

Department of Political and Security Council Affairs

Repertoire
of the
Practice
of the
Security Council
Supplement 1964-1965



UNITED NATIONS

New York, 1968

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.

ST/PSCA/1/ADD.4

UNITED NATIONS PUBLICATION

Sales No.: E.68. VII. 1

Price: \$U.S. 3.50
(or equivalent in other currencies)

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GENERAL INTRODUCTION

The present volume constitutes the fourth supplement to the *Repertoire of the Practice of the Security Council, 1946-1951*, which was issued in 1954. It covers the proceedings of the Security Council from the 1086th meeting on 10 January 1964 to the 1270th meeting on 17 December 1965. Further supplements covering the proceedings of the later meetings will be issued at suitable intervals.

In order to make it easier to trace the Security Council's practice in respect of any given topic over the entire period covered by the five volumes, the headings under which the practices and procedures of the Security Council were presented in the original volume have been generally maintained unchanged in this supplement. New headings have been inserted where required. Topics which the Council has not discussed anew during this time are identified by double asterisks.

The methods employed and the principles observed in the preparation of this supplement have been the same as for the original volume of the *Repertoire*. They are explained in the General Introduction to that volume. The *Repertoire* is an expository work, which presents the results of an empirical survey of the procedures of the Council in a way calculated to make reference easy, and constitutes essentially a guide to the proceedings of the Council.

As was observed in the original volume, the *Repertoire* is not intended as a substitute for the records of the Security Council, which constitute the only comprehensive and authoritative account of its deliberations. The categories employed to arrange the material are not intended to suggest the existence of procedures or practices which have not been clearly or demonstrably established by the Council itself. The Security Council is at all times, within the framework of the Charter, "master of its own procedure". The object of the *Repertoire* will have been achieved if the reader, by using the descriptive titles of the headings under which the material is presented, is enabled to find relevant proceedings in order to draw conclusions for himself concerning the practice of the Council.

Details of the decisions of the Council have been included where appropriate in the accounts of its proceedings which make up this volume. The term "decision" has again been used to mean not only those "decisions" to which specific reference is made in the text of Articles of the Charter, but all significant steps decided upon by the Council, whether by vote or otherwise, in the course of consideration of a question.

The reader should refer for full explanations of the organization and presentation of material to the explanatory matter in the original volume. An effort has been made to avoid unnecessary repetition of such explanations in this *Supplement*.

EDITORIAL NOTE

1. References to the Official Records of the meetings of the Security Council are given in the following form:

1086th meeting: para. 108.

2. S/documents are identified by their serial number in the S/series. Where the S/document has been printed in the supplements to the Official Records, an additional reference has been given accordingly. For S/documents printed only in the Official Records of meetings, reference is given to the meeting and page. S/references without addition indicate that the text is available only in the S/series.

3. Beginning in the present *Supplement*, references to resolutions follow the system established in 1964. They are now identified by number, followed by the year of adoption in parentheses, i.e., resolution 192 (1964). The symbol S/5783, for example, previously used for both draft and adopted resolutions, is now reserved for draft resolutions only. (Generally throughout this *Supplement* the symbol S/RES is used in footnotes.)

4. References from one chapter of the *Repertoire* to other chapters are in the following form:

See chapter X, Case 7.

References to other cases in the same chapter are in the following form:

See Case 5.

5. In citing statements in case histories it has been considered necessary at certain points to distinguish between statements made by representatives on the Council and statements by representatives or other persons invited to participate. In such instances, an asterisk has been inserted to distinguish the latter.

6. The original volume of the *Repertoire* should be cited as *Repertoire of the Practice of the Security Council, 1946-1951*. The present volume should be cited as *Repertoire of the Practice of the Security Council, Supplement 1964-1965*.

7. Appended here below is a list of short and official titles for agenda items considered by the Security Council throughout the period 1964-1965. The short titles were formulated exclusively for the *Repertoire* in order to clarify for the reader the contents of the item under consideration. Hence they have no official standing.

Short title

Complaint by Panama

The India-Pakistan question

Complaint by the Government of
Cyprus

Official title

Letter dated 10 January 1964, from the Permanent Representative of Panama addressed to the President of the Security Council (S/5509)

Letter dated 16 January 1964, from the Minister for External Affairs of Pakistan addressed to the President of the Security Council (S/5517)

Letter dated 24 January 1964, from the Permanent Representative of India addressed to the President of the Security Council (S/5522)

Telegrams dated 1 September 1965, from the Secretary-General addressed to the Prime Minister of India and the President of Pakistan (S/6647)

Report by the Secretary-General on the current situation in Kashmir with particular reference to the cease-fire agreement, the cease-fire line and the functioning of the United Nations Military Observer Group in India and Pakistan (S/6651)

Preliminary report of the Secretary-General on his visits to the Governments of India and Pakistan (S/6683)

Report by the Secretary-General on the observance of the cease-fire under Security Council resolution 211 (1965) of 20 September 1965 (S/6710 and Add.1-2)

Letter dated 22 October 1965 from the Permanent Representative of Pakistan addressed to the President of the Security Council (S/6821)

Reports of the Secretary-General on withdrawals (S/6719/Add.3) and on the observance of the cease-fire (S/6710/Add.5)

Reports of the Secretary-General on withdrawals (S/6719/Add.3) and on the observance of the cease-fire (S/6710/Add.5-7)

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

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

- Complaint by the Government of Cyprus (*continued*)
- (b) Letter dated 15 February 1964 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/5545)
- Letter dated 13 March 1964 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/5598)
- Report by the Secretary-General to the Security Council on the United Nations Operations in Cyprus for the period of 26 April to 8 June 1964 (S/5764 and Corr.1)
- (a) Letter dated 8 August 1964 from the Permanent Representative of Turkey addressed to the President of the Security Council (S/5859)
- (b) Letter dated 8 August 1964 from the *Chargé d'affaires, a.i.* of Cyprus addressed to the President of the Security Council (S/5861)
- Report of the Secretary-General on the United Nations Operation in Cyprus (S/5950 and Corr.1 and Add.1)
- Report of the Secretary-General on the United Nations Operation in Cyprus (S/6102)
- Report by the Secretary-General on the United Nations Operation in Cyprus (S/6228)
- Report by the Secretary-General on the United Nations Operation in Cyprus (S/6426 and Corr.1)
- Letter dated 30 July 1965 from the Permanent Representative of Turkey addressed to the President of the Security Council (S/6571)
- Letter dated 31 July 1965 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/6581)
- Letter dated 4 November 1965 from the Permanent Representative of Turkey addressed to the President of the Security Council (S/6877)
- Report of the Secretary-General on the situation in Cyprus (S/6881)
- Reports of the Secretary-General on the situation in Cyprus (S/6954 and S/7001)
- Complaint by Yemen
- Letter dated 1 April 1964 from the Deputy Permanent Representative of Yemen, *Chargé d'affaires, a.i.*, addressed to the President of the Security Council (S/5635)
- Complaint by Cambodia
- Complaint concerning acts of aggression against the territory and civilian population of Cambodia (S/5697)
- The question of race conflict in South Africa
- The question of race conflict in South Africa resulting from the policy 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)
- (a) Letter dated 27 April 1964 addressed to the President of the Security Council by the Representatives of Afghanistan, Algeria, Burma, Burundi, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Republic, Upper Volta, Yemen and Zanzibar (S/5674)
- (b) Report by the Secretary-General in the 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 and 2)
- (c) Reports of the Special Committee on the policies of apartheid of the Government of the Republic of South Africa (S/5621 and S/5717)
- Complaint by the United States (Tonkin Gulf incident)
- Letter dated 4 August 1964 from the Permanent Representative of the United States of America addressed to the President of the Security Council (S/5849)
- Complaint by Malaysia
- Letter dated 3 September 1964 from the Permanent Representative of Malaysia addressed to the President of the Security Council (S/5930)

*Short title**Official title*

- Question of relations between Greece and Turkey** Letter dated 5 September 1964 from the Permanent Representative of Greece addressed to the President of the Security Council (S/5934); and Letter dated 8 September 1964 from the Permanent Representative of Greece addressed to the President of the Security Council (S/5941)
Letter dated 6 September 1964 from the Permanent Representative of Turkey addressed to the President of the Security Council (S/5935)
- Admission of new Members** Letter dated 6 August 1964 from the Minister of External Affairs of Malawi addressed to the Secretary-General (S/5908)
Letter dated 29 September 1964 from the Prime Minister of Malta addressed to the Secretary-General (S/6004)
Telegram dated 26 October 1964 from the President of the Republic of Zambia addressed to the Secretary-General (S/6025)
Letter dated 18 February 1965 from the Prime Minister of the Gambia addressed to the Secretary-General (S/6197)
Letter dated 26 August 1965 from the Prime Minister of the Government of Maldivé Islands addressed to the Secretary-General (S/6645)
Cable dated 2 September 1965 from the Minister of Foreign Affairs of Singapore addressed to the Secretary-General (S/6648)
- The Palestine question** (a) Letter dated 14 November 1964 from the Permanent Representative of the Syrian Arab Republic addressed to the President of the Security Council (S/6044)
(b) Letter dated 15 November 1964 from the Permanent Representative of Israel addressed to the President of the Security Council (S/6046)
- Situation in the Democratic Republic of the Congo** Letter dated 1 December 1964 addressed to the President of the Security Council, from the representatives of Afghanistan, Algeria, Burundi, Cambodia, Central African Republic, Congo (Brazzaville), Dahomey, Ethiopia, Ghana, Guinea, Indonesia, Kenya, Malawi, Mali, Mauritania, Somalia, Sudan, Tanzania, Uganda, United Arab Republic, Yugoslavia and Zambia (S/6076 and Add.1-5)
Letter dated 9 December 1964 from the Permanent Representative of the Democratic Republic of the Congo addressed to the President of the Security Council (S/6096)
- Situation in Southern Rhodesia** Question concerning the situation in Southern Rhodesia: Letters dated 2 and 30 August 1963 addressed to the President of the Security Council on behalf of the representatives of thirty-two Member States (S/5382 and S/5409)
Letter dated 21 April 1965 addressed to the President of the Security Council from the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo, (Brazzaville), Dahomey, Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia (S/6294 and Add.1)
(a) Letter dated 11 November 1965 from the Permanent Representative of the United Kingdom addressed to the President of the Security Council (S/6896)
(b) Letter dated 10 November 1965 from the President of the General Assembly addressed to the President of the Security Council (S/6897)
(c) Letter dated 11 November 1965 addressed to the President of the Security Council by representatives of thirty-five Member States (S/6902)
(d) Letter dated 11 November 1965 addressed to the President of the Security Council by representatives of twenty-two Member States (S/6903)
(e) Letter dated 11 November 1965 from the President of the General Assembly to the President of the Security Council (S/6908)

<i>Short title</i>	<i>Official title</i>
Situation in the Dominican Republic	Letter dated 1 May 1965 from the Permanent Representative of the USSR addressed to the President of the Security Council (S/6316)
Complaint by Senegal	Letter dated 7 May 1965 from the Permanent Representative of Senegal addressed to the President of the Security Council (S/6338)
Election of Members of the International Court of Justice	Date of election to fill a vacancy in the International Court of Justice (S/6599) Election of a Member of the International Court of Justice to fill the vacancy caused by the death of Judge Abdel Hamid Badawi (S/6817 and Add.1 and Add.2 and S/6818)
Situation in territories in Africa under Portuguese administration	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) Letter of 28 July 1965 addressed to the President of the Security Council by the representatives of thirty-two Member States (S/6585) Letter dated 15 October 1965 from the representatives of Liberia, Madagascar, Sierra Leone, and Tunisia addressed to the President of the Security Council (S/6791)

Chapter I

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

This chapter of the *Supplement* contains material pertaining to the practice of the Security Council in relation to all the provisional rules of procedure with the exception of those rules which are dealt with in other chapters as follows: chapter II: Agenda (rules 6-12); chapter III: Participation in the proceedings of the Council (rules 37-39); chapter VII: Admission of new Members (rules 58-60); chapter VI: Relations with other organs (rule 61). Material relating to the application of Article 27 (rule 40) is presented in chapter IV.

The major headings under which the material is entered in this chapter follow the classification previously adopted for the *Repertoire*. The arrangement of each part is based on the successive chapters of the provisional rules of procedure of the Security Council.

During the period under review, the Council has not

considered the adoption or amendment of rules of procedure.¹ Consequently, the case histories entered in respect of each rule are confined entirely to those proceedings of the Council in which a question has arisen regarding the application of the rule, especially where discussion has taken place regarding a temporary variation from the usual practice. As was noted in the previous volumes, the case histories in this chapter do not constitute cumulative evidence of the practice of the Council, but are indicative of special problems which have arisen in the proceedings of the Council under its provisional rules.

¹The adoption of the amendment to Article 27 of the Charter did not call for an amendment to rule 40 of the provisional rules of procedure of the Security Council. For text of Article 27, as amended, see chapter IV, foot-note 1 to introductory note.

Part I

MEETINGS (RULES 1-5)

NOTE

The entries in this part constitute special instances related to the convening of Council meetings. They are concerned with the interpretation of rules 1-5, which reflect the provisions of Article 28 of the Charter.

