated that his country had no military objective anywhere in South-East Asia, where its policy was to help in the restoration of peace so that the peoples of the area could freely determine their future associations and way of life. It was helping the Government of the Republic of Viet-Nam at that Government's request. It was the military measures of the Hanoi régime, with the assistance of its communist allies, that had contributed the long-standing threat to the peace of South-East Asia. United States assistance to the countries of that region was to help them preserve their independence and maintain the Geneva Agreements.

882. At the 1124th meeting of the Council on 28 May, the representative of the Republic of Viet-Nam stated that his Government would support any proposal that might bring about effective international control of the border in order to prevent further incidents. During the present discussion in the Council, it had been suggested, on the one hand, that the Geneva Conference be reconvened to extend the terms of reference of the International Control Commission, and on the other, that an international police force under the auspices of the United Nations be established. The convening of the Geneva Conference had practical difficulties, as pointed out by the United Kingdom representative, who had stated that invitations to such a conference might be declined by a number of Governments. The United Kingdom representative had also pointed out that the International Control Commission might not be able to take up a further task as it was already sufficiently occupied. Moreover, its work also suffered because of the rule of unanimity for its decisions. In those circumstances, the Republic of Viet-Nam believed that the establishment of an international police force would constitute the most appropriate solution. Its role would be to supervise the frontier and to take note of border violations. In case of frontier incidents, it would be empowered to investigate and allocate responsibility for them. Such an international force would be able to provide Cambodia with a more concrete and effective guarantee of its territorial integrity than an international conference.

883. The representative of the Ivory Coast stated that the facts regarding the incidents which formed the basis of Cambodia's complaint had not been challenged, although the interpretation of those incidents by the parties showed certain divergencies. The Council should deplore those incidents and request the parties to settle the conflict amicably, giving equitable compensation to the victims. It was also necessary that a permanent solution should be found of the problem in order to avoid a recurrence of those incidents. For that it was also necessary to determine the causes which had led to those border incidents. While on the one hand it was being said that the border crossing had taken place in pursuit of the Viet-Cong who were using Cambodian soil and also because the frontiers were ill-defined, the other side had declared that the frontier violations were due to a refusal to accept and guarantee Cambodia's neutrality. The right of pursuit could not be upheld and the Charter enjoined that the territorial integrity of a Member State must be respected.

884. The Council could ask the parties to be moderate and to avoid in the future any intrusion of the

Cambodian territory. If, as was stated by the Republic of Viet-Nam, the border was not well defined, the Council could authorize the Secretary-General to constitute a commission, with clearly defined terms of reference, to offer good offices in demarcating the border.

885. While submitting its complaint, Cambodia had raised the question of convening the Geneva Conference. It was difficult not to accede to Cambodia's request for international recognition of its neutrality and territorial integrity. Unlike other states in the area, Cambodia had a sound government and a calm political situation. There were also close links between Cambodia's request and the border incidents. If the Powers who were directly or indirectly responsible for the incidents were to undertake to respect the sovereignty and neutrality of Cambodia, those incidents could be avoided. Since the Council was not in a position to convene the Geneva Conference, it could only express the hope that the members of the Geneva Conference would take into consideration the legitimate aspirations of Cambodia.

886. The representative of Cambodia stated that the press reports to the effect that the Cambodian Head of State was in favour of a United Nations body controlling the frontiers were based upon partial citing of the statement of Prince Norodom Sihanouk. After giving the full text of the statement, the representative of Cambodia said that the Cambodian position regarding the International Control Commission and the convening of the Geneva Conference had not changed. Moreover, if the United Nations were to decide to send a new control commission, Cambodia, while not objecting to its limited purpose, would not bear any of its expenses.

887. The representative of Brazil stated that although the border incidents between Cambodia and the Republic of Viet-Nam could hardly be disentangled entirely from the broader framework of the political and military situation in the Indo-China peninsula, his delegation believed that the Security Council should limit itself at present to dealing with the specific complaint submitted by Cambodia. The facts of that complaint had not been contested and one sympathized with Cambodia's desire to seek more stable conditions along its borders. Both the Republic of Viet-Nam and the United States had expressed regrets for those border incidents and the former had offered to pay adequate compensation to the victims. They had also expressed their desire to have cordial relations with Cambodia. In those circumstances, the Council could call upon the parties to refrain in the future from actions that might cause friction between them and give rise to further incident. Although it might be difficult for the forces engaged in military operations in South Viet-Nam because of the terrain and the loosely demarcated borders to strictly avoid incursions across the border, recommendations should, however, be made to the commanders in the area to keep the activities of their troops well within their own territories. A number of suggestions had been made with regard to the establishment of a suitable machinery to prevent further incidents. However, to be fully effective, that machinery should have the full endorsement of both parties and the complete support of the Security Council.

888. The representative of Norway stated that it was understandable that the recent border incidents had caused great concern in Cambodia, particularly

since that country was situated in an area where a number of great Powers considered that essential interests were at stake. It was against that background that Cambodia had explained the importance which it attached to its policy of neutrality which had been recognized also by the agreements constituting the political framework for the former Indo-China. Because of the tense situation in the area, Norway would support an appeal by the Security Council to all the parties concerned to refrain from actions which might further aggravate the situation and to take suitable steps to reduce the present tension. That would include observance of respect for Cambodia's borders. Furthermore, it would be reasonable that the loss of life and material damage resulting from the incidents of 7 and 8 May should be justly compensated.

889. Some of the statements before the Council had asserted that the tense situation in the border area was partly due to insufficient frontier demarcation. Since the parties seemed to agree as to the actual line of the border, they might consider taking steps to improve the border demarcation. The Norwegian delegation had taken note of the various proposals suggested with a view to preventing future border incidents and it hoped that a formula satisfactory to the parties concerned would be found.

890. The representative of Bolivia, after associating his delegation with the expression of regrets and sorrow for the events on the Cambodian frontier which had involved loss of life, stated that in its consideration of the present question, the Council should avoid the risk of allowing alien factors being injected in the debate. The Council would be well advised to limit itself to the consideration of the complaint submitted by Cambodia. The Bolivian delegation felt that it was extremely important for the peace of South-East Asia that Cambodia's neutrality should be recognized and preserved and that the Security Council should work to that end. However, it also believed that the Security Council had no competence to intervene in the question of convening a Geneva conference. Bolivia would, however, support proposals for recognition of Cambodia's territorial integrity and neutrality for the appointment of an observer group or commission to exercise supervision over the frontier and a commission of inquiry to investigate the border incidents and recommend measures to prevent their recurrence.

891. At the Council's 1125th meeting on 3 June, the representative of Morocco submitted the following joint draft resolution (S/5735), co-sponsored by his delegation and the Ivory Coast.

"The Security Council,

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

"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-Vietnamese 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;

"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."

892. In explanation of the joint draft resolution, the representative of Morocco stated that it was intended to reflect as closely as possible the specific aspect of the Cambodian complaint. While the sponsors realized that that complaint was only one aspect of a much wider problem, they felt that in order to avoid the difficulties which they would encounter if they tried to cover the whole problem, they had limited themselves in the first instance to the facts which the Cambodian complaint had set before the Council. One of the main demands of Cambodia was for the convening of the Geneva Conference. However, some of the members of the Council held the view that it would be difficult for the United Nations to convene that Conference or recommend any action to it since that Conference had been acting outside the purview of the United Nations. There was, however, agreement regarding the need to respect Cambodia's neutrality and it was for that reason that operative paragraph 4 of the draft resolution requested all States and authorities and in particular the members of the Geneva Conference to recognize and respect Cambodia's neutrality and territorial integrity.

893. Explaining operative paragraph 5, the representative of Morocco said that the sponsors had felt that since the Security Council was not taking any direct action with regard to the Geneva Conference, it was all the more necessary to show that the Council was ready to assist Cambodia. Moreover, those responsible for the incidents had expressed also a desire for a peaceful solution. Without committing the Secretary-General or the Secretariat of the United Nations, the Council could find a provisional solution limiting itself to certain specific aspects of the problem. The report of the proposed mission would be based on its contacts with the Governments concerned and on visits to the places where the most recent incidents had occurred. In that way the mission would be able to complete the information already before the Council.

894. The representative of Czechoslovakia stated that while his delegation noted with satisfaction some of the positive elements of the draft resolution, especially where stress was laid on the necessity of recognizing and respecting the neutrality and territorial integrity of Cambodia, there seemed to be an attempt to "gloss over" the responsibilities by describing acts of aggression as "incidents" and by not naming the aggressors. Moreover, as the role of the United States in the war in South Viet-Nam was well

known, the responsibility for those acts should not have been limited to the army of the Republic of Viet-Nam, as was done in operative paragraph 1 of the present text. The Czechoslovak delegation also considered that the measures provided in operative paragraph 5 would not contribute effectively to ensuring peace on the border. Cambodia maintained that the International Control Commission, set up under the Geneva Agreements, provided the necessary machinery for observing and controlling the frontier and the Council should not do anything to prejudice the functioning of that body.

895. The representative of the USSR stated that in view of the clear case of aggression that had been established, it could be logically expected that the Security Council would, in decisive and unambiguous terms, condemn the acts of aggression of the United States and the "Saigon régime". Instead, in a most moderate formula, the draft provided that the Council deplored the incidents without even naming the party guilty of those incidents. As already pointed out by Czechoslovakia, operative paragraph 1 failed to mention the United States, whose representative had admitted the participation of its units in those acts. Operative paragraph 5 was not consonant with the rest of the draft resolution and it would be better to have it deleted. Since the International Control Commission was already functioning in the area, there was no need to dispatch any additional body there.

896. The representative of the United States stated that in spite of the repeated efforts of the Soviet Union to implicate his country in the so-called acts of aggression against Cambodia, the facts were that those incidents had resulted because elements of Viet-Cong, which were organized, commanded and supplied by the Hanoi régime, had constantly sought to use the territory of Cambodia. The International Control Commission, which the Soviet Union suggested should deal with the present situation, had been totally unable to deal effectively with the problems of South-East Asia because of its *troika* composition and its veto procedures. There was no reason to believe that it could do better in the future.