During the period under review, problems have arisen on the extent to which consultations by the President with Council members should determine the date and time for the convening of meetings (rule 1, Cases 1, 2, 4, 5, 7, 8, 9 and 10). In one instance, the fixing of a date for a meeting was made after the view of the incoming President had been solicited (rule 1, Case 3). The relation between rules 1, 2 and 3 has in another instance been made a subject of debate, as the question was raised whether the President could convene a Council meeting on his own initiative (rule 1, Case 6). In still another instance the President explained why a meeting had to be convened under rule 2 (Case 11).

No periodic meetings, as provided in rule 4, were held during the period covered by the *Supplement*. There were, furthermore, no meetings held outside the United Nations Headquarters, although on one occasion the suggestion was made by some representatives that meetings for the particular question under consideration should be held in the territory of a Member State where the armed conflict giving rise to the question was taking place (rule 5, Case 12).

** 1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 1-5

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 1-5

a. Rule 1

CASE 1

At the 1140th meeting on 5 August 1964, in connexion with the complaint of the United States

(Tonkin Gulf incident), the representative of the USSR renewed his delegation's earlier request that the Council meeting on the matter be postponed to the next day. In explanation, he noted that during the consultation which the President had had regarding the time to be fixed for the meeting, his delegation requested postponement to the morning of 6 August in order to have the necessary instructions from his Government. At the meeting of 5 August, the USSR delegation found itself "in the same position as when it requested the President and other members of the Council to shift the beginning of the meeting to the morning of August 6".

The representative of the United States opposed the USSR request for postponement of the meeting and, after stressing the gravity of the situation, suggested that "in order to give time to other delegations as well to receive their instructions" he would have no objection if the Council wished to adjourn after hearing his delegation.

The representative of Czechoslovakia noted that during the consultations with the President earlier that day, his delegation had expressed objection to the holding of a meeting in the afternoon, recalling his delegation's view that to discuss a matter as serious as the one proposed for consideration, full knowledge of the facts was necessary. Since the Council was then in possession of only one version of the incident, his delegation doubted the utility of starting a debate at that stage.

Supporting the United States suggestion, the representative of the United Kingdom stated that some members of the Council might, if in need of further information, find it helpful to hear the statement the United States representative proposed to make.

The representative of the USSR indicated that if the United States should insist, his delegation was prepared to participate in the meeting and wished the name of his delegation to be put on the list of speakers to

address the Council after the representative of the United States. After noting the view of the representative of the USSR, the President (Norway), suggested that the Council should proceed to the adoption of its agenda. The representative of Czechoslovakia reaffirmed his objection to the holding of the meeting, noting that it would participate in the meeting only because all other members had agreed that a meeting should take place. Thereupon the President observed that he had taken note of the objection and that there being no further comments in regard to the provisional agenda, he declared the agenda adopted.²

CASE 2

At the 1142nd meeting on 8 August 1964, in connexion with the complaint by the Government of Cyprus, the Security Council adjourned at the suggestion of the President (Norway) for the purpose of consultation among members of the Council and the parties concerned on further procedure to be followed at the resumed meeting. When the Council resumed the meeting after midnight, the President reported that no consensus had been reached during the informal consultations. He therefore suggested that members of the Council and representatives of the parties concerned remain available for an early meeting of the Council, the time of which was to be determined by the availability of the Secretary-General's report and the termination of the communication difficulties that some of the parties had experienced.

The representative of Cyprus, * noting that it was as yet uncertain as to when the report would be ready, stated that "we cannot allow the results of the meeting to depend upon the availability of the report". He suggested that the next meeting be held later that same morning or afternoon, regardless of whether or not the report would then be available. His suggestion was supported by the representatives of the USSR and Czechoslovakia. The representative of France suggested that if the President so desired, a meeting could be held late that morning, whereupon the President stated that he would remain available to the members and the parties to the dispute and would take into consideration the comments made by members with regard to the holding of the next meeting.³

CASE 3

Towards the conclusion of the 1194th meeting on 30 April 1965, in connexion with the situation in Southern Rhodesia, the President (Jordan) proposed that the next meeting be held in the afternoon of 3 May 1965. The representative of Senegal * suggested that in view of the urgency of the situation in Southern Rhodesia, the meeting should be held in the morning rather than the afternoon of 3 May.

The President thereupon stated that the matter fell within the competence of the President of the Council for May (Malaysia), and invited the representative of Malaysia to state his views. The representative of Malaysia supported the President's suggestion to convene the meeting in the afternoon of 3 May. Following

² For texts of relevant statements, see 1140th meeting: President (Norway), paras. 26, 32; Czechoslovakia, paras. 16-18, 29, 31; USSR, paras. 6-10, 25; United Kingdom, paras. 22, 24; United States, paras. 11, 15.

³ For texts of relevant statements, see 1142nd meeting: President (Norway), paras. 177, 178-180, 189; Cyprus,* para. 181; Czechoslovakia, para. 186, France, para. 187; USSR, para. 184.

a statement by the representative of the Ivory Coast, which supported the proposal made by the representative of Senegal, the President proposed, and the Council agreed, that if any members were prepared to address the Council in the morning of 3 May, the Council would meet in the morning. Otherwise, the President of the Council for the month of May would inform members of the time of the next meeting.⁴

CASE 4

At the 1208th meeting on 14 May 1965, in connexion with the situation in the Dominican Republic, the President (Malaysia) explained the circumstances in which the meeting had been called. He indicated that a telegram purporting to be sent by the Foreign Minister of the Dominican Republic had been received after the adjournment of the previous meeting. After reading the text of the telegram, which drew attention to a serious situation in Santo Domingo, the President stated that following consultations with some Council members, it was felt that the Council should take some urgent measures by meeting earlier than the afternoon of that day, as agreed upon at the previous meeting. Circumstances, however, did not permit a meeting earlier than the time set for the current meeting.⁵

CASE 5

At the end of the 1231st meeting on 22 July 1965, in connexion with the situation in the Dominican Republic, the President (USSR) announced after hearing the views of members that it was the sense of the Council that its next meeting should be held on Monday the following week. He added that "in accordance with the Council's previous decisions and established practice, a decision to meet at that time will not mean . . . that the Council cannot be convened before then by the President if developments outside our present knowledge so require". He therefore requested the members to be within reach during the week-end so that he would not be put in a position of "being unable to unearth certain members in order to come to a decision to convene a meeting of the Council", despite the obligation of members to remain close to the Headquarters of the United Nations.⁶

CASE 6

At the 1237th meeting on 4 September 1965, in connexion with the India-Pakistan question, the President (United States) observed that members of the Council had been informed of the calling of the meeting in the following terms:

"Consultations by the Secretary-General and the President of the Security Council with members of the Council have revealed a general desire that the Security Council be convened promptly to consider, in the light of the Secretary-General's appeal for a cease-fire, the serious conflict now taking place in Kashmir. Since, under the circumstances, a meeting is necessary, I have, as Security Council President, called a meeting of the Council for 3 p.m. today, 4 September."

⁴ For texts of relevant statements, see 1194th meeting: President (Jordan), paras. 130, 132, 136; Ivory Coast, para. 135; Malaysia, paras. 133-134; Senegal,* para. 131.

⁵ For text of the relevant statement, see 1208th meeting, paras. 2-4.

⁶ 1231st meeting, paras. 41-44.

In justifying the calling of the meeting, the President referred to the provisions of rules 1, 2 and 3 and to the report of the Chairman of the Committee of Experts of 5 February 1946⁷ on amendments to the provisional rules of procedure in which the Chairman of the Committee stated that the new wording then adopted for the rules would leave the President with the power of calling a meeting under various circumstances, including one "when he deems it necessary". He also referred to the manner in which the President had called the 847th meeting on 7 September 1959,⁸ as a precedent. In the early part of July, he further stated, the President of the Security Council (USSR) asked for a meeting to be convened on the basis of a telegram from Mr. Jottin Cury, in connexion with the situation in the Dominican Republic, which had never been transformed into a formal request by any Council or United Nations member. It would appear to him that the President of the Council at that time was convening the meeting "on the basis of his judgment as President". He recalled that as members of the Council were willing to meet, although not on an urgent basis, the meeting was convened, "without a change in the underlying circumstances", some days later, on 20 July 1965 (1229th meeting).

Speaking on the meeting in progress, he noted that time had not permitted to advise all Council members in advance of the exact hour of the meeting, although they had been requested earlier to be available for the meeting that was scheduled to be called for that day.

The representative of the USSR, contending that the manner in which the meeting had been convened was a violation of the rules of procedure, stated that meetings cannot be convened anonymously, and that rule 1 was linked with rules 2 and 3, because, otherwise, the provisions contained in the two latter rules would not make sense. He then stated:

"Thus, the words which you cited from rule 1 to the effect that the President may call a meeting of the Security Council at any time he deems necessary can be interpreted in only one way: it is the President who, by virtue of the discretionary powers vested in him, has in the final analysis the exclusive right to decide the time when a meeting of the Council should be called. If we take a different position and do not regard rule 1 as dealing solely with the right of the President of the Council to decide the time when the Council should be convened, then rules 2 and 3 lose their significance . . ."

With regard to the President's remarks on the convening of a meeting by the President for the month of July (USSR), the representative of the USSR noted that the case did not prove anything, for during the consideration of the situation in the Dominican Republic, the Council agreed each time after the end of its debate, that the President "would convene the Council whenever circumstances warranted or when any member of the Council so requested". While in the case of the situation in the Dominican Republic, the Council empowered its President in advance to act in that manner, "no such authorization was given to the President by the Council" with regard to the matter then before the Council. On the report of the Chair-

⁷ For entries on the report of the Committee, see *Repertoire of the Practice of the Security Council, 1946-1951*, chapter I, part I, Cases 1 and 2.

⁸ For entries on this meeting, see *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, chapter I, part I, Cases 1 and 5.

man of the Committee of Experts cited by the President, the representative of the USSR observed:

"... I am bound to say that, generally speaking, when we have to be guided by as strict and specific a document as a set of rules of procedure, we must follow the provisions of those rules and not some explanation which may have been given after their adoption by one of those who drew them up. Therefore, from a legal point of view, the reference to the statement by the Chairman of the Committee which drafted the rules of procedure neither adds to the rules nor detracts from them. Thus, everything said in this regard remains valid."

The representative of Malaysia, disputing the interpretation given by the representative of the USSR, maintained that rules 1 and 2 were mutually exclusive. He indicated that the word "necessary" in rule 1 was "appropriate to the calling of the meeting and not to the timing of the meeting".

The representative of the United Kingdom said that under rule 1 the President had general discretionary powers. Rule 2 did not cancel rule 1, nor would it "detract from it or supersede it in any way". Rules 2 and 3 were separate and distinct, "and set out the circumstances in which the President is required or obliged to call a meeting of the Council".

The representative of China, supporting the manner in which the meeting had been called, stated:

"Even if we start from the premise that there is a relationship between these three rules, let us remember that the President of the Security Council is, at the same time, a member of the Council. In ordinary circumstances, if a member of the Council wants to request a meeting, he goes to the President, and then the President consults with the other members. But when the member happens to be the President himself, he has nobody to go to except himself."

He added that the fact that a member of the Council happened to be the President did not vitiate his right as a member to initiate the meeting. In his view, "the meeting of the Council has been convened in the name of the President and as a prerogative of the President, but it is the inherent right of a member to initiate a meeting".

The representative of Jordan stated that while his delegation reserved its position with regard to the interpretation of the rules of procedure and their applicability in such cases, it accepted, in the present instance, the convening of the meeting in the manner in which it had been called.⁹

CASE 7

At the 1241st meeting on 18 September 1965, in connexion with the India-Pakistan question, the President (United States) stated that since members of the Council wished to have more time to consult their Governments on the nature of action the Council should take, he proposed to adjourn the meeting overnight to enable members to have the necessary consultations. He then proposed, and the Council agreed, that the Council should convene informally the next morning, and then "convene . . . formally at such time

⁹ For texts of relevant statements see 1237th meeting: President (United States), paras. 9-10; China, paras. 49-51; Jordan, paras. 52-53; Malaysia, paras. 40-43; USSR, paras. 17-19, 22-23, 26-30; United Kingdom, paras. 45-47.

as our consultations disclose it would be fruitful and advisable to do so".¹⁰

CASE 8

At the 1250th meeting on 4 November 1965, in connexion with the situation in Territories in Africa under Portuguese administration, the representative of Portugal * suggested that his delegation should, equitably, be given the time to prepare an answer to the accusations made before the Council and that the Council might therefore then adjourn and meet again on Monday of the following week. The President (Bolivia), after stating that the Council was to meet the next day to consider a different agenda item, as had been previously agreed upon, said:

"In the course of tomorrow's meeting I shall also consult all members of the Council in order to determine at what time and on what date we shall resume consideration of the problem of the territories under Portuguese administration."¹¹

CASE 9

At the end of the 1256th meeting on 11 November 1965, in connexion with the situation in Territories in Africa under Portuguese administration, the President (Bolivia) informed the Council of a request from the representative of the United Kingdom for an urgent meeting to discuss the situation in Southern Rhodesia and of the consultations he had held with Council members to set the time for the meeting on that question. He stated that even though some delegations favoured holding a meeting the next morning, no final decision had been reached because not all members of the Council had replied to his inquiries. After an exchange of views regarding the appropriate time for holding the proposed meeting, the President announced that the Council would meet the next morning "unless unforeseen circumstances oblige the President to advance the time of [the] meeting".¹²

CASE 10

At the 1266th meeting on 22 November 1965, in connexion with the situation in Territories in Africa under Portuguese administration, the President (Bolivia) reported that he had unofficially consulted members of the Council on the date and time for the next meeting. He noted that although some members favoured holding the next meeting the following morning, he would suggest holding it the same afternoon in view of the fact that certain Foreign Ministers planned to leave that day.