897. At the 1126th meeting of the Council on 4 June, the representative of Morocco stated that the observations on the joint draft resolution (S/5735) made by the representatives of Czechoslovakia and the USSR reflected some of the preoccupations of the sponsors themselves. However, in an effort to find a solution which would be generally acceptable, they had had to set aside their own views. They had included operative paragraph 5 as they had felt the Council had an obligation to take some positive action on the complaint submitted to it by Cambodia. While the political problems which were connected with the complaint could be dealt with outside of the Council, the sponsors felt that the appointment of a sub-committee could meet the need of the present situation. The proposed sub-committee was expected to gather information, as wide in scope as possible and drawn from responsible persons in the two countries, in order to submit to the Council a report which might be useful for subsequent action.

898. The representative of the USSR reiterated his delegation's view that the draft resolution should have in positive and unambiguous terms condemned the acts of aggression by the United States and South Vietnamese forces against Cambodia and that operative

paragraph 5 was unjustified and not in keeping with the rest of the draft. The Soviet delegation could not support that paragraph and would like it to be put to the vote separately.

899. The representative of China stated that his delegation felt that the word "deplores" in operative paragraph 1 was over-emphatic. An expression of regret would be more appropriate since those incidents had been caused by accidental crossings of the units of Viet-Nam forces. Moreover, the situation existing on the Viet-Nameese-Cambodian border which led to those "accidental crossings", was even more regrettable. For that reason, operative paragraph 3, which asked avoiding "any further violations of the Cambodian frontier", should have defined it as "the frontier between Cambodia and Viet-Nam". In that respect, the Chinese delegation welcomed operative paragraph 5 which opened a way by which the United Nations might render effective help in the stabilization of the frontier between Viet-Nam and Cambodia.

Decision: *At the 1125th meeting on 3 June 1964, operative paragraph 5 of the draft resolution submitted by the Ivory Coast and Morocco (S/5735) was adopted by 9 votes to none, with 2 abstentions (Czechoslovakia, USSR). The draft resolution as a whole was adopted unanimously (S/5741).*

900. On 5 June, the President of the Council named Brazil, the Ivory Coast and Morocco to carry out the mission decided upon in paragraph 5 of the resolution of 4 June 1964 (S/5741).

C. Subsequent communications

901. In a letter dated 1 June 1964 (S/5728), the Foreign Minister of Cambodia stated that the position taken by the United Kingdom representative at the Security Council's 1121st meeting on 25 May was in direct contradiction with his Government's position as communicated to Cambodia in a letter dated 9 January 1964 by Mr. Richard Butler, the Minister for Foreign Affairs of the United Kingdom and Co-Chairman of the Geneva Conference. While the representative of the United Kingdom had stated that the International Control Commission was not in a position to carry out the task that Cambodia was requesting and that the Security Council should establish for that purpose a new machinery, his Foreign Minister had submitted two draft declarations and a draft protocol which had been accepted by the Cambodian Government. The United Kingdom's protocol had not only proposed investigation and control by the International Control Commission but had also stated that "the conclusions and recommendations of the Commission resulting from these investigations shall be adopted by majority vote." Moreover, the United Kingdom representative had failed to mention a draft protocol submitted by Cambodia, according to which the International Control Commission would be asked to set up "suitable mobile teams in which the three States members of the Commission shall be represented in equal numbers" and that control posts would be installed in sufficient numbers so as to ensure the effectiveness of the system of supervision and control.

902. In a letter dated 19 June 1964 (S/5777), the representative of the United Kingdom stated that there was no discrepancy between his statement at the Security Council on 25 May and the British Foreign Secretary's letter of 9 January 1964 because they concerned two different problems. The responsibility envisaged for the International Control Commission in the enclosure to Mr. Butler's letter was expressly limited by the phrase "within the territory of the Kingdom of Cambodia", while the Security Council was dealing with the problem of a dispute between the Kingdom of Cambodia and the Republic of Viet-Nam, arising from specific border incidents subsequent to Mr. Butler's letter of 9 January. During the discussion of that question, various proposals had been submitted to the Security Council for the institution of measures to prevent the future occurrence of those incidents. Since a new situation had arisen, the United Kingdom Government was free to propose new methods of meeting it. Moreover, Cambodia itself, by making reference to the Security Council, had transferred the problems from under the aegis of the Geneva Conference to the United Nations. It could, therefore, be assumed that the Cambodian Government had intended to accept the natural consequences of that act, namely that the remedies proposed by the Security Council would make use of the machinery of the United Nations.

903. In a letter dated 15 June (S/5765), the representative of Cambodia charged that on 11 June some thirty aircraft and helicopters of the armed forces of the Republic of Viet-Nam had bombed and machine-gunned the Cambodian village of Tralokbek, khum of Daung, province of Svay Rieng, causing considerable material damage. He added that the same village had been attacked also by the ground forces of the Republic of Viet-Nam on 18 May 1964.

904. In a letter dated 2 July (S/5799), the Minister for Foreign Affairs of the Republic of Viet-Nam stated that the operations undertaken by the armed forces of Viet-Nam on 18 May and 11 June were within Viet-Nameese territory and their purpose was to identify and, if possible, destroy the Viet-Cong bases situated in Viet-Nameese territory. Special measures had been taken to prevent any possible encroachment on Cambodian territory. The observation plane did not observe any violation of the Cambodian-Viet-Nam frontier. It was not impossible, however, that in the return of fire carried on in self-defence, some rockets might have gone astray and later might have been recovered by inhabitants of Tralokbek, since that village lay close to the area involved in that operation. In the event that some rockets had exploded beyond the assigned objective and caused material damage to that village, the Republic of Viet-Nam would be prepared to bear its share of the responsibility by agreeing to compensate the victims.

905. In a series of letters dated 17 June (S/5770), 26 June (S/5786), 29 June (S/5787), 2 July (S/5796), 7 July (S/5804), 9 July (S/5810) and 13 July (S/5814), the representative of Cambodia drew the attention of the Security Council to further alleged violations of Cambodian territory and air space by the armed forces of the Republic of Viet-Nam.

Part II

OTHER MATTERS CONSIDERED BY THE COUNCIL

Chapter 10

ADMISSION OF NEW MEMBERS

A. Application of Zanzibar

906. In a telegram dated 10 December 1963 (S/5478), the Prime Minister of Zanzibar submitted the application of Zanzibar for admission to membership in the United Nations, together with a declaration of acceptance of the obligations contained in the Charter. The Security Council considered the application of Zanzibar at its 1084th meeting on 16 December 1963. The following draft resolution was submitted by Ghana, Morocco and the United Kingdom (S/5483 and Add.1):

"The Security Council,

"Having examined the application of Zanzibar for membership in the United Nations,

"Recommends to the General Assembly to admit Zanzibar to membership in the United Nations."

907. Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

Decision: *At the 1084th meeting on 16 December 1963, the draft resolution submitted by Ghana, Morocco and the United Kingdom (S/5483 and Add.1) was adopted unanimously (S/5486).*

B. Application of Kenya

908. In a telegram dated 12 December 1963 (S/5482), the Prime Minister of Kenya submitted the application of Kenya for admission to membership in the United Nations. He declared that Kenya undertook to accept without reservation the obligations contained in the Charter.

909. The application was considered by the Security Council at its 1084th meeting on 16 December. The following draft resolution was submitted by Ghana, Morocco and the United Kingdom (S/5484 and Add.1):

"The Security Council,

"Having examined the application of Kenya for membership in the United Nations,

"Recommends to the General Assembly to admit Kenya to membership in the United Nations."

910. Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

Decision: *At the 1084th meeting on 16 December 1963, the draft resolution submitted by Ghana, Morocco and the United Kingdom (S/5484 and Add.1) was adopted unanimously (S/5487).*

Chapter 11

THE INTERNATIONAL COURT OF JUSTICE

A. Election of five members of the International Court of Justice

911. In accordance with Article 7 of the Statute of the International Court of Justice, the Secretary-General on 12 August 1963 transmitted to the General Assembly and the Security Council the list of candidates nominated by national groups (S/5388) for the election of five members of the Court to fill the vacancies which would occur on 5 February 1964 upon the expiry of the term of office of five judges.

912. The Security Council at its 1071st and 1072nd meetings, held on 21 October, proceeded to vote by secret ballot on the candidates included in the list (S/5388 and Corr.1 and 2, and Addenda 1-7, S/5441, S/5442 and Corr.1). On the first ballot the following six candidates received the required absolute majority of votes: Mr. Luis Padilla Nervo (Mexico), 9 votes; Mr. André Gros (France), 8 votes; Mr. Fouad Ammoun (Lebanon), 7 votes; Sir Gerald Fitzmaurice (United Kingdom), 7 votes; Mr. Isaac Forster (Se-

negal), 6 votes; and Mr. Muhammad Zafrulla Khan (Pakistan), 6 votes.

913. As more than the required number of candidates had received an absolute majority in the first ballot the Council then took a second ballot on all the candidates, following the precedent cited in a memorandum of the Secretary-General (S/5390) regarding the procedures for the elections followed previously by the Council and the Assembly. Again on the second ballot, six candidates received the required majority: Mr. Padilla Nervo, 9 votes; Mr. Gros, 8 votes; Sir Gerald Fitzmaurice, 7 votes; Mr. Zafrulla Khan, 7 votes; Mr. Ammoun, 6 votes; and Mr. Forster, 6 votes.

914. A third ballot was then taken, as a result of which the President announced that the names of the five candidates who had received the required majority would be communicated to the President of the General Assembly. Those candidates were: Mr. Padilla Nervo, 9 votes; Sir Gerald Fitzmaurice, 8 votes; Mr. Gros, 8 votes; Mr. Zafrulla Khan, 7 votes and Mr. Forster,

6 votes. Subsequently the President announced that in the voting simultaneously in the General Assembly, Mr. Gros, Sir Gerald Fitzmaurice, Mr. Padilla Nervo, Mr. Zafrulla Khan and Mr. Ammoun had received the required majority. Since Mr. Gros, Sir Gerald Fitzmaurice, Mr. Padilla Nervo and Mr. Zafrulla Khan had obtained the required majority in both bodies, he declared that those four candidates had been elected to the International Court of Justice.