Following a discussion on the suggestion in which the representatives of the Ivory Coast, Jordan, Netherlands, United Kingdom and the USSR took part, the President noted that the majority of the members appeared to be in favour of his suggestion, and declared that the next meeting would be held the same afternoon.¹³

¹⁰ 1241st meeting, para. 182.

¹¹ For texts of relevant statements, see 1250th meeting: President (Bolivia), paras. 141-142; Portugal, * paras. 139-140.

¹² For texts of relevant statements, see 1256th meeting, paras. 114-115, 141.

¹³ For texts of relevant statements, see 1266th meeting: President (Bolivia), paras. 45, 48, 50, 52, 55, 58; Ivory Coast, paras. 51, 57; Jordan, para. 53; United Kingdom, para. 49; USSR, para. 54.

b. Rule 2

CASE 11

Following the opening of the 1220th meeting on 3 June 1965, in connexion with the situation in the Dominican Republic, the President (Netherlands) explained the circumstances under which he had called the Council meeting. He recalled that at its previous meeting the Council had agreed to the President's suggestion that he should consult the Council members with a view to calling a future meeting forthwith if any member of the Council should consider it desirable or necessary. The day before the meeting, the President noted, he had received a request from the representative of the USSR to call an urgent meeting of the Council in the course of which he would, in particular, take up the question of the two telegrams which the President had received from Mr. Jottin Cury, asking for the dispatch of the Human Rights Commission to the Dominican Republic. In the consultations that he had held with the Council members, the President further stated, the majority of members had not considered the telegrams from Mr. Jottin Cury as constituting a *prima facie* matter for the Security Council to deal with, although they would not object to a meeting if any member of the Council should so insist. There had been, furthermore, some disagreement on the timing of the meeting. In further consultations that had followed, the representative of the USSR had confirmed his request to have a meeting for that day. "Since there were no objections", the President added, he had called the meeting "in accordance with rule 2 of the provisional rules of procedure."¹⁴

c. Rule 5

CASE 12

At the 1225th meeting on 16 June 1965, in connexion with the situation in the Dominican Republic, the representative of the USSR proposed that in view of the prevailing circumstances the Security Council should meet in Santo Domingo, capital of the Dominican Republic. In so doing, he drew attention to Article 28, paragraph 3, of the Charter, which provides that the Council "may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work". He added that there could be no doubt that the holding of Council meetings in Santo Domingo "would contribute to the effectiveness of its work and would enable all the Council's members to gain direct knowledge of the situation on the spot". It would also make it possible for the Council "to hear all those whom it deems it advisable to hear and who could provide it with useful information".

The representative of the United States argued in opposing the proposal that it was "a most novel and unprecedented idea that the Security Council should itself hold sessions in various parts of the world where situations have arisen with which it is concerned". He added that had the Council in the past followed the practice of meeting in the various parts of the world because the situation was grave, it would have been on the road practically all the time and would have been unable to devote its attention to its normal duties.

At the 1226th meeting on 18 June 1965, the representative of Jordan supported the USSR proposal. He noted that the proposal, which "falls within the pro-

¹⁴ 1220th meeting, paras. 8-11.

visions of Article 28, paragraph 3 of the United Nations Charter and rule 5 of the provisional rules of procedure", reminded members that the Council did in the past meet, in certain circumstances, away from the Headquarters, as had been the case with the Paris meetings in 1948 and 1951. He stated that the USSR proposal was "in accord with the genuine intentions expressed in this Council for the strengthening of the authority of the Security Council with regard to the present situation in the Dominican Republic", and "could also produce a new stabilizing element which could help to reduce the mounting tension among the Dominicans and demonstrate to them the deep concern of the Security Council".

The representative of the United States, reiterating his delegation's objection to the holding of Council meetings in Santo Domingo, stated:

"We are . . . well aware of the provisions both of Article 28, paragraph 3, of the United Nations Charter, and of rule 5 of the provisional rules of procedure of this Council. We are aware that meet-

ings were held in Paris in 1948 and 1951 when the General Assembly was meeting there and it was convenient for the Council to do likewise. We are here not concerned with the legality of holding a series of meetings of the Council at a site other than the Headquarters, but with the practicalities and the political implications."

He then indicated various factors which his delegation thought would in practice militate against the USSR proposal, including the view that the holding of Council meetings in Santo Domingo would result in inflaming, rather than calming, political passions and would presuppose that the Council would take away from the Organization of American States (OAS) certain of its responsibilities for the settlement of the Dominican conflict.

The Council did not further discuss the USSR proposal and no decision was taken thereon.¹⁵

¹⁵ For texts of relevant statements see 1225th meeting: USSR, paras. 106-109; United States, paras. 111-112; 1226th meeting: Jordan, paras. 30-31; United States, paras. 68-70.

Part II

REPRESENTATION AND CREDENTIALS (RULES 13-17)

NOTE

Since 1948 the reports of the Secretary-General on the credentials of the representatives of the Security Council have been circulated to the delegations of all the Council members, and, in the absence of a request that they be considered by the Council, have been considered approved without objection.

In one instance during the period under review, the Secretary-General notified the Council of steps taken to correct an error in a name plate that had been placed at the Security Council table and in the monthly listing of Permanent Missions to the United Nations (Case 13). In another instance the Council was informed that the Secretary-General did not have sufficient information at that stage of the development of the question being considered as to the adequacy of the provisional credentials submitted by contending authorities of a Member State (Case 14). On one occasion the Secretary-General stated in reply to an observation made by a member, that he would take the necessary steps to make the listing of United Nations delegations conform to his previous statement regarding the credentials of the representative of a Member State (Case 15).

** 1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 13-17

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 13-17

CASE 13

At the 1121st meeting on 25 May 1964, in connexion with the complaint by Cambodia, the representative of the Secretary-General noted that he had been directed by the Secretary-General to state that the Secretary-General had inquired into the question of the inscription of the word "Viet-Nam" on a name plate placed by the Secretariat at the Security Council table, to which the representative of the USSR had drawn attention at the last meeting.

The Secretary-General regretted that through inadvertence the inscription of the word "Viet-Nam" on the name plate as well as in the "blue book"¹⁶ to which the President of the Council had drawn attention "do[es] not correspond with the policy of the Secretariat". This policy, which was in accordance with rules laid down in the terminology bulletin had been to refer to the Republic of Viet-Nam by its full name and to regard it, for seating purposes, as coming under the letter "R". The policy laid down by the terminology bulletin regarding the Republic of Viet-Nam had been followed not only in regular United Nations documentation but also in all multilateral conventions concluded under United Nations auspices.

The representative of the Secretary-General then concluded: "In view of the foregoing, any designation other than 'Republic of Viet-Nam' is unofficial, and the Secretary-General has given instructions that the necessary changes be made in the name plate used in this Council and in the monthly 'blue book'."¹⁷

CASE 14

At the 1207th meeting on 13 May 1965, in connexion with the situation in the Dominican Republic, the Secretary-General reported on the various communications he had received from both the "Constitutional Government" and the "Government of the National Reconstruction" in regard to the representation of the Dominican Republic in the United Nations. After indicating the contents of those communications, the Secretary-General stated:

"From the statements which have been made in the Security Council and the communications

¹⁶ Publication issued monthly by the United Nations Secretariat listing the names of members of Permanent Missions to the United Nations as well as non-member States maintaining permanent observers' offices at the United Nations Headquarters.

¹⁷ For text of the relevant statement, see 1121st meeting, paras. 2-3.

received from the Organization of American States concerning the Dominican Republic, it is apparent that the situation in that country is far from clear as to which of the contending authorities constitutes the Government of the country. Furthermore, there is no information available as to which of the contending authorities is regarded as the Government by a majority of States Members of the United Nations.

"In the light of the circumstances mentioned above, I feel that at this stage I do not have sufficient information to formulate any opinion as to the adequacy of the provisional credentials which have been submitted."¹⁸

CASE 15

At the 1227th meeting on 18 June 1965, in con-

¹⁸For text of the relevant statement, see 1207th meeting, paras. 14-22.

nexion with the situation in the Dominican Republic, the representative of the USSR remarked that the latest listing of United Nations delegations included the name of Mr. Velasquez, who was listed as "the representative of the Dominican Republic", as well as those of other persons "who are not empowered to represent the Dominican people". He added that since Mr. Velasquez had been heard by the Council as a private individual, the necessary steps should be taken to remove those names from the listing.

The Secretary-General stated that the Secretariat would take the necessary steps, in conformity with his previous statement regarding the credentials of the permanent representative of the Dominican Republic.¹⁹

¹⁹For texts of relevant statements, see 1227th meeting: USSR, paras. 100-101; Secretary-General, para. 103.

Part III

PRESIDENCY (RULES 18-20)

NOTE

Part III of this chapter is confined to proceedings of the Council directly related to the office of the President. During the period under review, there were no cases of special application or interpretation of rule 18, on the rotation of the presidency, and of rule 20, on the temporary cession of the chair. The material assembled in this section is concerned with rule 19 and covers instances in which the President has been asked to take certain measures on behalf of the Council (Cases 16 and 19), to formulate the wish of the Council in meeting the exigencies of a particular situation (Cases 17 and 18), and to state the consensus of the Council with regard to certain measures proposed (Cases 20 and 21). For other instances related to the summing up of views of Council members, chapter VIII should be consulted.²⁰ Material relevant to the exercise by the President of his functions in connexion with the agenda is dealt in chapter II. The exercise of presidential functions in the conduct of a meeting is reflected in the material included in part V of this chapter.

*1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 18-20

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 18-20

Rule 19

CASE 16

At the 1086th meeting on 10 January 1964, in connexion with the complaint by Panama against the United States, the representative of Brazil proposed, and the Council approved, that the President (Bolivia) be authorized "to address an appeal to the Governments of the United States of America and of Panama to bring to an immediate end the exchange of fire and bloodshed now occurring and to request that they impose the utmost restraint over the military forces

under their command and to protect the civilian population".²¹

CASE 17

At the 1140th meeting on 5 August 1964, in connexion with the complaint by the United States (Tonkin Gulf incident), the representative of France noted that in line with the Charter and the tradition of the Council, his delegation considered it appropriate that a representative of the Democratic Republic of Viet-Nam be invited, as a matter of urgency, to participate in the debate of the Council without vote. He further noted, however, that it would be preferable, on the basis of numerous precedents, to entrust the President with the task of taking action on any wish that the Council might express, without voting on a resolution,²² the terms of which might give rise to a controversy and tend to prolong debate unnecessarily.²³

The President (Norway) stated in reply:

"If it is the desire of the members of the Council that the President consult with them informally on the basis of the proposal made by the representative of France, and in the light of the comments thereon offered by the representatives of the Soviet Union and the United States, naturally the President will attempt to undertake such informal consultations."

He added that if the Council wished to follow the same procedure with regard to its next meeting, he

²¹For text of the relevant statement, see 1086th meeting, para. 59 and for text of the telegram dated 11 January 1964 from the President of the Security Council to the Minister of Foreign Affairs of Panama and the Secretary of State of the United States, see S/5519, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, p. 35.

²²In the course of the debate the Council had before it a draft resolution, submitted by the representative of the USSR, which would (i) request the President of the Security Council to ask the Government of the Democratic Republic of Viet-Nam to supply the Council urgently with the necessary information relating to the United States complaint; and (ii) invite the representatives of the Government of the Democratic Republic of Viet-Nam to take part without delay in the Council meetings. S/5851. For full text, see 1140th meeting, para. 73.

²³1140th meeting, paras. 88-91.

²⁰See chapter VIII, pp. 100, 102, 106, 116, 118, 151, 152, for instances.

would, barring unforeseen and unexpected developments, not call any meeting for the next day as that would inconvenience some members of the Council. The President's suggestion was accepted by the Council.²⁴

CASE 18

At the 1141st meeting on 7 August 1964, in connexion with the complaint by the United States (Tonkin Gulf incident), the President (Norway) recalled that it was agreed at the previous meeting that he should hold informal consultations with members of the Council on the basis of the proposals made by the representative of France and in the light of comments thereon made by the representatives of the USSR and the United States. It was also agreed that he should report the outcome of those consultations to the Council. The President thereupon reported that members of the Council had reached the following general understanding:

"The Security Council, for its further consideration of the complaint against the Democratic Republic of Viet-Nam referred to in the letter dated 4 August 1964 from the Permanent Representative of the United States of America to the President of the Security Council, would welcome such information relating to this complaint as the Democratic Republic of Viet-Nam would desire to make available to the Council, either through taking part in the discussion of the complaint in the Council, or in the form which it might prefer. Furthermore, the Security Council would receive in the same manner such information relating to the complaint as the Republic of Viet-Nam would desire to make available to the Council."

The President also noted that since that aspect of the matter had been settled, he would "arrange for the Secretariat to communicate without delay the contents of this general understanding to the Democratic Republic of Viet-Nam as well as to the Republic of Viet-Nam".²⁵

CASE 19

At the 1143rd meeting on 9 August 1964, in connexion with the complaint by the Government of Cyprus, the representative of the Ivory Coast called attention to the increasingly grave situation developing in Cyprus, and proposed that the Council empower the President to make an immediate appeal to Turkey to put an end forthwith to the bombardment of Cyprus and suspend all military measures against Cyprus, and to call on the Government of Cyprus to order an immediate cease-fire pending the adoption by the Council of a final decision on the matter. In response to this suggestion, the President (Norway) stated that he felt sure all members of the Council would want him to issue the appeal suggested, and that he would outline the appeal as follows: "To the Government of Turkey: to cease instantly the bombardment and use of military force of any kind against Cyprus; to the Government of Cyprus: to direct the armed forces under its control to cease firing immediately." He then requested the representatives of Cyprus and Turkey "to see to it that this appeal is immediately trans-

mitted to their respective Governments", adding that he would arrange to have the Secretariat in the same manner transmit the appeal in his name. The Council at the same meeting approved the appeal to the two Governments as formulated by the President.²⁶

CASE 20

At the continued 1143rd meeting on 11 August 1964, in connexion with the complaint by the Government of Cyprus, the representative of Ivory Coast suggested that at the end of the debate, pending a final decision on the matter, the President make a summary expressing the Council's desire that the parties concerned fully comply with the Council's resolution of 9 August 1964, in particular with its provision calling for suspension of all flights over the territory of Cyprus.

The President (Norway) in a comment on this suggestion noted that if he were to make the summary suggested, he would limit it to what in his view "represents the views of the members of the Council and the parties who have spoken". He added subsequently that considering the number of parties to whom the resolution of 9 August 1964 had been addressed, the appeal would not be addressed to the parties individually, but would be formulated as follows: "I hereby on behalf of the Council, issue an appeal for a scrupulous observation in full, without reservation, of the provisions of the resolution adopted by the Security Council on 9 August 1964".

The representative of Ivory Coast thereupon specified that what he had suggested was that the President address his appeal to all the parties concerned to comply with the Council's resolution and to stop the flights over the territory of Cyprus.

The representative of the USSR remarked that the suggestions formulated by the President were by no means "procedural, but had political content" and wondered whether the President was speaking in his capacity as the representative of Norway or as President of the Council. As a representative of Norway he was entitled to submit any proposal of a political nature that he would like the President of the Council to formulate on behalf of the Council; such formulation would be subject to the Council's agreement. The President had, however, despite the provisions of rule 19, suggested some formulations which "went beyond the limits" of the question as placed before the Council at that meeting.

The President replied that he had not spoken as the representative of Norway, and although he had ventured to outline his views on the summary and the appeal, he had made no proposals. He added: "I would have felt it to go beyond the purview of the office of the President were I to make proposals, not to speak of issuing such an appeal without having fully informed the members of the Council what the appeal would contain."

Following a suspension of the meeting, the President summed up the consensus of the members.²⁷

²⁶ For texts of relevant statements, see 1143rd meeting, President (Norway), paras. 13-14; Ivory Coast, paras. 6-12.

²⁷ For the text of the statement of the President, see chapter VIII, p. 118. For texts of relevant statements see 1143rd meeting: President (Norway), paras. 293, 310, 327, 358; Ivory Coast, paras. 269, 311; USSR, paras. 314-315.

²⁴ *Ibid.*, paras 106-109.

²⁵ For text of the relevant statement, see 1141st meeting, paras. 22-23.

CASE 21

At the 1227th meeting on 18 June 1965, in connexion with the situation in the Dominican Republic, the President (Netherlands) stated that in response to a suggestion made by the representative of Uruguay,²⁸ he was to make a statement setting forth "some points of agreement which emerge from our last round of discussions, in particular with regard to some concrete suggestions made by some members". In so doing, he added, he was to confine himself "to those concrete points on which a study of the remarks made in the debate shows a certain degree of unanimity".

Following the statement by the President, the representative of the USSR indicated that the President's statement could not be considered as expressing the consensus of the Council members, adding that

"... it is generally known that in the practice of the Security Council there is a strict rule that, before the President does any summing-up on behalf of the members of the Council or the Council

as a whole, consultations should be held with all the members of the Council."

Such consultations, he noted, had not been held, and the President's statement did not, therefore, reflect the opinion of all the members of the Security Council.

The President in his reply drew attention to the fact that he had been given about two and one half hours between the time he was asked to present a summary on certain points expressed by members and the time of the convening of the current meeting, and that within that time-limit, it would have been impossible for him to have extensive consultations with all the members.

Following a suggestion by the representative of France, the Council decided to suspend the meeting for a brief period in order to study the President's statement and to enable members to consult one another.²⁹

²⁹ For texts of relevant statements, see 1227th meeting: President (Netherlands), paras. 16-17, 40, 67; France, para. 53; USSR, paras. 35-36.

²⁸ 1226th meeting, para. 102.

Part IV

SECRETARIAT (RULES 21-26)

NOTE

This part relates to rules 21-26 of the provisional rules of procedure, which delineate the specific functions and powers of the Secretary-General, under Article 98 of the Charter, in connexion with the meetings of the Security Council.

Material for proceedings under rule 22 is divided into two categories: (i) the first category contains proceedings³⁰ relating to the activities of the Secretary-General which appear to fall under Article 98 of the Charter in so far as it provides that the Secretary-General "shall perform such other functions as are entrusted to him" by the Security Council; (ii) in the second category are included proceedings³¹ by virtue of their possible relation to Article 99.

The statements of the Secretary-General included in the first category under rule 22 were made in connexion with the mandate conferred upon by the Council to report or to implement specific decisions of the Security Council.

The views of the Secretary-General on the applicability and/or interpretation of specific Articles of the Charter are reflected in the material assembled in chapter XI.³² His views having a bearing on credentials of representatives on the Council are reflected in entries under part II of this chapter.

Within the period under review, the Secretary-General has been asked or authorized (i) to establish the composition and size of a United Nations Peace-keeping Force in Cyprus, in consultations with the Governments of Cyprus, Greece, Turkey and the United Kingdom; to appoint the Commander of the Force who was to report to him; to accept voluntary contributions for defraying the costs of the Force; to designate a mediator, in agreement with the Govern-

ments of Cyprus, Greece, Turkey and the United Kingdom, who was to use his best effort to promote a peaceful solution and agreed settlement of the problem confronting Cyprus and to report periodically to the Secretary-General; and to provide from the United Nations funds, remuneration and expenses of the mediator and his staff³³ (ii) to press on with his efforts to implement resolution 186 (1965), part of whose provisions are enumerated above;³⁴ (iii) to keep the Council informed regarding the compliance of parties concerned with a Council resolution;³⁵ (iv) to use his good offices to try to settle outstanding issues with the parties concerned in connexion with the question of Yemen;³⁶ (v) to follow closely the implementation of a Council resolution adopted in connexion with the question of race conflict in South Africa;³⁷ (vi) to consider what assistance the United Nations may offer to facilitate consultations amongst representatives of all the people of South Africa, in order that they might be enabled to decide the future of their country at the national level; and to establish, in consultation with appropriate United Nations specialized agencies, an educational and training programme for the purpose of arranging for education and training abroad for South Africans;³⁸ (vii) to follow the situation in the Congo and to report thereon to the Security Council;³⁹ (viii) to send a representative to the Dominican Republic to report to the Security Council on the situation there;⁴⁰ (ix) to convey to his representative in Santo Domingo the desire of the Council that his urgent efforts should be devoted to the immediate securing of a suspension of

³³ Resolution 186 (1964), operative paras. 4, 6, 7 and 8.

³⁴ Resolution 187 (1964), operative para. 2.

³⁵ Resolution 194 (1964), operative para. 4.

³⁶ Resolution 188 (1964), operative para. 5.

³⁷ Resolution 190 (1964), operative para. 3.

³⁸ Resolution 191 (1964), operative paras. 5-6 and 11.

³⁹ Resolution 199 (1964), operative para. 7.

⁴⁰ Resolution 203 (1965), operative para. 2.

³⁰ Cases 22-26.

³¹ Cases 27-30.

³² Chapter XI, Case 4.

hostilities, with a view to facilitating the humanitarian work of the Red Cross to search for the dead and the wounded;⁴¹ (x) to report on the implementation of a resolution requesting that the suspension of hostilities in Santo Domingo be transformed into a permanent cease-fire;⁴² (xi) to follow the development of the situation concerning alleged violations of Senegalese territory by Portuguese military forces;⁴³ (xii) to report within three days on the implementation of a Council resolution in connexion with the India-Pakistan question;⁴⁴ (xiii) to exert every possible effort to give effect to certain Council resolutions, in connexion with the India-Pakistan question, and to take all measures possible to strengthen the UNMOGIP and to keep the Council promptly and currently informed on the implementation of the resolutions;⁴⁵ (xiv) to ensure supervision of the cease-fire and withdrawal of all armed personnel and to exert every possible effort to give effect to the resolution, to seek peaceful solution, and to report to the Security Council thereon;⁴⁶ (xv) to ensure the implementation of a Council resolution in connexion with the situation in the Territories in Africa under Portuguese administration and to provide such assistance as he may deem necessary and to report to the Security Council by a certain date.⁴⁷

Rule 23 has not been invoked during the period under review. Material assembled under rule 24 indicates the extent to which the Secretary-General has been requested to provide the staff and facilities required for the implementation of Council resolutions.

*** 1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 21-26**

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 21-26

a. (i) Rule 22

CASE 22

At the 1102nd meeting on 4 March 1964, in connexion with the complaint by the Government of Cyprus, the Secretary-General stated that since the draft resolution under consideration⁴⁸ would, among other things, call on the Secretary-General to undertake certain responsibilities, he thought that it would have been appropriate and helpful to the Council if he indicated his own thinking on the nature and exercise of those responsibilities.

As he had earlier observed, the Secretary-General stated,

“... the creation of a United Nations peace-keeping force for Cyprus could only come about by positive action of this Council. This action, as the draft resolution specifies, obviously must be pre-

⁴¹ Decision taken at the 1212th meeting (19 May 1965), para. 208.

⁴² Resolution 205 (1965), operative para. 2. By a decision taken by the Council at its 1233rd meeting on 26 July 1965, the Secretary-General was requested to continue submitting reports on the situation in the Dominican Republic. See 1233rd meeting, para. 2.

⁴³ Resolution 204 (1965), operative para. 4.

⁴⁴ Resolution 209 (1965), operative para. 4.

⁴⁵ Resolution 210 (1965), operative para. 2.

⁴⁶ Resolution 211 (1965), paras. 2 and 5. Subsequently, in resolution 215 (1965) operative para. 4, the Secretary-General was requested to submit a report on compliance with the Council resolution.

⁴⁷ Resolution 218 (1965), operative para. 8.

⁴⁸ S/5571, text same as S/5573, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 102-103.

dictated upon the consent of the Government of Cyprus, on whose territory the force would be deployed. The draft resolution, in its operative paragraph 4, asks the Secretary-General to establish the composition and size of the force in consultation with the Governments of Cyprus, Greece, Turkey and the United Kingdom. In this regard, it would be my intention, in accordance with well-established practice concerning previous United Nations peace-keeping forces, to keep the Security Council, which would authorize its establishment, promptly and fully informed about the organization and operation of the force, including its composition, size and command. On the basis of preliminary soundings that I have taken, without, of course, having made any commitments, I may inform the Council that although the problem of composition is delicate and difficult because of the indicated limitations on the range of choice, I very much hope that a force such as is envisaged by this draft resolution, and of adequate size, can be achieved.

“I might point out also that in recruiting troops for this force, I would emphasize on the basis of operative paragraph 6 that the force, unlike the peace-keeping forces in Gaza and the Congo, would have a fixed and firm duration of three months. The force thus could be extended beyond three months only by a new action by this Council. I would also draw attention to the provision in paragraph 6 for meeting the cost of the force which is not to be charged against United Nations revenues. In this context I would particularly like to call attention to the last sentence of operative paragraph 6 which states that: ‘The Secretary-General may also accept voluntary contributions for that purpose,’ and strongly express the hope that substantial contributions of this nature will be forthcoming since it is already apparent that some appropriate States might more readily provide contingents were it not for the extra financial burden upon them called for by the cost provision of the draft resolution.

“I am, of course, also giving thought to the question of the mediator which the draft resolution would call upon me to designate in agreement with the four Governments, and I would expect to be prepared to act quickly on this, in accordance with operative paragraph 7 of the draft resolution, once the resolution is adopted.”