915. Inasmuch as only four vacancies had been filled, the Council held a further meeting (the 1072nd) to fill the remaining vacancy on the International Court of Justice, as provided by Article 11 of the Statute of the Court and rule 61 of the provisional rules of procedure of the Security Council. On the first ballot at that meeting, Mr. Isaac Forster of Senegal received 6 votes, and the President informed the President of the General Assembly that he had received the required majority. Subsequently the President announced that the required majority in the voting by the General Assembly had also been obtained by Mr. Forster. Accordingly he declared him elected to the International Court of Justice.

B. Communications relating to the conduct of the elections

916. In a letter dated 22 October (S/5445), the Permanent Representative of Lebanon, on instructions from his Government, placed on record its opinion that the result of the voting proved that the procedure followed was illogical, unjust and undemocratic, as Mr. Ammoun, who had received a clear majority on the first ballot in the Council and in the General Assembly, was not elected. The Government of Lebanon protested and considered that the procedure should be revised in the future in the interests of justice and of maintaining confidence in the democratic procedures and rules of the United Nations, and particularly the confidence of the small nations.

917. On 31 October, a note was issued by the Secretariat (S/5449) explaining the procedure followed by the President of the Security Council, which had been based on the "Memorandum by the Secretary-General" (S/5390). It was pointed out that the Statute of the International Court of Justice, in Article 10,

paragraph 1, provided that candidates obtaining an absolute majority of votes in the General Assembly and in the Security Council would be considered elected. The question of the procedure to be followed if more than five candidates received an absolute majority was discussed at length at the 567th meeting of the Council on 6 December 1951, and after considering a number of possible procedures, the Council had decided by 9 votes to 1, with 1 abstention, to repeat the voting entirely with a view to succeeding in electing only five candidates. The same situation had been met in the same manner at the 681st meeting on 7 October 1954, as well as at the 1071st meeting. It was further noted at the 1071st meeting, as well as at the twelfth and fifteenth sessions of the General Assembly, no member had suggested that the Council consider reversing its previous practice nor had any member asked that the procedure be reviewed in the period between the circulation of the Secretary-General's memorandum and the holding of the election.

918. With a letter dated 21 November (S/5461), the representative of Lebanon transmitted a note by his delegation commenting on the Secretariat note. After noting the requirement of Article 10, paragraph 1, of the Statute requiring an absolute majority for election, and Article 11 providing for the holding of a second and third meeting if one or more seats remained to be filled, the note went on to conclude that if a candidate received the required majority on the first ballot in both the Council and the General Assembly, he should be considered as elected. Nothing in the Statute justified the holding of as many ballots as were necessary in order that only five candidates received an absolute majority. In the Lebanese view, when six candidates received an absolute majority on the first ballot, the problem should be solved by strict application of Article 10, paragraph 1; that is the two organs should adjourn after the first ballot, and after consultation between their Presidents, those candidates who obtained an absolute majority of votes in both bodies should be considered as elected. The delegation of Lebanon repeated the view that the procedure should be revised in the future, and noted that the revision could be the subject of an item to be inscribed on the agenda of the nineteenth session of the General Assembly.

Part III

THE MILITARY STAFF COMMITTEE

Chapter 12

WORK OF THE MILITARY STAFF COMMITTEE

919. The Military Staff Committee has been functioning continuously under the draft rules of procedure during the period under review and has held a total of twenty-six meetings without considering matters of substance.

Part IV

MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT DISCUSSED IN THE COUNCIL DURING THE PERIOD COVERED

Chapter 13

COMMUNICATIONS RELATING TO RELATIONS BETWEEN HAITI AND THE DOMINICAN REPUBLIC

920. By a letter dated 18 July 1963 (S/5373), the Secretary General of the Organization of American States (OAS) transmitted to the Security Council, in accordance with Article 54 of the United Nations Charter, the text of a resolution adopted by the Council of the OAS concerning the Dominican-Haitian situation, together with copies of the first and second reports submitted to the OAS Council by its fact-finding Committee.

921. In a letter dated 5 August (S/5383), the Minister for Foreign Affairs of Haiti informed the President of the Security Council that his Government had requested a meeting of the Council of the OAS to consider an act of armed aggression directed against the Republic of Haiti during the night of 4-5 August 1963, which had originated from the Dominican Republic. The letter stated that the Haitian Government reserved its right, in accordance with the provisions of the United Nations Charter, and in the event that the regional organization was unable to do so for lack of adequate means, to intervene in the situation in the Caribbean which was a threat to the peace of the continent.

922. In letters dated 6, 21 and 22 August (S/5387, S/5398, S/5404), the Secretary General of the OAS informed the Security Council of further action which had been taken by the Council of the OAS in connexion with the complaint by Haiti.

923. In a letter dated 30 August (S/5411), the Minister for Foreign Affairs of Haiti requested an urgent meeting of the Security Council to reconsider the Haitian-Dominican question on the ground that new acts of hostility on the part of the Dominican Republic against Haiti were threatening hemispheric security and international peace.

924. In a letter dated 3 September (S/5416 and Corr.1), addressed to the President of the Security Council, Haiti withdrew its request for a meeting of the Security Council but noted that while Haiti's decision reflected its desire to co-operate with the regional organization in seeking a just and effective solution of the question, it did not relieve the United Nations of responsibility concerning Haiti's complaint which remained on the agenda of the Council.

925. In a letter dated 12 September (S/5430), Haiti transmitted to the Security Council a copy of a memorandum of the Haitian Foreign Ministry concerning the conciliation procedure undertaken by the OAS Provisional Organ of Consultation in the Haitian-Dominican dispute, together with letters sent to the

Secretary-General of the United Nations and to the President of the Security Council on 3 September 1963. In its memorandum Haiti criticized the procedures followed by the OAS in dealing with the complaint by Haiti against the Dominican Republic, and set forth the reasons why Haiti rejected a draft declaration recommended by the OAS Committee of Inquiry for the solution of the dispute.

926. In a cable dated 23 September (S/5433), Haiti informed the Security Council that early that morning armed bands commanded by ex-captain Blucher Philogène had crossed the Haitian-Dominican border and had attacked Ouanaminthe district headquarters, following a mortar barrage from emplacements in the Dominican Republic. The attack, the cable added, had been repulsed by the Haitian forces. On the same date, the Secretary General of the OAS transmitted to the United Nations Secretary-General (S/5431) the text of a cable sent by the Chairman of the OAS Council to the Presidents of Haiti and the Dominican Republic, which referred to serious friction on the Haitian-Dominican border, and made an appeal to the two Presidents to avoid any acts which might give grounds for concern to the OAS Council. The Chairman further stated that the fact-finding Committee, which had already done a great deal to help settle the difficulties, would go to the area immediately in order to seek, in co-operation with both Governments, a formula for restoring and maintaining peace and security in that area.

927. In a telegram dated 1 July 1964 (S/5793), addressed to the President of the Security Council, the Secretary of State for Foreign Affairs of Haiti charged that the régime installed in the Dominican Republic in September 1963 had prepared and financed an invasion of Haitian territory from Dominican soil, with the participation of Haitian and Dominican elements, in violation of Inter-American Treaties and of the United Nations Charter. On 29 June 1964, the invasion forces had landed at Lagon Des Huitres, a rural section of the commune of Belle Anse in the département du sud-ouest, and had engaged in acts of violence. Moreover, additional invading forces were about to land at other places in Haitian territory. The repeated violations of Haiti's territorial integrity compelled the Haitian Government to issue a solemn warning to the Dominican Government and to take appropriate steps to ensure that Haiti's sovereign rights were respected.

928. In a further communication dated 5 July (S/5808) to the President of the Council, Haiti com-

plained that on 4 and 5 July, Dominican warships had menacingly stood within an area less than three miles off the Haitian coast in violation of Haiti's territorial waters. Such a further act of aggression on the part of the Dominican Government against Haiti was in flagrant violation of the Charter of the United Nations and of the Organization of American States.

929. In a letter dated 8 July (S/5809) addressed to the President of the Security Council, the Permanent representative of the Dominican Republic referred

to the telegram of 1 July from Haiti, and transmitted, for the information of the Council, a statement which the Foreign Ministry of the Dominican Republic had delivered to the Haitian Government through the Colombian Embassy at Port-au-Prince, in which the Dominican Republic categorically denied the charges made by Haiti and indicated that the Dominican Government had invited the Peace Committee of the OAS to proceed to an investigation and clarification of the matter.

Chapter 14

REPORTS OF THE SECRETARY-GENERAL CONCERNING DEVELOPMENTS RELATING TO YEMEN

930. On 4 September 1963 (S/5412), the Secretary-General reported to the Security Council that the Observation Mission in Yemen (UNYOM) had begun its operation on 4 July 1963. He noted that UNYOM's functions were limited to observing, certifying and reporting and that the mission could not, in fact, effectively undertake any broader function with the personnel, equipment and funds available to it. Moreover, the Mission had encountered unusual hardships due to several physical conditions in Yemen. Various complaints had been presented to UNYOM by both parties, and where appropriate and possible, these complaints had been investigated. Summing up, the Secretary-General stated that it was obvious that the task of the Mission would not be completed before the expiration of the two-month period on 4 September. Accordingly, he had sought and received from both parties assurances that they would continue to defray the expenses of the Yemen operation for a further period of two months.

931. On 28 October (S/5447), the Secretary-General reported that the Saudi Arabian Government maintained that it was no longer supplying war material to the Royalists, but that the other party had not withdrawn the main part of its military forces from Yemen. The United Arab Republic, on the other hand, asserted that Saudi Arabia's continued assistance to the Royalists constituted the most serious obstacle to the withdrawal of the United Arab Republic forces from the area. There was a general view among the parties that the continuation beyond 4 November of a United Nations presence in some form, although not necessarily including military components, would be desirable and useful. The Saudi Arabian Government, however, maintained that due to non-implementation of the disengagement agreement, Saudi Arabia was not prepared to share the costs of UNYOM beyond the 4 November commitment. Under the circumstances, the Secretary-General concluded, it had become necessary to withdraw UNYOM by 4 November, although a continued United Nations presence in Yemen would be most helpful and might even be indispensable in an early settlement of the Yemen problem.

932. On 31 October (S/5447/Add.1), the Secretary-General reported that the Government of Saudi Arabia had decided to participate in the financing of the United Nations Mission in Yemen for a further period of two months as from 5 November. He therefore ordered the cancellation of preparations for the withdrawal of the United Nations Mission. On 11 November (S/

5447/Add.2), the Secretary-General further informed the Security Council that although no meeting of the Council regarding the extension of the mandate of UNYOM was required, he had consulted the Council members informally to ascertain that there would be no objection to the extension.

933. On 2 January 1964 (S/5501), the Secretary-General submitted a further report on the functions of the UNYOM and the implementation of the terms of disengagement covering the period from 29 October to 2 January 1964. He considered that it was desirable that the mission of military observation, with its limited mandate, should be complemented by a United Nations political presence which, by exploratory conversations with the parties concerned, might be able to play a more positive role in encouraging the implementation of the disengagement agreement. On 4 November he had therefore appointed Mr. Pier P. Spinelli, Under-Secretary and Director of the United Nations European Office, as his Special Representative for Yemen and Head of the Yemen Observation Mission.

934. In conclusion, the Secretary-General stated that the observation of the UNYOM and the statements of the parties tended to confirm the views expressed in his previous report that no military aid of significance had been provided to the Royalists from Saudi Arabia. However, there appeared to be *prima facie* evidence that the Saudi Arabian authorities were providing some forms of encouragement to the Royalists. The observation of UNYOM also tended to confirm that there had been a substantial net withdrawal of United Arab Republic troops from Yemen during the period under review, amounting to some 4,000 troops. However, the United Arab Republic air activities appeared to have increased and in some instances to be directed at targets which were not of tactical military significance.

935. After consultations on the desirability of continuing the mission, Mr. Spinelli had been informed by the United Arab Republic and by Saudi Arabia that they would agree to the extension of the mission for a period of two months ending 4 March 1964, although in his opinion that period was not sufficiently long to anticipate a full solution of the problem. Having ascertained informally that there was no objection among the members of the Security Council to that course, he had decided to maintain the observation mission in Yemen for at least another two months and beyond if the need for it continued and the two Governments concerned were prepared to defray its costs.

Subsequently it was indicated (S/5501/Add.1) that the members of the Council had no objections to the extension proposed.

936. On 3 March, the Secretary-General submitted a further report (S/5572) covering the period from 3 January to 3 March 1964. He said that a state of political and military stalemate existed inside Yemen which was unlikely to be changed as long as external intervention continued from either side. The encouraging factors, the Secretary-General continued, were the increasing unity of feeling and purpose within the Arab world arising from the Conference of Arab Heads of State held in Cairo and the improvement in relations between Saudi Arabia and the United Arab Republic which resulted therefrom. The task that had been initiated by the Secretary-General and his Special Representative of urging the two Governments concerned to hold direct conversations, had also been undertaken by a mission representing the Presidents of Algeria and Iraq. Both Saudi Arabia and the United Arab Republic had notified him of their agreement that UNYOM should be extended until 4 May 1964. In pursuance of the informal procedure followed in November 1963, he had consulted the Council members and found that in the light of the circumstances there would be no objection to the extension.

937. On 3 May, the Secretary-General submitted a report (S/5681) covering the period from 3 March to 3 May 1964. He stated that United Nations Observers stationed on the northern frontier between Saudi Arabia and Yemen had found no movements of military supplies and that Yemeni and United Arab Republic authorities now claimed that arms were being introduced from the Beihan area of South Arabia. There had been no reduction of UAR troops in Yemen, or possibly even a small increase, and no actual end of the fighting appeared to be in sight.

938. In view of the contribution made by UNYOM to improving the situation on the northern frontier and of the prospective negotiations on the Yemen problem between President Nasser and Prince Feisal, he proposed to extend the Mission for another two months until 4 July 1964. The Governments of Saudi

Arabia and the United Arab Republic had concurred in that suggestion. As there was no objection by members of the Council, the Secretary-General reported (S/5681/Add.1) that the Mission had been extended.

939. On 2 July, in a report (S/5794) covering the period from 4 May to 4 July, the Secretary-General stated that according to Observers stationed on the northern frontier, there had been a steady, though small, traffic in civilian supplies but no military supplies. It was estimated, moreover, that there had been a reduction of some 3,000 troops in the total strength of the UAR force in Yemen. The formation of a new Government in Yemen at the beginning of May had not resulted so far in any accommodation with the Royalist leaders. The military stalemate appeared to have continued in Yemen, and despite some slight progress the implementation of the disengagement agreement was still far from complete in so far as the UAR troops were concerned. The Secretary-General felt strongly that real progress would result only through high-level discussions between Prince Feisal and President Nasser, but there was no indication that such a meeting was imminent. Since he believed that the Mission had helped towards removing the threat to international peace and security implicit in the Yemen problem and towards keeping open the opportunity for negotiations, the Secretary-General proposed extension of the Mission for two further months after 4 July. He did so with some reluctance, and reiterated his appeal to the parties concerned to meet at the highest level with a view to achieving full and rapid implementation of the disengagement agreement. Should no substantial progress be made in the new period of two months, the Secretary-General would find it difficult to envisage a further extension of the Mission with its present terms of reference. As the two Governments concerned concurred in the suggestion that the Mission be extended until 4 September, and as the members of the Council had not indicated any objection, the Secretary-General proposed to extend the Mission until that date. On 3 July (S/5794/Add.1) the Secretary-General informed the Council that the Mission had in fact been extended as he had proposed.

Chapter 15

COMMUNICATIONS CONCERNING THE SITUATION IN SOUTH WEST AFRICA

940. In a letter dated 26 July 1963, the Chairman 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 transmitted to the Security Council the text of that Committee's report on South West Africa (S/5375). The report was transmitted to the Security Council pursuant to the terms of a resolution adopted on 10 May 1963, in which the Special Committee, *inter alia*, decided to "draw the attention of the Security Council to the critical situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security".

941. In a letter dated 14 November 1963 (S/5455), the President of the General Assembly transmitted to the Security Council the text of resolution 1899 (XVIII) adopted by the General Assembly on 13 November 1963, in which the Assembly, *inter alia*, decided to draw the attention of the Security Council to the critical situation in South West Africa, the "continuation of which constitutes a serious threat to international peace and security".

942. In a letter dated 10 January 1964 (S/5515), the Secretary-General transmitted to the Security Council the text of resolution 1979 (XVIII), adopted

by the General Assembly on 17 December 1963, in which the Assembly condemned the Government of the Republic of South Africa for its refusal to co-operate with the United Nations in the implementation of the Declaration on the granting of independence to colonial countries and peoples and for its non-compliance with the General Assembly resolutions with regard to South West Africa, and requested the Security Council to consider the critical situation prevailing in South West Africa.

Chapter 16

REPORTS OF THE SECRETARY-GENERAL CONCERNING THE SITUATION IN THE REPUBLIC OF THE CONGO (LEOPOLDVILLE)

943. On 17 September 1963, the Secretary-General circulated a report on the question of military disengagement in the Congo (S/5428). The report dealt first with the phasing out of the United Nations Force in the Congo, which had been deployed over the vast expanse of that country for more than three years. At its peak strength in June 1961, the Force had numbered about 20,000 officers and men, but by 13 September 1963 it had been reduced to 7,975 by means of the phasing out which had been taking place according to schedule since the previous February. Although the Security Council had set no specific terminal date for the Force, the General Assembly had, on 27 June 1963 (resolution 1876 (S-IV)), in effect established a terminal date by appropriating money for the Force up to 31 December 1963, with no indication that any extension of the Force beyond that date was envisaged. In the light of the Assembly resolution, the Secretary-General stated that he was proceeding with the phasing out schedule for the Force, looking towards the complete withdrawal from the Congo of United Nations troops by the end of 1963.

944. The Secretary-General then noted an important new factor bearing on the question, namely a letter dated 22 August 1963 (S/5428, Annex I) in which Prime Minister Adoula indicated the need for the continued presence of a small United Nations Force of about 3,000 through the first half of 1964. The Secretary-General observed that the financial situation would unavoidably be the controlling factor, as the required finance would be lacking after the end of 1963 unless some new action was taken by the General Assembly. He pointed out that it had been possible to finance the military aspect of the ONUC operations only by the sale of United Nations bonds and by permitting the unpaid obligations of the Organization from the Congo operation to accumulate by scores of million dollars. In view of the serious financial condition of the United Nations brought about by the refusal or failure of many Members to pay the special assessments, the continuance for very much longer of heavy expenses incident to a military force in the Congo might well threaten the Organization with insolvency.

945. The Secretary-General went on to report that the United Nations military advisers agreed that the Congolese Army and police were still lacking the ability to assume full responsibility for law and order in the country, and that, therefore, a case could be made for a need of military assistance from outside beyond 1963. They also thought that the minimum requirements for the United Nations Force would be between 5,000 and 6,000, which would probably cost, for a period of six months from 1 January 1964, not less than \$25 million. A Force of less strength would have

little practical utility and might be vulnerable through inability to protect itself.