The Secretary-General concluded:

“... although the responsibilities for the Secretary-General foreseen by the draft resolution are serious, they do not differ substantially from past experience and I have no hesitation in undertaking them. I count heavily, of course, on the co-operation of the Government of Cyprus and of the other Governments mentioned in the draft resolution, for their whole-hearted co-operation and assistance are vital to the effective implementation of the resolution.”⁴⁹

CASE 23

At the 1103rd meeting on 13 March 1964, in connexion with the complaint by the Government of Cyprus, the Secretary-General reported to the Council on the progress in the establishment of the United Nations Peace-keeping Force in Cyprus. He noted that

⁴⁹ 1102nd meeting, paras. 20-24.

he had received firm and official assurances from three of the Governments he had approached that their contingents would be made available. "With regard to each of these Governments," he stated, "certain conditions and prerequisites were defined which either have been met," or which in his view, could be coped with. Under the circumstances, he could report to the Council that "the Force will be established without further delay and that elements of it will soon be deployed in Cyprus". He had, in the meantime, received a communication⁵⁰ through the Permanent Representative of Turkey concerning recent developments in Cyprus. With regard to this communication, he noted:

"I immediately requested the Permanent Representative to convey to his Government my serious concern and my urgent appeal to exercise the utmost restraint. A formal reply to his communication has also been sent."⁵¹

CASE 24

At the 1135th meeting on 18 June 1964, in connexion with the question of race conflict in South Africa, the Secretary-General called attention to the financial implications of the resolution before the Council. He noted that the operative paragraph calling on the Secretary-General to establish, in consultation with the appropriate specialized agencies, an educational programme for the purpose of arranging for education and training abroad for South Africans might entail the need for additional funds, the size of which could only be determined after the required programme had been drawn up. In the absence of any provision in the Organization's budget for 1964, he would seek the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions to meet the additional expenses referred to.⁵²

CASE 25

At the 1208th meeting on 14 May 1965, in connexion with the situation in the Dominican Republic, the Secretary-General stated that in accordance with the resolution⁵³ which had just been adopted, he needed only to say that he would carry out the wishes of the Council as quickly as possible. He added:

"I shall, of course, keep the Security Council informed about the steps which I will be taking. The difficulties in carrying out this mandate are apparent, and I need not elaborate upon them. I expect to receive full co-operation from all those concerned

⁵⁰ In this communication the Government of Turkey indicated, *inter alia*, that in view of the repeated attacks on the Turkish community in Cyprus, it had requested the Government of Cyprus, *inter alia*, to put an end to such attacks and to bring about an immediate cease-fire all over Cyprus; and that if that request was not complied with, the Government of Turkey would send a force to the island, in exercise of its right under the Treaty of Guarantee of 1960, which would have the limited task of putting an end to the attacks on Turkish community, and which would operate until the proposed United Nations peace-keeping force could effectively perform the functions entrusted to it. S/5596, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 135-138.

⁵¹ For text of relevant statement, see 1103rd meeting, paras. 4-5. For text of Secretary-General's letter to the Permanent Representative of Turkey, see S/5600, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 141-142.

⁵² 1135th meeting, paras. 39, 41-42.

⁵³ Resolution 203 (1965). O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, p. 10.

in carrying out the task entrusted to me by the Security Council."⁵⁴

CASE 26

At the 1223rd meeting on 11 June 1965, in connexion with the situation in the Dominican Republic, the Secretary-General, in accordance with a statement he had made at a previous meeting, reported on certain aspects of the mandate entrusted by the Council to his Special Representative. After noting that he had provided his Representative with the necessary staff and facilities and that those requirements were constantly reviewed, he stated:

"The present mandate involves observation and reporting. This does not, in my view, or that of my Representative, include the actual investigation of complaints and charges about specific incidents and the necessary verification of information concerning them which involves investigation, other than incidents of overt firing which constitute clear breaches of the cease-fire. For my Representative to undertake formally the added function of investigation and verification of complaints, would, by my understanding, require specific clarification by this Council. Such action would provide the necessary sanction for my Representative to undertake investigations."

He indicated that such action would require a substantially enlarged staff and increased facilities. But even with such expansion, he could not, under prevailing circumstances in the Dominican Republic, give assurance to the Council that the added responsibility of investigation and verification would receive the co-operation from the parties on the spot needed for the effective discharge of the responsibility of his Representative. He assured the Council, however, that should the Council decide to enlarge the terms of reference of the Council resolution of 14 May 1965, he would, in the exercise of his responsibility, provide his Representative with the additional staff and facilities required.⁵⁵

a. (ii) Rule 22

CASE 27

At the 1097th meeting on 25 February 1964, in connexion with the complaint by the Government of Cyprus, after the adoption of the agenda, the Secretary-General stated to the Council that he deemed it advisable to make a brief statement at that stage of the debate to provide some clarification on the matter, particularly with regard to his own role. He then informed the Council that since some time before the last meeting he had had discussions with the parties principally involved for the purpose of exchanging views in an effort to clarify and define the major issues involved in the case. He added that his main pre-occupation in the course of those discussions was to determine to what extent common ground might be found amongst the parties. The Council members had been kept informed of what had transpired in the discussions through his private briefing talks with each of the Council members.

He then stated:

"As you know, I have engaged in these informal

⁵⁴ 1208th meeting, para. 10.

⁵⁵ 1223rd meeting, paras. 5-8.

discussions because it was clearly the wish of all the parties that I should do so, and especially because, in view of the seriousness and urgency of the Cyprus situation, it is my desire to do everything possible to help resolve this dangerous crisis. It was in the same light that I responded favourably to the request of the Government of Cyprus, which was supported by the Governments of Greece, Turkey and the United Kingdom, and proceeded to the appointment of General Gyani as my personal representative to observe the progress of the peace-making operation in the island."

The Secretary-General pointed out that the presence of his personal representative in Cyprus had, in addition to being useful to keep him informed about the situation in the island, contributed to alleviating tensions there. He recalled the telegrams he had sent to the President of Cyprus and to the Ministers for Foreign Affairs of Greece and Turkey requesting their Governments to use their maximum influence to prevent further violence and appealing to all concerned, including members of the two communities in Cyprus and their leaders, to show understanding and restraint. He noted that the replies to his appeal had been most encouraging.⁵⁶

In conclusion, the Secretary-General stated:

"... the discussions which I have held on the problem of Cyprus have been undertaken within the context of the United Nations Charter and bearing in mind at all times the authority of the Security Council. Needless to say, without the concurrence of the Security Council the question of the Secretary-General sending a peace-keeping force to Cyprus will not arise."⁵⁷

CASE 28

At the 1143rd meeting on 11 August 1964, in connexion with the complaint by the Government of Cyprus, the Secretary-General, in the light of statements made in the Council on current developments in Cyprus, stated that he felt he should "set the record straight with regard to certain facts". He thereupon drew the Council's attention to an earlier statement⁵⁸ in which he had reported that the cease-fire called for by the President and the resolution of the Council of 9 August 1964 was in effect. He had been able to make that statement, he added, because of the favourable response he had received from the President of Cyprus on the morning of 10 August and from the Prime Minister of Turkey in the afternoon of that day. Subsequent reports received from the Commander of the United Nations Force in Cyprus had indicated that firing had come to an end both on the ground and in the air. There had been however, some report of flights by Turkish aircraft over the territory of Cyprus, although there had been no firing by any of them.

The Secretary-General then reported on incidents that had taken place prior to the acceptance by both sides of the cease-fire call of the Security Council.⁵⁹

⁵⁶ For texts of the telegrams from the Secretary-General and of the replies thereto, see S/5554 and Add.1, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 73-75.

⁵⁷ 1097th meeting, paras. 3-4, 6.

⁵⁸ S/5879, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 162-163.

⁵⁹ For text of the relevant statement, see 1143rd meeting, paras. 235-242.

CASE 29

At the 1239th meeting on 17 September 1965, in connexion with the India-Pakistan question, the Secretary-General gave the Council a further account of his talks with the Governments of India and Pakistan. In the light of his observation of the situation he suggested that the Council might wish to do a number of things. Those might include: (1) ordering the two Governments, pursuant to Article 40 of the Charter, to desist from further hostile military action, and to that end, to issue cease-fire orders to their military forces, and declaring that failure to comply with the orders would demonstrate the existence of a breach of the peace within the meaning of Article 39; (2) providing the necessary assistance to ensure observance of the cease-fire; (3) studying means of assisting the parties in the withdrawal of armed personnel back to the positions held by them before 5 August 1965; (4) requesting the two Heads of Government to meet at the earliest possible time to discuss the current situation and the problems underlying it, as a first step in resolving outstanding differences between their two countries. The meeting might be held in a country friendly and acceptable to both, and the Council might consider creating a small committee to assist the parties, should the services of such a committee appear useful and desirable to both Governments; and (5) calling on the Secretary-General to be of assistance in any way considered necessary by the Council and both parties.⁶⁰

CASE 30

At the 1270th meeting on 17 December 1965, in connexion with the complaint by the Government of Cyprus, the Secretary-General made a statement to the Council to supplement the observations he had made in his report of 10 December to the Council.⁶¹ After reaffirming his view that the United Nations operations in Cyprus should be extended after 26 December 1965, he stated that if UNFICYP were not to be extended, the results might well be extremely serious, and probably even dangerous. He expressed the hope that, in order to enable better planning, management and economy in the conduct of the operation, the Council would extend the activity of the force for six months. He also urged that there should be assurances of the necessary financial support for the force in advance of a decision to extend it.

He stated that it was his assumption that if the Security Council decided to extend the United Nations operations once again, the extension would be effected "in the light of the expectation of members that, in the course of this ensuing period, the parties directly concerned will make an earnest, persistent and intensified effort to achieve a peaceful settlement of the problem of Cyprus," as that would be in the interests of the people of Cyprus, of all the parties concerned, of the peace of the area, and of the world.

He added:

"In exerting a serious effort towards a pacific settlement, the parties may count on the good will and encouragement of the United Nations and of all the assistance which it can render. Mediation is one of the most important forms of assistance that

⁶⁰ 1239th meeting, paras. 19-24.

⁶¹ S/7001 O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 438-486.

the United Nations can provide, and I am strongly of the view that the mediation function in Cyprus must be resumed at an early date."

He endorsed the objective sought by his representative, Mr. Galo Plaza, of "getting the parties concerned to meet together as a whole, or in different groups and at different levels, at mutually suitable places and at the earliest possible date". At that juncture, he declared, every effort should be bent towards that end, and he appealed to the parties themselves to find a will and a way to that course of action.⁶²

b. Rule 24

CASE 31

At the 1209th meeting on 14 May 1965, in connexion with the situation in the Dominican Republic, the Secretary-General informed the Council that he was taking certain actions in pursuance of the task entrusted to him by Security Council resolution 203 (1965) of 13 May 1965. He indicated that he had immediately begun to seek a person with the appropriate qualifications to serve as his representative in the Dominican Republic, in accordance with the provisions of the resolution, and hoped to report progress thereon shortly.

He added that in view of the urgency and seriousness of the situation in the Dominican Republic, he had decided to dispatch a small advance party of three or four Secretariat staff members in order to prepare the way for the early arrival of his representative. The advance party, which would leave for the Dominican Republic that night, would be led by his Military Adviser.⁶³

CASE 32

At the 1126th meeting on 4 June 1964, in connexion with the complaint by Cambodia, the representative of Morocco introduced a joint Ivory Coast-Moroccan draft resolution,⁶⁴ which would, among

⁶² For text of the relevant statement, see 1270th meeting (PV), pp. 2-4.

⁶³ For text of the relevant statement, see 1209th meeting, paras. 56-57.

⁶⁴ S/5735; text same as S/5741, *O.R.*, 19th yr., *Suppl.* for Apr.-June 1964, p. 190.

other things, have the Council establish an investigation mission. He stated in relation to that draft resolution that its sponsors had let it be assumed that the Secretary-General would be called upon to furnish the proposed investigation mission with the necessary facilities to enable it to proceed in normal and satisfactory conditions to places where it was to discharge its tasks, provided that the expenditure involved would entail no new financial commitments.

The Secretary-General in a comment thereon assured the Council that any such assistance as would be required of the Secretariat would be provided. He also gave the Council the cost estimate involved in providing the necessary staff members who were to accompany members of the proposed investigation mission.⁶⁵

CASE 33

At the 1227th meeting on 18 June 1965, in connexion with the situation in the Dominican Republic, the Secretary-General stated with regard to the enlargement of the staff of his Representative in Santo Domingo that the question of the level of his staff was under constant review. He assured the Council that he would provide his Representative in Santo Domingo with the necessary assistance in the performance of his duties. He also indicated that the question of communication between his Representative and the United Nations Headquarters in New York was being closely examined, and competent United Nations services were then looking into the possibility of either ensuring a more reliable link for the transmission of messages from the Dominican Republic through existing facilities, or, alternatively, the establishment of a separate United Nations system of communications. The latter, he noted, would require substantial expenditure. The paramount consideration in the matter, the Secretary-General observed, was "the need to ensure prompt and undisturbed communication" between his Representative and the United Nations Headquarters.⁶⁶

⁶⁵ For texts of relevant statements, see 1126th meeting: Morocco, para. 11; Secretary-General, paras. 45-47.