946. In another part of the report, the Secretary-General discussed the mandates given by the Security Council and declared that despite all the difficulties faced by the Congolese Government in maintaining security and order, great strides forward had been made over the preceding three years. For the moment, the danger of secessionist movements seemed to have been largely eliminated, and since the demands for the withdrawal of foreign military personnel and mercenaries had been met, no organized and subversive military groups under the leadership of foreign military personnel were active on Congolese territory for the first time in more than three years. The territorial integrity and political independence of the Republic had been maintained and there was not then any serious threat of civil war. With regard to the restoration of law and order, however, the situation remained far from reassuring. It seemed reasonable to the Secretary-General not to expect the United Nations to underwrite for any country permanent insurance against internal disorders and disturbances by indefinitely providing an important part of the internal police power for exclusively internal use when external threats had ended.

947. The Secretary-General went on to note some serious uncertainties in the situation. The authority of the Central Government was still not well established in the south of Katanga; the plan to reintegrate the ex-Katangese *gendarmerie* into the Congolese National Army (ANC) had been a conspicuous failure; and Mr. Tshombé's future intentions were unknown. The introduction of the ANC into the south of Katanga had proved to be a most delicate operation. In order to avert friction with the local population, such ANC troops had initially been placed under ONUC command. It had, nevertheless, been necessary on some occasions for ONUC troops to be interposed to preserve law and order. It was planned that ONUC would shortly transfer primary responsibility for security in southern Katanga into the hands of the Congolese Government and help facilitate friendly contacts between the ANC and the local population. ONUC troops, while they remained, would stand by to assist the ANC where necessary and to help to meet emergencies should they arise.

948. The Secretary-General reviewed developments in connexion with the programme for the reorganization and training of the ANC, which he doubted would have made significant progress by June 1964, and expressed his great regret that United Nations participation in the programme had not been possible.

949. Since receiving Mr. Adoula's appeal for the continuation of the United Nations Force, the Secretary-General had consulted a good many representatives and had found sharp divisions of opinion ranging from those who wished to see the request granted without qualification to those insisting on the withdrawal of the Force by or before the end of 1963. The Secretary-General noted that without doubt there were some serious risks involved in an early withdrawal of the Force, and he could not try to predict what might happen in the Congo when the United Nations troops were withdrawn, whether that took place at the end of December, the following June, or indeed even later. To the extent of available resources everything possible would be done to protect the huge investment in men, money and material which the United Nations had made in the Congo to ensure that the tremendous effort would not have been futile.

950. In the case of the Civilian Operations programme also, lack of finance was threatening to bring an end to the programme in the Congo. The Secretary-General had hoped that civilian assistance could be substantially increased after military assistance was no longer required, but the outlook was definitely unpromising. If no new contributions were forthcoming, the cash deficit at the end of 1963 would probably be between \$1.6 million and \$2 million, while an estimated \$4 million was needed to cover 1964 commitments.

951. In summing up the pros and cons of continuing the presence of a United Nations Force in the Congo through the first half of 1964, the Secretary-General added that it could not be excluded that certain countries might be willing to make some of their military units available to the Congo under bilateral arrangements. Once the United Nations Force was withdrawn, there could be no question of such arrangements being inconsistent with the position of the Security Council. In conclusion, the Secretary-General stated that he had always wished to see the fullest possible effort exerted to meet the pressing needs of the Congo, in both the military and civilian spheres.

952. In an addendum to his report, issued on 16 March 1964 (S/5428/Add.2), the Secretary-General dealt with certain activities of former members of the Katanga *gendarmérie*. Reports received in March 1964 indicated that some 600 former members of the Katanga *gendarmérie* were leaving their jobs in the Kolwezi and Jadotville areas and were proceeding to Angola. Moreover, there were about 1,800 former Katangese *gendarmes* receiving training in Angola, about twenty mercenaries were with them and more mercenaries had been recently recruited in Europe on behalf of Mr. Moïse Tshombé and instructed to proceed to a camp in Angola. This information, received from trustworthy sources, seemed to bear out reports received earlier from Mr. Holden Roberto which had been submitted to the Fourth Committee in November 1963. Those reports had been drawn to the attention of the Security Council on 9 December 1963 (S/5428/Add.1).

953. In view of the length of the frontier between Angola and the Congo and of the severe nature of the terrain, it had not been practicable for the Congolese authorities or for ONUC to try to establish an effective border control in the area. In view of the serious implications of the information received, the Secretary-General had addressed a letter to the Permanent Representative of Portugal on 4 March drawing attention to the reports and requesting his Government

to provide any information which it might have at its disposal which might throw light on those reports. In a reply dated 13 March, it was stated that the Portuguese Government, after investigation, could categorically affirm that the rumours were devoid of foundation. No movement of Katangese elements had taken place in the direction of Angola, and Portugal reiterated its statement at the 1083rd meeting of the Security Council regarding respect for the sovereignty and territorial integrity of the Republic of the Congo.

954. At the beginning of its eighteenth session the General Assembly considered the question of the United Nations Operation in the Congo and by resolution 1885 (XVIII) of 18 October 1963 made financial provision for the maintenance of a reduced United Nations Force in the Congo until 30 June 1964. Accordingly, the Secretary-General submitted a report to the Security Council on 29 June 1964 (S/5784) on the withdrawal of the United Nations Force in the Congo and on other aspects of the United Nations Operation there.

955. The report described the activities of ONUC troops since October 1963 and the arrangements made for phasing out the ONUC troops, which resulted in the withdrawal being complete by 30 June. It also reported on the activities and achievements of Civilian Operations since the previous October, and noted that the technical assistance provided to the Congo had remained by far the largest programme of the United Nations and its specialized agencies in any part of the world. It was stressed that the body of expert personnel gradually built up by the United Nations and the agencies for service to the Congo constituted an essential minimum, and that accordingly any sharp reduction dictated by financial considerations would mean a serious waste of accumulated experience and patient effort. There was thus a great and continuing need for substantial contributions to the Congo Fund.

956. In an appraisal of the situation, the Secretary-General stated that the maintenance of law and order had been, since the independence of the Congo in July 1960, the crucial problem of the country. The plan for United Nations assistance in the reorganization and training of the ANC had fallen through, but bilateral arrangements had been made with some countries, and it appeared that some improvement had been achieved in the organization and state of readiness of the ANC. However, it was still insufficiently trained and officered to cope with any major crisis, and most troops still showed in emergency situations inadequate discipline and devotion to duty or country. The main cause for its ineffectiveness was the lack of adequate leadership and of an organic chain of command. The basic problem of the Congo was that of national unity and solidarity, of which the need for training and organization of the ANC was merely one aspect.

957. In a number of localities in the Congo, the security situation had considerably deteriorated since September 1963. While the ONUC role in the maintenance of law and order had been limited to assisting the Congolese Government to the extent of its means and only when so requested, the presence of United Nations troops had had a restraining influence. The United Nations objectives had been fulfilled in a large measure, in that foreign military and paramilitary personnel and mercenaries had been eliminated, and the territorial integrity and political independence of the Congo were fully restored with the proclaimed end

of the attempted secession of Katanga. The remaining objectives of rendering technical assistance was continuing to the fullest extent possible commensurate with the financial means available.

958. In his observations at the conclusion of his report, the Secretary-General commented on the experience of the United Nations in dealing with the Force in the Congo. Its creation had been a remarkable and dramatic manifestation of world solidarity at the time, and it had proved and extended the ability of the Organization to meet grave emergency situations. It had been improvised in an incredibly short time, in response to the urgent appeal of the Congolese Government, and had it then failed to come to the aid of a young and struggling nation the United Nations would have suffered a severe loss of confidence throughout the world. During the subsequent four years some 93,000 members of the Congo Force and hundreds of civilians had devoted their best efforts, and indeed their very lives, to that effort, and in the time gained the Government and people of the Congo had had the opportunity to come to grips with their vast problems, begin training their people and gain experience in self-government and management with the help of expert personnel. The Secretary-General noted that the United Nations Force in the Congo had afforded the United Nations its broadest experience with an operation of that kind, and that its conduct, its leadership and discipline, and its restraint under severe provocation had been notably fine. It had done its difficult job remarkably well, and great credit was due for the valuable services rendered by all concerned. The many difficulties arising from the international nature of the Force and its maintenance in a country over an extended period were pointed out, as well as the misunderstandings arising from the very nature of such a Force with its circumscribed mandate and limited initiative. While undertaking to assist the Central Government in the restoration and maintenance of law and order, it had never permitted itself to become an arm of the Government or to be at its beck

and call for political purposes. Moreover, it was under strict instructions to use its arms for defensive purposes only. Had it violated those two fundamental principles, it was likely that the result would have been the disintegration of the Force through the withdrawal of some or all of its contingents.

959. The Secretary-General admitted that the situation in the Congo made the immediate future look none too promising, and declared that developments would continue to be of very great concern to the Organization and to himself as Secretary-General. He noted that Mr. Tshombé had recently returned to his country and was carrying on talks in Leopoldville, as he had been urged to do by Mr. Hammarskjöld before his death and by the United Nations subsequently. While making no prediction about the future course of events in the Congo, the Secretary-General wished for the best despite some recent events which had not been very encouraging. On the economic side, he noted, there had been some brighter signs. It seemed to him that hope in the future must depend on fulfilment of two major conditions: (a) the retraining and reorganization of the ANC, including the training of a substantial officer corps; and (b) the achievement of national reconciliation amongst the contending political leaders and factions of the country.

960. By a letter dated 6 July 1964 (S/5798), the representative of the USSR transmitted a statement by his delegation on developments relating to the Congo in which it asserted that the colonialists were hatching a new plot against the Congo's national independence and integrity. The USSR charged that the return of Mr. Tshombé was fraught with serious dangers and amounted to a new challenge to the resolutions of the Security Council and the General Assembly. The Soviet Government considered it necessary to draw the attention of all States to the dangerous situation and urge them to use their influence to prevent any new encroachment by the imperialist forces and their agents on the national independence of the Republic of the Congo.

Chapter 17

COMMUNICATIONS FROM THE ORGANIZATION OF AMERICAN STATES CONCERNING CHARGES BY VENEZUELA AGAINST CUBA

961. In a letter dated 4 December 1963 (S/5477), the Secretary General of the Organization of American States (OAS) transmitted to the Security Council the text of two resolutions adopted by the OAS Council, on 3 December, following charges made by Venezuela of "acts of intervention and aggression on the part of the Cuban Government affecting the territorial integrity and the sovereignty of Venezuela as well as the operation of its democratic institutions". By these resolutions the OAS Council decided: (1) to convoke the Organ of Consultation under the terms of the Inter-American Treaty of Reciprocal Assistance; (2) to constitute itself as the Provisional Organ of Consultation in accordance with article 12 of the afore-mentioned treaty; and acting provisionally as the Organ of Consultation, authorized the Chairman of the OAS Council to appoint a committee to investigate the charges and report to the Council thereon.

962. By a letter dated 4 March 1964 (S/5586), the Secretary General of the OAS transmitted to the Security Council copies of the report of the Investigating Committee appointed by the OAS Council acting provisionally as the Organ of Consultation. In its conclusions, the report stated that Venezuela had been the target of a series of actions sponsored and directed by the Government of Cuba and designed to subvert Venezuelan institutions and to overthrow its Government.

Those acts included the shipment of arms which had been found on the Venezuelan coast on 1 November 1963, and which had consisted of Cuban arms surreptitiously landed for the purpose of using them in subversive operations aimed at the overthrow of the Constitutional Government of Venezuela.

Chapter 18

LETTER FROM THE SECRETARY-GENERAL DATED 9 DECEMBER 1963 CONCERNING RELATIONS BETWEEN CAMBODIA AND THAILAND

963. In a letter dated 9 December 1963 (S/5479), the Secretary-General informed the Security Council that at the request of Cambodia and Thailand he had extended for 1964 the appointment of Mr. Nils Göran Gussing of Sweden as his Personal Representative to assist Cambodia and Thailand in solving all the problems that had arisen between them. The extension of Mr. Gussing's appointment came after the two Governments had indicated that, although the objectives had not been fully realized, the presence and availability of the Special Representative of the Secretary-General in 1963 had been a useful factor in paving the way for normalizing relations between the two countries, with the ultimate aim of resuming diplomatic relations.

964. The appointment of the Special Representative, which had commenced on 1 January 1963 for a period of one year, would now extend to the end of 1964 under the same terms of reference as had previously been agreed on.

965. The Secretary-General also reported to the Security Council that he had acceded to the request of the two Governments that a small increase in the existing staff of the Special Representative should be provided to enable him to travel more frequently between the two countries' capitals. The two Governments had signified to the Secretary-General their willingness to share, on an equal basis, as in 1963, all costs involved on account of the Mission of the Special Representative.

Chapter 19

COMMUNICATIONS CONCERNING RELATIONS BETWEEN CUBA AND THE UNITED STATES OF AMERICA

966. In a letter dated 3 February 1964 (S/5530), the representative of Cuba transmitted to the President of the Security Council a note from the Minister for Foreign Affairs of Cuba protesting the seizure of four Cuban fishing boats by United States Naval forces off the Dry Tortugas Islands. The four vessels and the thirty-eight members of their crews were held at Key West Naval Base. The Foreign Minister maintained that the boats had been operating in international waters and in accordance with international fishing agreements, and that their operation in those waters was not only in exercise of Cuba's sovereignty but was motivated by the need to provide the Cuban people with food and the means to develop its economy. The action taken by the United States, the Foreign Minister said, was another step in its policy of aggression against Cuba. It violated the United Nations Charter and constituted a threat to international peace and security.

967. In a letter dated 7 February (S/5532), addressed to the President of the Security Council, the representative of the United States, rejecting the political motives which had been ascribed by the Cuban Government to the action by the United States, declared that the Cuban vessels had been fishing within the territorial sea of the United States in violation of

international law and the law of the United States. Accordingly, those who had been charged with the violation had been brought before the appropriate court where they would receive a fair trial.

968. In a letter dated 14 May (S/5701), addressed to the Secretary-General, the Foreign Minister of Cuba referred to a communication dated 23 April 1964, in which he had informed the Secretary-General of the situation created by repeated United States violations of Cuba's air space which caused a grave danger to peace, and further informed the Secretary-General that: (a) Cuban authorities had discovered on the northern coast of Cuba a cache of arms, explosives and military supplies, made in the United States, of the type used by the United States Central Intelligence Agency in its international ventures; and that (b) on 13 May 1964 a Cuban sugar refinery at the port of Pilon had been attacked by a "pirate" vessel of the "Rex" type which the Central Intelligence Agency operated from bases in Florida, Puerto Rico and Central America. The attack had resulted in the loss of 70,000 bags of sugar and other property damage. The Foreign Minister added that the illegal flights by U-2 aircraft over Cuban territory furnished the information on Cuban military installations for use in organizing and carrying out those attacks.

COMMUNICATIONS CONCERNING RELATIONS BETWEEN SOMALIA AND ETHIOPIA

969. In a letter dated 10 February 1964 (S/5536), the representative of Somalia requested that the Council be convened urgently to consider the following matter: "Complaint by Somalia against Ethiopia concerning acts of aggression infringing the sovereignty and security of Somalia and threatening international peace and security."

970. On 13 February the representative of the Union of Soviet Socialist Republics transmitted (S/5538 and S/5539) to the Council the text of identical messages sent on 10 February to the Emperor of Ethiopia and the Prime Minister of the Somali Republic by the Chairman of the Council of Ministers of the USSR. In these messages, the Chairman made an appeal for an immediate cease-fire along the Somali-Ethiopian border.

971. By a letter dated 14 February (S/5542), the representative of Somalia transmitted to the Council a

cable from the Somali Premier requesting him to inform the Secretary-General that following the request by the extraordinary conference of the Organization of African Unity (OAU), the Somali Government desired not to raise the matter with the Security Council while the problem was in the hands of the OAU.

972. On 18 February, the Somali representative transmitted (S/5557) to the Council four maps in connexion with the incidents complained of, and also (S/5558) the text of a resolution adopted unanimously on 14 February by the extraordinary session of the Council of Ministers of the OAU concerning the Somali-Ethiopian border dispute. Under the resolution, the OAU Council of Ministers, among other things, solemnly called upon the Governments of Ethiopia and Somalia to order an immediate cease-fire and to refrain from all hostile actions.

Chapter 21

COMMUNICATIONS CONCERNING THE BOUNDARY BETWEEN BOLIVIA AND CHILE

973. In a letter dated 25 February (S/5562), Bolivia informed the Security Council that on that date there had been a popular uprising at the port of Mejillones, near Antofagasta, Chile, demanding that the port be returned to Bolivia. The Bolivian flag had been raised at several public and private buildings. The uprising had been harshly suppressed by the Chilean army stationed near the Bolivian border. Soon after the events at Mejillones the pro-Bolivian demonstration had spread to other localities in the form of strikes which had taken place in the province of Antofagasta. The letter further stated that the Bolivian Government hoped that the solidarity expressed by the Chilean people for the cause of a Bolivian outlet to the sea, would make the Chilean Government aware that intimidation used to silence the people of those localities was not the proper method of solving a serious problem.

974. In a letter dated 26 February (S/5564), addressed to the President of the Council, Chile rejected the Bolivian note as a distortion of the facts and an intolerable interference in Chile's domestic affairs. Chile, the letter stated, exercised full and indisputable sovereignty over its national territory. Furthermore, the account of the events given by Bolivia was completely false as there had been no uprising at Mejillones nor any demand for its return to Bolivia. Those who had raised the Bolivian flag had declared that at no time they had intended to give their action an international significance or to provide the Bolivian Government with the opportunity to misinterpret the facts. The present allegations, the letter said, surpassed those which the Bolivian Government had made during the past two years to create difficulties with Chile, and

were an attempt to divert public opinion from the serious domestic problems which beset that country.

975. In a letter dated 28 February (S/5567 and Corr.1), the representative of Bolivia, replying to the Chilean note, pointed out that in its letter of 26 February, Chile had officially confirmed the fact that the Bolivian flag had been flown over public buildings at Mejillones. The patriotic event in that town had been the result of the conditions in which the Bolivian towns occupied by Chile found themselves, a question which Chile had not mentioned. Furthermore, the letter proved that the Chilean Government had closed all approaches to a constructive solution of the question.

976. In a letter dated 4 March (S/5577), Chile stated that it was not prepared to continue the propaganda exchanges initiated by Bolivia. Although Chile had in recent years endured a campaign of equivocal manoeuvres and falsehoods, it found it difficult to believe that the Bolivian Government would go so far as to infringe the respect due to important international organizations and their leaders by making statements the falsity of which could be proved by anyone with first-hand knowledge of conditions in Chile.

977. In a letter of 5 March (S/5581), Bolivia stated that it believed it to be within its legitimate right to bring the question to the attention of the Security Council. The responsibility, it added, lay with the Government which had despoiled its neighbours by force or intimidation and tried to close the door to all possibilities of examining a situation which constituted a permanent threat to the principles governing the international community. Bolivia could never be reconciled to the usurpation of its territory.

**LETTER FROM THE CHAIRMAN OF THE INTER-AMERICAN PEACE
COMMITTEE ON THE TERMINATION OF THE HONDURAS-
NICARAGUA MIXED COMMISSION**

978. In a letter dated 30 October 1963 (S/5452), the Chairman of the Inter-American Peace Committee transmitted to the Security Council, in accordance with Article 54 of the United Nations Charter, copies of a report which that Committee had submitted, on 16 July 1963, to the Council of the Organization of American States on the termination of the activities of the Honduras-Nicaragua Mixed Commission. That Commission had been set up on the initiative of the Inter-American Peace Committee in order to assist the two Governments in solving the problems which had arisen as a result of the implementation of the decision delivered by the International Court of Justice on 18 November 1960 on the question of the frontier dispute between the two countries.