⁶⁶ 1227th meeting, paras. 4-5.

Part V

CONDUCT OF BUSINESS (RULES 27-36)

NOTE

Part V sets out the cases bearing on rules 27 to 36. Cases relating to rules 37 to 39 are contained in chapter III: "Participation in the proceedings of the Security Council". Chapter V, which deals with the subsidiary organs of the Council, should be consulted in connexion with rule 28. During the period under review there were no special instances of the application of rules 34 and 36.

As in the previous volumes of the *Repertoire*, the cases assembled in this part are indicative of the special problems which have arisen in the application of the rules on the conduct of business, rather than the routine practice of the Security Council. They relate to such matters as the following: decisions on the con-

duct of business in situations not covered or not clearly covered by the rules; instances in which the meaning or applicability of the rules was in doubt. The cases, arranged in chronological order under the respective rules, concern the following points:

1. Rule 27

The order of intervention in the debate (Cases 35-40).

2. Rule 30

The President's view on whether a particular situation required a ruling on his part (Case 41) and on whether a representative invited to participate in the Council debate could raise a point of order (Case 42).

3. Rule 31

Interpretation by a member on the scope of rule 31 (Case 43)

4. Rule 33, subparagraphs 1 and 2

Decision to suspend or adjourn a meeting without debate (Case 44)

5. Rule 33, subparagraph 3

Interpretation of the general scope of subparagraph 3 of rule 33 for the adjournment of a meeting to a certain day or hour (Case 45); the scope of debate on a motion to adjourn to a certain hour (Cases 47 and 48); the manner in which the President proposed to deal with a proposal for adjournment to a certain date by a non-member of the United Nations (Case 46).

6. Rule 35

Request for vote on a draft resolution by a non-sponsor.

** 1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 27-36

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 27-36

a. Rule 27

CASE 34

At the 1095th meeting on 18 February 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR suggested that the representative of Cyprus * be called upon to speak before the representative of the United Kingdom, whom the President had called upon to speak first. He stated that the Council was in fact resuming the consideration of a question which it had discussed at the 1085th meeting in December 1963. He pointed out that the letter of the representative of Cyprus, which appeared as one of the two subitems of the agenda⁶⁷ and was dated 15 February 1964, had in fact been dated 14 February 1964. It was his delegation's view that even if the letter of the representative of the United Kingdom, also dated 15 February and constituting the other subitem of the agenda,⁶⁸ was issued with an earlier document number, it would not change the essence of the matter, which, he added, had been raised as early as December 1963. His delegation therefore believed that Cyprus, having appealed to the Council to protect it from external threats and now wishing to present new facts to the Council concerning that threat, should be given the right to speak first. The President (Brazil), stated in reply that the order in which representatives might address the Council was not determined by the dates of letters sent to the President of the Council, or by any other criterion except the one laid down in rule 27 of the provisional rules of procedure.

The representative of the USSR thereupon stated that reference to procedure would not dispose of the question, for what he had in mind was not the formal aspect but, rather, the "substance of the item which is on the Council's agenda and which we must examine". He called attention to the fact that Cyprus was now represented by its Foreign Minister, who, he believed, should be accorded the right to speak first.

The representative of the United Kingdom noted that the problem raised by the representative of the USSR was disposed of by the provisions of rule 27, to which the President had referred earlier.

The representative of Czechoslovakia, supporting the USSR suggestion, recalled developments leading to the calling of the meeting and noted that there was no doubt that it had been called at the request of the representative of Cyprus.

The President thereupon cited rule 27, declaring that since the first inscribed on the list of speakers for that meeting was the representative of the United Kingdom, he would call on him to make his statement first.⁶⁹

CASE 35

At the 1136th meeting on 18 June 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR questioned the propriety of calling on the representative of Turkey to speak first, as the President proposed to do. Since, according to his information, the head of the delegation of Cyprus had requested the Council that its representative be allowed to speak on the substance of the question under consideration, and since Cyprus was now represented by its Foreign Minister, he was of the opinion that the representative of Cyprus should be given the floor first.

In reply, the President (Ivory Coast) referred to rule 27 and stated that the representative of Turkey was called upon as the first speaker because he was the first to have asked to speak.

The representative of the USSR, commenting on the President's explanation of rule 27, contended that the rule "refers apparently to representatives on the Security Council". He also questioned the procedure used for drawing up the list of speakers, asking the President to clarify whether the list had been drawn up before or after the adoption of the agenda.

The President stated in reply:

"The Chair believes that it is extremely difficult to determine the precise moment when the speakers should put their names on the list. There is a current Security Council practice which allows speakers sometimes to list their names before the agenda is adopted; in the present case, that is how the list was drawn up. As no new list of names was put down at the time the actual decision to adopt the agenda was taken, the Chair henceforth, cannot but consider that the order in which the speakers had placed their names on the list will continue to be valid."

As to the USSR view on the use of the word "representatives" in rule 27, the President drew attention to rule 14, which in his view designated as representatives persons appointed by Governments invited to take part in the meetings of the Security Council, adding:

"In the absence of some other, express designation, the Chair cannot but assume that the term 'representatives', as used in rule 27, applies both to representatives of countries which are members of the Security Council and to representatives of

⁶⁷ S/5545, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 69-70.

⁶⁸ S/5543, *ibid.*, pp. 66-67.

⁶⁹ For texts of relevant statements, see 1095th meeting: President (Brazil), paras. 18, 32; Czechoslovakia, para. 31; USSR, paras. 5-7, 10-12, 22-23; United Kingdom, para. 26.

States which have been invited to participate in the meeting.”

The President also indicated that he had acted in that way, while recognizing the right of the Council to change the Chair's decision if such was considered necessary and the Council wished to exercise its privilege in not applying rule 27.

The representative of Czechoslovakia contended that the Council could not draw up a list of speakers of invited representatives before the Council had decided whether or not to invite them. He also recalled that the Council had invited the representatives of Cyprus, Turkey and Greece, in that order. In the circumstances, he supported the viewpoint of the representative of the USSR that the representative of Cyprus should be recognized first.

The President replied that the decision which he had asked the Council to take was expressed in the following terms: “In accordance with the practice of the Council, and if I hear no objection, I will invite the representatives of these three countries to take places at the Council table.” In the absence of objection the invitation was extended simultaneously, although he had called on each of the countries in alphabetical order to take their place at the Council table. The President then stated:

“... as there is no rule in the provisional rules of procedure which provides that speakers shall take the floor in alphabetical order, I felt I had to apply rule 27.”

The representative of the USSR recalled that the Council had been convened in connexion with the complaint by Cyprus and the report of the Secretary-General on the United Nations operations in Cyprus. He noted that it was therefore logical that the Council should first hear those who were principally and primarily concerned, which in this case was the representative of Cyprus. Moreover, in actual fact, the representative of Cyprus was the only one who should be called upon to speak at that stage; there was no other question on the agenda, and it did not seem that anyone else could *a priori* claim the floor.

In explanation of his previous statement, the President stated that the order in which he had invited the representatives to take seats at the Council table was the order in which their requests had been received. That order, however, did not affect the order of speakers, since, as he had already indicated, the representative of Turkey had requested to speak before the representative of Cyprus. In the absence of a formal proposal to the contrary, the President called on the representative of Turkey to speak.⁷⁰

CASE 36

At the 1138th meeting on 19 June 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR, speaking after the representative of Brazil, whom the President had called upon as the first speaker, drew attention to an announcement made by the President at the previous meeting that he had had no further speakers on his list either for that meeting or for the current one. In the light of that announcement and the fact that his delegation had reserved its right to speak at the cur-

⁷⁰ For texts of relevant statements, see 1136th meeting: President (Ivory Coast), paras. 8-9, 15-17, 19-20, 29-30, 35; Czechoslovakia, para. 18; USSR, paras. 4-5, 10-14, 21-23.

rent meeting, he had had reason to believe that he would have been called upon to speak first.

The President (Ivory Coast) stated in explanation that he had not thought of the statement of the USSR representative at the previous meeting as a formal request for inscription of his name on the list of speakers. He had, therefore, sent someone to the USSR delegation in order to confirm that the USSR representative was to speak at the current session. By the time that was confirmed, he had already inscribed the representative of Brazil on the list of speakers.

The representative of the USSR, finding the President's explanation not convincing, noted that if the President or the representative of Brazil had approached his delegation, the question would not have arisen, and his delegation would have been glad to yield the floor to any other delegation, and in particular, to that of Brazil.⁷¹

CASE 37

At the 1142nd meeting on 8 August 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR, discussing the two letters from the representatives of Turkey* and Cyprus,* which made up the subitem⁷² of the agenda for the meeting, raised the question of the order of speakers. He noted that a comparison of the two letters showed that the Council should give priority to considering the letter of the representative of Cyprus, as the acts complained of therein continued to take place at that moment. It would, therefore, be natural for the Security Council as the principal organ of the United Nations primarily responsible for the maintenance of international peace and security to hear the representative of Cyprus first.

The President (Norway) stated in explanation that his office was first informed the morning of that day by the delegation of Cyprus that the permanent representative of Cyprus was on his way to New York and that he was likely to request a Council meeting to consider the developments in Cyprus. Shortly thereafter, he received a letter from the representative of Turkey requesting an urgent meeting of the Council. In the afternoon of the same day, he received a letter from the representative of Cyprus, asking that an emergency meeting of the Council be convened immediately. The delegations of Turkey and Cyprus at the time of the submission of their letters had each requested that their representatives be included in the list of speakers. He further stated:

“the rule to be followed by the President seems to me to be very clear: it is rule 27 of the provisional rules of procedure of the Security Council...”

The representative of Czechoslovakia, supporting the proposal that the representative of Cyprus should be asked to speak first, noted that Cyprus being the country which had been attacked and the situation becoming more serious, the Council “might apply a procedure which would correspond to the seriousness of the situation”.

The representative of Bolivia observed that the letter from the Turkish representative denounced the Greek Cypriot community for its continuing attempts to per-

⁷¹ For texts of relevant statements, see 1138th meeting: President (Ivory Coast), paras. 8-10, USSR, paras. 6-7, 11-13.

⁷² S/5859, and S/5861, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 144, 145-146.

petrate the usurpation of Government, which, in his view, was a political matter, while the letter from the representative of Cyprus called upon the Security Council to discharge its responsibility for the maintenance of peace and for putting an end to armed aggression. His delegation, therefore, felt that the Council should first hear the representative of Cyprus, without, however, prejudicing the Turkish delegation's right to speak as often as necessary.

The representative of the USSR, in reply to the President's query, stated that he wished to submit as a formal proposal his suggestion that the representative of Cyprus be given the floor first. In explanation of this proposal, he noted that rule 27, which the President invoked, did not apply to the situation at hand, as the representatives of both Turkey and Cyprus were invited under Article 32 of the Charter. Moreover, before rule 27 could be applied, there should be a list of speakers drawn up in accordance with that rule. Yet it was clear, in his view, that at the time when the representative of Turkey asked to be put on the list of speakers, it was not as yet known what the Council's decision would be with regard to the participation of the representative of Turkey. He added:

"In any event, even if it were permissible to take it for granted that he would of course be invited to take part in the meeting, it could not be held that at the moment he was already one of the persons entitled to speak under Article 32 of the Charter; because we had not then reached our formal decision . . . to invite him and other non-members of the Council to participate in the discussion of the question now before us."

The representative of the United States supported the President's position that rule 27 was applicable in the case at hand, and that inasmuch as Turkey was inscribed first, the Council should first call on the representative of Turkey. He cited two previous instances, in which the same difficulty arose and which in each instance was decided in accordance with rule 27.⁷³ He took the view that if the Council should follow the suggestion of the USSR representative, it was likely to create some difficulty for the future, since

"If we decide which participant in our proceedings speaks first on the basis of the merits of the case, we shall have to debate the merits of each case before we can decide who shall speak first."⁷⁴

The proposal of the representative of the USSR was subsequently put to the vote and rejected by 3 votes in favour, 4 against, with 4 abstentions.⁷⁵

CASE 38

At the 1210th meeting on 18 May 1965, in connexion with the complaint by Senegal, the President (Malaysia) informed the Council that he had the representatives of Jordan and the United Kingdom on his list of speakers, but as the representative of the Congo (Brazzaville) had asked to make his statement at that stage of the meeting, he had secured the permission of the two representatives to allow the represen-

tative of the Congo to speak before them. He thereupon called upon the representative of the Congo (Brazzaville) to make his statement.⁷⁶

CASE 39

At the 1263rd meeting on 17 November 1965, in connexion with the situation in Southern Rhodesia, the President (Bolivia) explained to the Council members that he had earlier called on the representative of Jordan on the assumption that he would speak on a point of order. After noting that the statement by the representative of Jordan had given rise to a right of reply by the representative of the United Kingdom and that comments might be made later by other members, he stated that the Council should continue with the list of speakers in accordance with the provisional rules of procedure. He thereupon called on the representative of Sudan to make his statement.⁷⁷

CASE 40

At the 1268th meeting, on 23 November 1965, in connexion with the situation in Territories in Africa under Portuguese administration, during an announcement by the President that the Council was to proceed to a vote on amendments to a draft resolution before it the representative of the Netherlands asked to be recognized. In explanation, the representative of the Netherlands stated that he had asked to be inscribed as the first speaker for the current meeting to state his Government's position on the resolution as a whole, which his delegation had not been able to do at the previous meeting, for lack of instructions. He then indicated that he would like to explain his delegation's position before the Council took a vote on the draft resolution.