Chapter 23

**REPORTS ON THE STRATEGIC TRUST TERRITORY OF THE PACIFIC
ISLANDS**

979. On 22 May 1964, the Secretary-General transmitted to the Security Council (S/5712), the report received from the United States Government on its administration of the Trust Territory of the Pacific Islands for the period from 1 July 1962 to 30 June 1963, which was submitted pursuant to paragraph 3 of the resolution adopted by the Security Council at its 415th meeting on 7 March 1949.

980. On 16 July, the Secretary-General transmitted to the Security Council the report of the Trusteeship Council on the Trust Territory of the Pacific Islands covering the period from 27 June 1963 to 29 June 1964 (S/5783). In its report the Trusteeship Council described its own activities with respect to the Trust Territory and summarized the observations of the Visiting Mission, which had visited the Territory from 10 February until 13 March 1964, together with the observations of members of the Trusteeship Council thereon.

Chapter 24

**MEMORANDUM BY THE UNION OF SOVIET SOCIALIST REPUBLICS ON STRENGTHENING THE
EFFECTIVENESS OF THE UNITED NATIONS**

981. By a letter dated 10 July 1964 addressed to the President of the Security Council (S/5811), the representative of the Union of Soviet Socialist Republics transmitted a memorandum of the Government of the USSR regarding certain measures to strengthen the effectiveness of the United Nations in the safeguarding of international peace and security. In the memorandum it was stated that the course of international relations had begun to show distinct signs of a change for the better, and that there had been some improvement in the situation within the United Nations. Nevertheless, the general state of international relations was still not satisfactory from the standpoint of securing a durable peace, and the threat of war had not been eliminated. It was the duty of all countries to do everything in their power to help in further easing international tension, and in the opinion of the Soviet Government, a major contribution would be the achievement of an understanding among the States Members of the United Nations on the strengthening of the Organization's effectiveness in safeguarding international peace and security. Since the Charter contained the essential

principles for peaceful relations among States, the first thing was to end violations of the Charter, while at the same time making wider use of the peaceful means of settlement provided for in the Charter. In cases where the measures provided for in Chapter VI of the Charter were inapplicable, the Soviet Government considered it right for the Security Council to adopt enforcement measures of a non-military character in accordance with Article 41 of the Charter.

982. The Soviet Government also could not exclude the possibility that situations might arise where the only way to prevent or stop aggressive acts would be for the United Nations to employ force in accordance with Article 42 of the Charter. Under the Charter the only body authorized to take such action was the Security Council, which was a sensible provision based on the agreement of the permanent members of the Council on all fundamental matters relating to the use of United Nations armed forces in each particular case. In the present circumstances, the composition of the United Nations armed forces should include contingents from Western, neutral and socialist countries, all of

which should participate in the command, but in the Soviet view those should not include contingents from permanent members of the Security Council. While the Soviet Government considered that the expenditure required for the execution of emergency measures adopted by the Security Council should be the responsibility of the aggressor States, it did not rule out the possibility that in some situations the States Members of the United Nations might have to take part in defraying such expenditures. If in similar circumstances in the future the Council took such a decision in strict accordance with the requirements of the Charter, the Soviet Union would be prepared to take part in defraying the expenditure involved. The Soviet Government also considered it advisable that the agreements prescribed in Article 43 should be concluded between the

Council and the Member States which so desired. In keeping with Article 45, it might be agreed that those States would hold immediately available within their armed forces certain military contingents and supporting facilities which would be at the disposal of the Security Council. The Military Staff Committee might prepare a draft of the main provisions of such agreements for consideration by the Security Council and, after their approval, the conclusion of appropriate agreements might commence. The USSR was convinced that strengthening the effectiveness of the United Nations on the basis of the propositions it set forth would help to enhance the authority and prestige of the United Nations as an instrument for international co-operation in the cause of peace and the good of nations.

APPENDICES

I. Representatives and Deputy, Alternate and Acting Representatives accredited to the Security Council

The following representatives and deputy, alternate and acting representatives were accredited to the Security Council during the period covered by the present report:

Bolivia^a

Dr. Renán Castrillo Justiniano
Dr. Mario Velarde Dorado
Dr. Carlos Casap

Brasil

Mr. Carlos Alfredo Bernardes
Mr. Geraldo de Carvalho Silos
Mr. Carlos dos Santos Veras
Mr. Antonio Houaiss

China

Mr. Liu Chieh
Mr. Yu-chi Hsueh
Dr. Chun-ming Chang

Czechoslovakia^a

Professor Jiří Hájek
Dr. Ladislav Smid
Mr. Milos Vejvoda

France

Mr. Roger Seydoux
Mr. Jacques Tiné
Mr. Pierre Millet
Mr. Claude Arnaud

Ghana^b

Mr. Alex Quaison-Sackey
Mr. Kenneth K. S. Dadzie
Mr. Nathan Anang Quao

Ivory Coast^a

Mr. Arsène Assouan Usher

Morocco

Mr. Ahmed Taibi Benhima
Mr. Dey Ould Sidi Baba

Norway

Mr. Sivert A. Nielsen
Mr. Ole Algard
Mr. Leif Edwardsen
Mr. Torbjørn Christiansen

Philippines^b

Dr. Jacinto Castel Borja
Mr. Privado G. Jiménez
Mr. Amelino Mutuc
Mr. Joaquin M. Elizalde
Mr. Hortencio J. Brillantes

Union of Soviet Socialist Republics

Mr. Nikolai Trofimovich Fedorenko
Mr. Platon Dmitrievich Morozov

United Kingdom of Great Britain and Northern Ireland

Sir Patrick Dean
Mr. R. W. Jackling
Mr. A. H. Campbell

United States of America

Mr. Adlai E. Stevenson
Mr. Francis T. P. Plimpton
Mr. Charles W. Yost

Venezuela^b

Dr. Carlos Sosa Rodríguez
Dr. Tulio Alvarado
Dr. Leonardo Díaz González

^a Term of office began on 1 January 1964.

^b Term of office ended on 31 December 1963.

II. Presidents of the Security Council

The following representatives held the office of President of the Security Council during the period covered by the present report:

Morocco

Mr. Ahmed Taibi Benhima (16 to 31 July 1963)

Norway

Mr. Sivert A. Nielsen (1 to 31 August 1963)

Philippines

Dr. Jacinto Castel Borja (1 to 30 September 1963)

Union of Soviet Socialist Republics

Dr. Nikolai Trofimovich Fedorenko (1 to 31 October 1963)

United Kingdom of Great Britain and Northern Ireland

Sir Patrick Dean (1 to 30 November 1963)

United States of America

Mr. Adlai E. Stevenson (1 to 31 December 1963)

Bolivia

Dr. Renán Castrillo Justiniano (1 to 31 January 1964)

Brazil

Mr. Carlos Alfredo Bernardes (1 to 29 February 1964)

China

Mr. Liu Chieh (1 to 31 March 1964)

Czechoslovakia

Professor Jiří Hájek (1 to 30 April 1964)

France

Mr. Roger Seydoux (1 to 31 May 1964)

Ivory Coast

Mr. Arsène Assouan Usher (1 to 30 June 1964)

Morocco

Mr. Ahmed Taibi Benhima (1 to 15 July 1964)

III. Meetings of the Security Council during the period from 16 July 1963 to 15 July 1964

Meeting	Subject	Date	Meeting	Subject	Date
1040th	Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta (S/5347) [regarding Portuguese Territories]	22 July 1963	1060th	Ditto	29 August 1963
	Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of the same 32 African States (S/5348 [regarding <i>apartheid</i>] ^a)		1061st	Ditto	30 August 1963
1041st	Ditto	23 July 1963	1062nd	Ditto	30 August 1963
1042nd	Ditto	24 July 1963	1063rd	Ditto	3 September 1963
1043rd	Ditto	24 July 1963	1064th	Letter dated 2 August 1963 from the representatives of Ghana, Guinea, Morocco and the United Arab Republic addressed to the President of the Security Council (S/5382); and letter dated 30 August 1963 from the <i>Chargé d'affaires</i> of the Permanent Mission of the Congo (Brazzaville) addressed to the President of the Security Council on behalf of the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda and Upper Volta (S/5409) [regarding Southern Rhodesia]	9 September 1963
1044th	Ditto	26 July 1963			
1045th	Ditto	26 July 1963			
1046th	Ditto	29 July 1963			
1047th	Ditto	29 July 1963	1065th	Ditto	9 September 1963
1048th	Ditto	30 July 1963	1066th	Ditto	10 September 1963
1049th	Ditto	31 July 1963	1067th	Ditto	11 September 1963
1050th	Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta (S/5348) [regarding <i>apartheid</i>]	31 July 1963	1068th	Ditto	12 September 1963
			1069th	Ditto	13 September 1963
1051st	Ditto	1 August 1963	1070th	Consideration of the Report of the Security Council to the General Assembly (Private)	16 September 1963
1052nd	Ditto	2 August 1963	1071st	Election of five members of the International Court of Justice	21 October 1963
1053rd	Ditto	5 August 1963	1072nd	Ditto	21 October 1963
1054th	Ditto	6 August 1963	1073rd	Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta (S/5348) [regarding <i>apartheid</i>]	27 November 1963
1055th	Ditto	7 August 1963			
1056th	Ditto	7 August 1963			
1057th	The Palestine question	23 August 1963			
1058th	Ditto	28 August 1963			
1059th	Ditto	28 August 1963	1074th	Ditto	29 November 1963
			1075th	Ditto	2 December 1963

^a Not discussed until the 1050th meeting.