The President (Bolivia) indicated that on the list of speakers for that meeting the name of the representative of the Netherlands appeared after that of the representative of Uruguay. Proceeding on that basis, he had at an earlier stage of the meeting already called on the representative of the Netherlands. He did not know that the latter wanted at that time to make a statement different from the one he had made; under the circumstances, he suggested that the representative of the Netherlands state his Government's position after the amendments to the draft resolution had been voted upon. The representative of the Netherlands, having stated no objection to the suggestion, spoke after the vote on the amendments.⁷⁸

b. Rule 30

CASE 41

At the 1142nd meeting on 8 August 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR, who had asked for the floor on a point of order, suggested that the Council should first consider subitem (b) of the agenda, which was submitted by the representative of Cyprus.⁷⁹ Noting that the letter constituting that subitem

⁷⁶ For text of the relevant statement, see 1210th meeting, para. 5.

⁷⁷ 1263rd meeting, para. 24.

⁷⁴ For texts of relevant statements, see 1142nd meeting: President (Norway), paras. 14-17, 28; Bolivia, paras. 23-27; Czechoslovakia, para. 22; USSR, paras. 9, 29-30, 33; United States, paras. 35-37.

⁷⁵ 1142nd meeting, para. 46.

⁷⁹ S/5861, *O.R.*, 19th yr., *Suppl. for July-Sept. 1964*, pp. 145-146.

drew attention to armed attacks which were "still continuing", the Council, as an organ of the United Nations primarily responsible for the maintenance of international peace and security, should in his view first hear the representative of Cyprus. The President (Norway), after explaining the sequence of events leading to the convening of the meeting, indicated that in accordance with rule 27, the first to be called upon to speak at that meeting would be the representative of Turkey.⁸⁰

Subsequently, the representative of Morocco suggested that it was within the competence of the President to decide on the point of order raised, and that his delegation would abide by the President's decision thereon.

The President then announced that he would put to the vote the proposal of the representative of the USSR that the Council should first hear the representative of Cyprus. The representative of the Ivory Coast, having called attention to the point raised by the representative of Morocco, and to the provision of rule 30, enquired whether the President had given his ruling on the matter, and whether, if there had been a challenge, the President was now submitting that challenge to the vote.

The President thereupon stated:

"In reply to the question raised by the representative of the Ivory Coast, I should like to give the following explanation as to how I see the matter.

"The representative of the Soviet Union submitted a proposal which I have quoted and which I was about to put to the vote. The President has made no ruling. He has not been requested to make any ruling. But he has, in a statement for the information of the Council, indicated that if this proposal had not been made, he would have, as a matter of course, and in accordance with his duties, followed the rules of procedure, and he [has] quoted the rule of procedure that he would have followed."⁸¹

The Council then proceeded to vote on the USSR proposal to give priority to the representative of Cyprus, which it rejected by 4 votes to 3, with 4 abstentions.⁸²

CASE 42

At the 1247th meeting on 25 October 1965, in connexion with the India-Pakistan question, the representative of India* asked to be recognized while the representative of Pakistan was making his statement. Just as the President (Uruguay) was saying that he was not sure whether the representative of India was to raise a point of order, the representative of Pakistan,* on a point of order stated:

"Under the provisional rules of procedure the representative of India has not the authority to raise a point of order, nor has the representative of Pakistan. We have been invited by the Security Council to participate in the debate. It is not for either India or Pakistan to raise a point or order."

The President thereupon stated:

⁸⁰ For discussion of this question under rule 27, see Case 37 above.

⁸¹ For texts of relevant statements, see 1142nd meeting: President (Norway), paras. 14-21, 39, 44-45; Ivory Coast, paras. 42-43; Morocco, para. 38; USSR, para. 9.

⁸² *Ibid.*, para. 46.

"I should like to tell the representative of Pakistan that I have no means of foretelling what the representative of India wishes to say. I must therefore ask him at least to let me find out what question the representative of India wishes to raise. If it is out of order, the President is entitled to refuse him permission to speak. Does the representative of Pakistan agree?"

At that point of the President's statement, the representative of Jordan asked to be recognized, and, having been given the floor, the latter observed:

"I think a speaker can only be interrupted by a point of order raised by one of the eleven members of the Security Council. He cannot be interrupted otherwise. Only a member can interrupt the representative of Pakistan — and only on a point of order."

The President then inquired:

"Is the representative of Pakistan questioning the President's right to satisfy his curiosity concerning the problem which the representative of India wishes to raise?"

After the brief remarks of the representative of Pakistan, the President observed:

"The representative of India has the floor. Under the provisional rules of procedure he is not entitled to raise points of order which is the prerogative of members of the Security Council. Perhaps the representative of India wishes to make some statement that is not a point of order?"

The representative of India then stated:

"It has been claimed that non-members of the Security Council may not raise a point of order; but this was partly answered by the distinguished representative of Pakistan who himself intervened and said that he wanted to raise a point of order; and he was allowed to do so."

He then indicated that what was involved was a question of substance, noting that despite the President's appeal, the representative of Pakistan continued to refer to points to which the President had asked him not to refer.

After stating that under the circumstances, he had no option but to dissociate himself from the discussion, the representative of India withdrew from the Council table.⁸³ The Council thereupon decided upon a motion of the representative of the United States, to suspend the meeting under rule 33.⁸⁴

c. Rule 31

CASE 43

At the 1214th meeting on 21 May 1965, in connexion with the situation in the Dominican Republic, the representative of Uruguay informed the Council of some revisions in the draft resolution which his delegation had submitted before the Council.

The President (Malaysia), after noting that the revisions made by the representative of Uruguay were substantial and involved a rewriting of a whole paragraph into two paragraphs, drew attention to rule 31

⁸³ For texts of relevant statements, see 1247th meeting: President (Uruguay), paras. 102, 104, 106, 108; India,* para. 109; Jordan, para. 105; Pakistan,* paras. 103, 107.

⁸⁴ 1247th meeting, paras. 110, 111. See also chapter III, Cases 12 and 17.

and invited the representative of Uruguay to submit his revised draft in writing. The representative of Uruguay stated that what he had introduced were revisions to a draft resolution which had already been placed before the Security Council. He added that rule 31

"... refers to proposed resolutions, amendments and substantive motions. I have not submitted a new draft resolution or an amendment, or put forward any substantive motion. I have merely made several revisions to a previous text.

"From my experience in the United Nations, I believe that the revision of texts is a normal and current procedure, and that texts can also be revised orally, as I have done."

He noted however, that he had no objection in submitting the revised text in writing in order to facilitate the work of the Council.⁸⁵

d. Rule 33

CASE 44

At the 1093rd meeting on 17 February 1964, in connexion with the India-Pakistan question, the representative of Morocco submitted a "motion for adjournment on the basis of rule 33". The President (Brazil) noted that motions to "suspend the meeting" under subparagraph 1, and to "adjourn the meeting", under subparagraph 2 of rule 33, should be decided without debate. He therefore sought clarification from the representative of Morocco whether his proposal fell under either of the two subparagraphs, adding that if it did, he would not give the floor to other representatives who had already asked to be recognized.

After the representative of Morocco specified that his motion was made under subparagraph 2, the President announced that the Council had to decide on the motion without debate. There having been no objection to the motion, he declared the meeting adjourned.⁸⁶

CASE 45

At the 1104th meeting on 17 March 1964, in connexion with the India-Pakistan question, the representative of India,* recalling the objection of his delegation to the proposal for adjournment of the 1093rd meeting and the fact that the Council adjourned thereafter under rule 33, stated that adjournment under this rule was an adjournment *sine die*. In reconvening the meeting, he observed, the President should take into account the convenience of both sides, not only that of Pakistan. India had earlier requested a postponement, he added, due to the inability of its representative on the Council to participate before the early part of May, at which time the budget session of the Indian Parliament, with which he was currently preoccupied, was scheduled to end. He then renewed his request for postponement until that time.

The representative of Czechoslovakia thereupon proposed that the Council adjourn the meeting under rule 33, subparagraph 3, to early May 1964.

Following a statement by the President that under rule 33 he should consult members on the question

⁸⁵ For texts of relevant statements, see 1214th meeting: President (Malaysia), paras. 63-64; Uruguay, paras. 65-66.

⁸⁶ For texts of relevant statements, see 1093rd meeting: President (Brazil), paras. 18, 20; Morocco, paras. 16, 19.

of adjournment, the representative of Brazil appealed to the representatives of India and Czechoslovakia to agree to a suspension of the debate for two days to enable the Council to consider the proposed long adjournment in the light of circumstances and developments in Kashmir.

The representative of Czechoslovakia, although of the opinion that his proposal, having been submitted under rule 33, subparagraph 3, should be voted upon first, was willing to accept the Brazilian suggestion, with the understanding that the resumed meeting would only deal with, and vote upon, his proposal for adjournment until early May.

The representative of Brazil stated in explanation that the purpose of his proposal was to allow members to reflect on the situation and to meet after two days for discussing it and taking a decision on the proposal to adjourn until early May; the first item on the agenda of the resumed meeting would then be "the conclusion of the Council's consideration of the proposal made by the representative of Czechoslovakia".

In the absence of any objection, the President declared the meeting adjourned, as proposed by the representative of Brazil, noting that at the resumed meeting "the Council will proceed at once with a discussion, if necessary, to decide whether to resume consideration of this item".

When the Council resumed discussion of the Czechoslovak proposal at the 1105th meeting on 20 March 1964, the representative of Brazil noted that from the exchange of views that had taken place during the two-day adjournment, he believed that there might be some advantages in adjourning the meeting until early May. He was therefore prepared to vote for the proposal for adjournment until then, as proposed by the representative of Czechoslovakia. He added, however, that the adjournment until early May was only a target date, and that if developments of a political or military nature should in the meantime alter or worsen the situation currently prevailing in Jammu and Kashmir, the President, or any member of the Council might call an urgent meeting, in accordance with the Council's rules of procedure.

As the majority of Council members associated themselves with the statement made by the representative of Brazil, the President declared the Council adjourned until early May, as proposed by the representative of Czechoslovakia.⁸⁷

CASE 46

At the 1118th meeting on 19 May 1964, in connexion with the complaint by Cambodia, the President (France) informed the Council that he had received a telegram from the Minister for Foreign Affairs of the Republic of Viet-Nam⁸⁸ requesting a postponement of the opening debate for two weeks. He noted that he had felt unable to accede to that request in view of the date of the occurrence of the incidents under consideration and of the representations recently made to him by the representative of Cambodia. If the Council agreed, he would send a reply to the Minis-

⁸⁷ For texts of relevant statements, see 1104th meeting: President (China), paras. 67, 88-89; Brazil, paras. 68-71, 86-87; Czechoslovakia, paras. 65-66, 80-81; India,* paras. 45-46, 54-55, 57; 1105th meeting: President (China), para. 51; Brazil, paras. 4-7.

⁸⁸ S/5709, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 151-152.

ter for Foreign Affairs of the Republic of Viet-Nam informing him that the Council hoped that a representative of that Government would participate in the discussions of the Council and to state his Government's position without delay on the recent incidents on the Khmer-Viet-Nam border. The representative of the Republic of Viet-Nam, the President further suggested, could be invited to participate at the next meeting of the Council. The Council so decided.⁸⁰

CASE 47

At the 1150th meeting on 15 September 1964, in connexion with the complaint by Malaysia, the representative of Norway proposed, under rule 33, that the Council be suspended for half an hour.

The President (USSR), stated in response that there were still two speakers to address the meeting and suggested that, unless the representative of Norway should press for his proposal for suspension at that stage, he would call on the two speakers. Whereupon the representative of Norway stated:

"The rule under which I proposed the suspension is rule 33 of the provisional rules of procedure . . . and you have made an appeal to me, Mr. President, to have the Council hear two speakers who are on your list before coming to a decision on whether to suspend the meeting. I must say that it is always more likely than not that there will be speakers on the list at the moment when a suspension of the meeting is suggested. Otherwise, it would seem to me, there is very little need for this rule and for a suspension."

The President suggested in reply that the Council decide on the question of the half-hour suspension after hearing the two representatives and appealed to the representative of Norway not to insist on a vote on his proposal at that stage. The representative of Norway, after stating that the question was one of either following the rules of procedure or departing from them, indicated that in that particular instance and under the circumstances, he would not insist on the application of the rules.⁸⁰

CASE 48

At the 1213th meeting on 20 May 1965, in connexion with the situation in the Dominican Republic, the representative of Jordan suggested that the Council members should consult one another on further steps to give effect to a cease-fire in the Dominican Republic. The representative of Uruguay who, along with the representative of the Ivory Coast, supported

⁸⁰ 1118th meeting, paras. 117-118.

⁸⁰ For texts of relevant statements, see 1150th meeting: President (USSR), paras. 26-27, 33-34, 37; Norway, paras. 24, 30, 40.

the suggestion, thereupon proposed a half-hour suspension of the meeting for that purpose.