<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
1076th	Ditto	3 December 1963	1106th	Letter dated 1 April 1964 from the Deputy Permanent Representative of Yemen, <i>Chargé d'affaires a.i.</i> addressed to the President of the Security Council (S/5635)	2 April 1964
1077th	Ditto	3 December 1963			
1078th	Ditto	4 December 1963	1107th	Ditto	3 April 1964
1079th	Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta (S/5347) [regarding Portuguese territories]	6 December 1963	1108th	Ditto	6 April 1964
			1109th	Ditto	7 April 1964
			1110th	Ditto	8 April 1964
			1111th	Ditto	9 April 1964
			1112th	The India-Pakistan question	5 May 1964
			1113th	Ditto	7 May 1964
			1114th	Ditto	11 May 1964
			1115th	Ditto	12 May 1964
			1116th	Ditto	13 May 1964
			1117th	Ditto	18 May 1964
			1118th	Complaint concerning acts of aggression against the territory and civilian population of Cambodia (S/5697)	19 May 1964
1080th	Ditto	6 December 1963	1119th	Ditto	21 May 1964
1081st	Ditto	9 December 1963	1120th	Ditto	21 May 1964
1082nd	Ditto	10 December 1963	1121st	Ditto	25 May 1964
1083rd	Ditto	11 December 1963	1122nd	Ditto	26 May 1964
1084th	Admission of new Members	16 December 1963	1123rd	Tribute to the memory of Mr. Jawaharlal Nehru, Prime Minister of India	27 May 1964
1085th	Letter dated 26 December 1963 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/5488)	27 December 1963	1124th	Complaint concerning acts of aggression against the territory and civilian population of Cambodia (S/5697)	28 May 1964
1086th	Letter dated 10 January 1964 from the Permanent Representative of Panama addressed to the President of the Security Council (S/5509)	10 January 1964	1125th	Ditto	3 June 1964
1087th	The India-Pakistan question	3 February 1964	1126th	Ditto	4 June 1964
1088th	Ditto	5 February 1964	1127th	The question of race conflict in South Africa resulting from the policies of <i>apartheid</i> of the Government of the Republic of South Africa: Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of thirty-two Member States (S/5348)	8 June 1964
1089th	Ditto	7 February 1964			
1090th	Ditto	10 February 1964	1128th	Ditto	9 June 1964
1091st	Ditto	14 February 1964	1129th	Ditto	10 June 1964
1092nd	Ditto	15 February 1964	1130th	Ditto	12 June 1964
1093rd	Ditto	17 February 1964	1131st	Ditto	15 June 1964
1094th	Letter dated 26 December 1963 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/5488)	17 February 1964	1132nd	Ditto	15 June 1964
1095th	Ditto	18 February 1964	1133rd	Ditto	16 June 1964
1096th	Ditto	19 February 1964	1134th	Ditto	17 June 1964
1097th	Ditto	25 February 1964	1135th	Ditto	18 June 1964
1098th	Ditto	27 February 1964	1136th	Letter dated 26 December 1963 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/5488)	18 June 1964
1099th	Ditto	28 February 1964			
1100th	Ditto	2 March 1964	1137th	Ditto	19 June 1964
1101st	Ditto	3 March 1964	1138th	Ditto	19 June 1964
1102nd	Ditto	4 March 1964	1139th	Ditto	20 June 1964
1103rd	Ditto	13 March 1964			
1104th	The India-Pakistan question	17 March 1964			
1105th	Ditto	20 March 1964			

IV. Representatives, Chairmen and Principal Secretaries of the Military Staff Committee

A. REPRESENTATIVES OF EACH SERVICE IN RESPECT OF EACH DELEGATION

Period of service from 16 July 1963

China

General Wang Shu-ming, Chinese Air Force	16 July 1963 to present time
Lt. General Lu Fu-ning, Chinese Army	16 July 1963 to present time
Rear Admiral Chang Hsiang-chi, Chinese Navy	16 July 1963 to present time

France

Général de Brigade J. Compagnon, French Army	16 July 1963 to present time
Contre-Amiral J. Guérin, French Navy	16 July 1963 to 24 September 1963
Contre-Amiral Michel Prache, French Navy	24 September 1963 to present time
Général de Corps Aérien H.M. de Rancourt de Mimerand, French Air Force	16 July 1963 to 3 October 1963
Général de Division Aérienne Michel Dorance, French Air Force	3 October 1963 to present time

Union of Soviet Socialist Republics

Lt. General V. A. Dubovik, Soviet Army	16 July 1963 to 13 December 1963
Colonel A. G. Mantrov, Soviet Army	13 December 1963 to present time
Vice-Admiral L. K. Bekrenev, USSR Navy	16 July 1963 to 3 February 1964
Captain A. R. Astafiev, USSR Navy	3 February 1964 to present time
Major General A. N. Chizhov, USSR Air Force	16 July 1963 to present time

United Kingdom of Great Britain and Northern Ireland

Major General R. E. T. St. John, British Army	16 July 1963 to present time
Vice-Admiral J. F. D. Bush	16 July 1963 to present time
Air Vice-Marshal Ian G. Esplin, Royal Air Force	16 July 1963 to present time

United States of America

Lt. General G. H. Davidson, US Army	16 July 1963 to 1 January 1964
Lt. General R. W. Porter, Jr., US Army	1 January 1964 to present time
Vice-Admiral H. T. Deutermann, US Navy	16 July 1963 to present time
Lt. General R. W. Burns, US Air Force	16 July 1963 to 1 August 1963
Lt. General Edward H. Underhill, US Air Force	1 August 1963 to present time

B. CHAIRMEN AT MEETINGS

<i>Meeting</i>	<i>Date</i>	<i>Chairman</i>	<i>Delegation</i>
474th	25 July 1963	Lt. General V. A. Dubovik, Soviet Army	USSR
475th	8 August 1963	Vice-Admiral J. F. D. Bush	United Kingdom
476th	22 August 1963	Major General R. E. T. St. John, British Army	United Kingdom
477th	5 September 1963	Lt. General G. H. Davidson, US Army	United States
478th	19 September 1963	Lt. General G. H. Davidson, US Army	United States
479th	3 October 1963	General Wang Shu-ming, Chinese Air Force	China
480th	17 October 1963	General Wang Shu-ming, Chinese Air Force	China
481st	31 October 1963	Lt. General Lu Fu-ning, Chinese Army	China
482nd	14 November 1963	Général de Brigade J. Compagnon, French Army	France
483rd	27 November 1963	Général de Brigade J. Compagnon, French Army	France
484th	12 December 1963	Major General A. N. Chizhov, USSR Air Force	USSR
485th	24 December 1963	Major General A. N. Chizhov, USSR Air Force	USSR
486th	9 January 1964	Air Vice-Marshal Ian G. Esplin, Royal Air Force	United Kingdom
487th	23 January 1964	Vice-Admiral J. F. D. Bush	United Kingdom
488th	6 February 1964	Vice-Admiral Harold T. Deutermann, US Navy	United States
489th	20 February 1964	Vice-Admiral Harold T. Deutermann, US Navy	United States
490th	5 March 1964	General Wang Shu-ming, Chinese Air Force	China

B. CHAIRMEN AT MEETINGS (*continued*)

<i>Meeting</i>	<i>Date</i>	<i>Chairman</i>	<i>Delegation</i>
491st	19 March 1964	General Wang Shu-ming, Chinese Air Force	China
492nd	2 April 1964	Général de Division Aérienne Michel Dorance, French Air Force	France
493rd	16 April 1964	Général de Brigade J. Compagnon, French Army	France
494th	30 April 1964	Contre-Amiral Michel Prache, French Navy	France
495th	14 May 1964	Colonel A. G. Mantrov, Soviet Army	USSR
496th	28 May 1964	Captain A. R. Astafiev, USSR Navy	USSR
497th	11 June 1964	Major General R. E. T. St. John, British Army	United Kingdom
498th	25 June 1964	Air Vice-Marshal Ian G. Esplin, Royal Air Force	United Kingdom
499th	9 July 1964	Lt. General Edward H. Underhill, US Air Force	United States

C. PRINCIPAL SECRETARIES AT MEETINGS

<i>Meeting</i>	<i>Date</i>	<i>Principal Secretary</i>	<i>Delegation</i>
474th	25 July 1963	Lt. Colonel A. B. Senkin, Soviet Army	USSR
475th	8 August 1963	Commander T. B. Homan, Royal Navy	United Kingdom
476th	22 August 1963	Colonel A. J. Matthews, British Army	United Kingdom
477th	5 September 1963	Captain F. W. Pump, US Navy	United States
478th	19 September 1963	Captain F. W. Pump, US Navy	United States
479th	3 October 1963	Lt. Colonel J. Soong, Chinese Army	China
480th	17 October 1963	Lt. Colonel J. Soong, Chinese Army	China
481st	31 October 1963	Lt. Colonel J. Soong, Chinese Army	China
482nd	14 November 1963	Capitaine de Frégate H. Guillemette, French Navy	France
483rd	27 November 1963	Capitaine de Frégate H. Guillemette, French Navy	France
484th	12 December 1963	Capt. 2nd Rank A. D. Golovtchenko, USSR Navy	USSR
485th	24 December 1963	Capt. 2nd Rank A. D. Golovtchenko, USSR Navy	USSR
486th	9 January 1964	Colonel T. H. Sergeant, British Army	United Kingdom
487th	23 January 1964	Colonel J. L. Carter, Royal Marines	United Kingdom
488th	6 February 1964	Captain F. W. Pump, US Navy	United States
489th	20 February 1964	Captain F. W. Pump, US Navy	United States
490th	5 March 1964	Colonel Hwang Hsiung-sheng, Chinese Air Force	China
491st	19 March 1964	Colonel Hwang Hsiung-sheng, Chinese Air Force	China
492nd	2 April 1964	Capitaine de Frégate H. Guillemette, French Navy	France
493rd	16 April 1964	Capitaine de Frégate H. Guillemette, French Navy	France
494th	30 April 1964	Capitaine de Frégate H. Guillemette, French Navy	France
495th	14 May 1964	Capt. 2nd Rank A. D. Golovtchenko, USSR Navy	USSR
496th	28 May 1964	Capt. 2nd Rank A. D. Golovtchenko, USSR Navy	USSR
497th	11 June 1964	Captain R. H. Graham, Royal Navy	United Kingdom
498th	25 June 1964	Colonel J. L. Carter, Royal Marines	United Kingdom
499th	9 July 1964	Captain F. W. Pump, US Navy	United States

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