The President (Malaysia), after quoting rule 33 and noting that a proposal for suspension should be decided without debate, called on the representative of Ivory Coast, "if he wishes to say anything in the context of rule 33". The representative of Ivory Coast stated that he had wanted to draw the Council's attention to the rule which the President had just quoted.

The President then called on the representative of the USSR, noting, however, that he would still draw the attention of the representative of the USSR to rule 33. Following a statement by the representative of the USSR, the President declared, in the absence of any objection, that the Council stood adjourned for half an hour, as proposed by the representative of Uruguay.⁸¹

e. Rule 35

CASE 49

At the 1204th meeting on 11 May 1965, in connexion with the situation in the Dominican Republic, the representative of the United States suggested that the Council should at that stage vote upon a draft resolution submitted by the representative of the USSR.⁸² The representative of Uruguay, noting that the representative of the USSR had neither insisted nor requested that the Council should vote on his draft resolution but had rather left it to the Council to decide on the matter, stated:

" . . . bearing in mind that according to rule 35, second paragraph . . . a request for a vote on a draft resolution can be made only by the sponsoring delegation or by those delegations which have seconded it, it seems to me that the suggestion of the United States representative cannot be considered a formal proposal, since I do not believe that his delegation has seconded the Soviet draft resolution, and this, according to rule 35, second paragraph, is the only circumstance which would enable it to make a formal proposal."

The representative of the United States stated that, while not in agreement with the interpretation of the rules made by the representative of Uruguay, he had no objection to continuing discussion on the matter, without taking further action at that meeting, if that was the wish of the majority of the members.⁸³ The meeting was adjourned without a vote being taken on the USSR draft resolution.⁸⁴

⁸¹ For texts of relevant statements, see 1213th meeting: President (Malaysia), paras. 134, 137-139, 141, 148; Ivory Coast, paras. 128, 140; Jordan, paras. 77, 135-136; Uruguay, para. 129.

⁸² S/6328, for text, see 1198th meeting, para. 3.

⁸³ For texts of relevant statements, see 1204th meeting: United States, paras. 97, 112; Uruguay, paras. 107-108.

⁸⁴ 1204th meeting, paras. 117, 119.

Part VI

** VOTING (RULE 40)

Part VII

LANGUAGES (RULES 41-47)

NOTE

During the period under review, rules 42-43 regarding interpretation into the working languages (English and French) have been generally applied. On certain occasions consecutive interpretation into one or both of the working languages has been either waived or postponed as an exceptional measure in order to expedite discussion or to save time. The material assembled in this part, while not including all such instances, are indicative of those cases in which the requests for the waiver of interpretation into one or both of the working languages have been subjected to discussion, or in which such requests have been made with some qualifications.

** 1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 41-47

2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 41-47

Rules 42-43

CASE 50

At the 1091st meeting on 14 February 1964, in connexion with the India-Pakistan question, the representative of the USSR stated that in order to save time, but without seeking to establish a precedent, his delegation would waive the right of consecutive interpretation of his statement into both working languages. After the President (Brazil) had submitted the observation of the USSR representative as a proposal before the Council, he declared that, unless there was any objection, the Council would continue with its proceedings. There being no objection, the Council proceeded to hear the next speaker.⁹⁵

CASE 51

At the 1097th meeting on 25 February 1964, in connexion with the complaint by the Government of Cyprus, following a statement by the representative of the USSR that he would not insist on a consecutive interpretation into English and French, the representative of the United Kingdom stated that he would prefer the statement of the USSR representative to be interpreted into the two working languages. The President stated in reply:

"In view of the request of the representative of the United Kingdom, a member of the Council, the statement will be translated into both languages."

Later at the same meeting, the representative of the USSR stated at the conclusion of his statement that he once again would not insist on the consecutive

⁹⁵ For texts of relevant statements, see 1091st meeting: President (Brazil), para. 56; USSR, para. 55.

interpretation of his statement.⁹⁶ Accordingly, no consecutive interpretation was made of his statement.

CASE 52

At the 1118th meeting on 19 May 1964, in connexion with the complaint by Cambodia, the representative of the USSR stated that in view of the late hour, he would not insist on a consecutive interpretation of his statement into English, provided that on other occasions there could be interpretation into the European languages. The Council so decided.⁹⁷

CASE 53

At the 1119th meeting on 21 May 1964, in connexion with the complaint by Cambodia, the representative of the USSR suggested at the conclusion of his statement that since the hour was late and the position was clear, the Council should dispense with consecutive interpretation of his statement. The President (France) thereupon declared that if the Council agreed, and provided that the decision would not constitute a precedent, the Council would waive the consecutive interpretation as suggested. The Council so decided.⁹⁸

CASE 54

At the 1230th meeting on 20 July 1965, in connexion with the situation in the Dominican Republic, the President, speaking as the representative of the USSR, stated that he would not insist on a consecutive interpretation of his statement. Following a suggestion by the representative of the United States that the President should have an interpretation of the statement into one language only, on that occasion, English, the President noted that that would be done, leaving the waiver of the interpretation into French, however, to the French representative. Thereupon the representative of France stated that he had followed the statement during its simultaneous interpretation and had understood it fully, but noted that he was not the only French-speaking representative on the Council. After the representative of Ivory Coast stated that he, likewise had fully understood the statement of the representative of the USSR, the Council heard the consecutive interpretation into English only.⁹⁹

⁹⁶ For texts of relevant statements, see 1097th meeting: President (Brazil), para. 121; USSR, paras. 119, 155; United Kingdom, para. 120.

⁹⁷ For text of the relevant statement, see 1118th meeting: USSR, para. 113.

⁹⁸ For texts of relevant statements, see 1119th meeting: President (France), para. 119; USSR, para. 118.

⁹⁹ For texts of relevant statements, see 1230th meeting: President (USSR), paras. 99, 103; France, para. 100; Ivory Coast, para. 101; USSR, paras. 94, 97; United States, para. 96.

Part VIII

** PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)

Part IX

** APPENDIX TO PROVISIONAL RULES OF PROCEDURE

Chapter II
AGENDA

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INTRODUCTORY NOTE

The present chapter relates to material concerning rules 6 to 11, inclusive, of the provisional rules of procedure of the Security Council.

As in the previous volumes of the *Repertoire*, the material in the present chapter is presented directly under the rule of procedure to which it relates. The chapter is divided into four parts: part I, Consideration of the adoption or amendment of rules 6-12; part II, The provisional agenda; part III, Adoption of the agenda (rule 9); and part IV, The agenda: Matters of which the Security Council is seized (rules 10 and 11).

During the period under review there were no occasions of discussion concerning the provisional agenda, such as the circulation of communications by the Secretary-General (rule 6), the preparation of the provisional agenda (rule 7) and the communication of the provisional agenda (rule 8); no material has therefore been entered under part II.

Part III contains material on the procedure and practice of the Security Council in connexion with the

adoption of the agenda. Section A contains only one entry concerning a vote taken in adopting the agenda. No material has been entered under section B concerning discussion in the Council of the requirements for the inclusion of an item in the agenda and of the effects of such inclusion. Section C deals with other questions which have been discussed in connexion with the adoption of the agenda, such as the order of discussion of items, the scope of items in relation to the scope of the discussion, the phrasing of agenda items, the postponement of consideration of items, and the precedence of the decision on the adoption of the agenda.

Part IV relates to the list of matters of which the Security Council is seized. No entry is presented under section A. The tabulation in section B (rule 11) brings up to date the tabulation in the previous volumes of the *Repertoire* and includes items which have appeared in the Secretary-General's Summary Statements on matters of which the Security Council is seized during the period 1964 to 1965.

Part I

** CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 6-12

Part II

** THE PROVISIONAL AGENDA

Part III

ADOPTION OF THE AGENDA (RULE 9)

NOTE

Under rule 9, the first item on the provisional agenda for each meeting of the Security Council is the adoption of the agenda. Unless an objection has been raised,¹ the Council usually adopts the provisional

¹ On one occasion, at the 1170th meeting on 9 December 1964, when the provisional agenda contained two items concerning the situation in the Democratic Republic of the Congo, some members of the Council objected on substantive grounds to the inclusion of one of the items. Upon the suggestion of the President (Bolivia), a vote was taken on the adoption of this particular item. Its inclusion was then approved, and the agenda was adopted by seven votes to four (1170th meeting, paras. 1-63). See chapter VIII, part II, p. 141. On another occasion, at the 1194th meeting on 30 April 1965, while no objection to the adoption of the agenda was made, a permanent member of the Council entered a general reservation regarding the competence of the Council to discuss the question of the situation in Southern Rhodesia on the basis of the letter (S/6294 and Add.1) addressed to the President of the Council by representatives of thirty-five African States. The reservation had been made on a previous

agenda without vote, either with or without amendments.²

As in previous volumes of the *Repertoire*, part III is devoted to the proceedings of the Council on those occasions when objection has been raised to the adop-

occasion and was then restated to have it duly recorded. After the President (Jordan) remarked that the reservation would be entered into the records, the Council proceeded to adopt the agenda without vote (1194th meeting, paras. 5-7). See chapter VIII, part II, p. 143.

² On two occasions, however, the Council proceeded to adjourn the meeting without the provisional agenda having been adopted: (a) at the 1123rd meeting on 27 May 1964, para. 49, after expressions of tribute to the memory of a statesman had been made, the Council decided to suspend its work as a mark of sympathy; (b) at the 1269th meeting on 16 December 1965 (PV) p. 3, upon the proposal of a member of the Council, the meeting was adjourned to allow time for the First Committee of the General Assembly to take a decision on a question related to that under consideration by the Council.

tion of the agenda or other discussion on the adoption of the agenda has taken place.

Section A deals with the manner in which the Council usually takes votes on the objections raised.

Section B has dealt in past volumes of the *Repertoire* with instances when objection had been raised to the adoption of the agenda either indicating the requirements for, or the effect of the inclusion of an item in the agenda. There were no such instances during the period under review.

Section C covers other questions of procedure relating to the adoption of the agenda, such as the order of discussion of items on the agenda (Case 1), the scope of items and subitems on the agenda in relation to the scope of discussion (Case 2), the phrasing of items on the agenda (Cases 3, 4 and 5), the postponement of consideration of items (Case 6) and the precedence of the decision on the adoption of the agenda (Case 7). The latter case history appears under a sub-heading not included previously in the *Repertoire*.

During the period under review, participation in the discussion of the adoption of the agenda has been limited by the Council to its members.

A. PROCEDURE OF VOTING ON ADOPTION OF THE AGENDA

1. Votes taken concerning individual items on the provisional agenda

When objection has been raised to the inclusion in the agenda of an item on the provisional agenda, the vote is usually taken in one of two ways:

- (a) *On the proposal to include the item in the agenda*
1170th meeting, 9 December 1964, item 3, voted upon at the same meeting.³
- (b) *On the adoption of the agenda as a whole and not on the individual item.*⁴

In other instances, the votes are usually taken as follows:

- ** 2. **Votes taken on proposals to determine or change the order of items**⁵
- ** 3. **Votes taken on the adoption of the agenda as a whole**⁶

B. CONSIDERATION OF

- ** 1. **Requirements for the inclusion of an item in the agenda**
- ** 2. **Effect of the inclusion of an item in the agenda**

C. OTHER DISCUSSION ON THE ADOPTION OF THE AGENDA

1. Order of discussion of items on the agenda

CASE 1

At the 1142nd meeting on 8 August 1964, item 2 of the provisional agenda read as follows:

³ 1170th meeting, para. 63.

⁴ During the period under review there were no instances of objections to the inclusion of an item followed by a vote on the agenda as a whole.

^{5,6} There were no instances of votes of the nature indicated during the period under review.

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

"(a) Letter dated 8 August 1964 from the Permanent Representative of Turkey addressed to the President of the Security Council (S/5859);

"(b) Letter dated 8 August 1964 from the *Chargé d'Affaires* a.i. of Cyprus addressed to the President of the Security Council (S/5861)."

Before the adoption of the agenda, the representative of the USSR stated that his delegation would not object to the adoption of the agenda "on the understanding that our adoption of the agenda shall not prejudice the order in which we take up the questions raised in subparagraphs (a) and (b), nor the procedure we may adopt in discussing them". He reserved the right, however, to revert to the question of sequence and organization of the discussion at the appropriate time after the agenda had been adopted.

After the adoption of the agenda, the representative of the USSR drew attention to the letter of the representative of Cyprus contained in subparagraph (b) complaining of "continuing" air attacks against the civilian population of Cyprus by the Turkish Air Force, and suggested that the simple comparison of the letters mentioned in subparagraphs (a) and (b) showed that priority should be given to the question raised in the letter from the representative of Cyprus. Such an order of business would be consistent both with the responsibilities already assumed by the Council in the past on the question of Cyprus and with the facts submitted in the letter to which he had just referred. Noting that "technical objections" might be raised concerning the order in which the letters containing the two subitems were submitted, he urged that in the face of the grave deterioration of the situation in Cyprus "we should be guided by considerations not of form but of substance".

In his explanation of the sequence of requests for a meeting of the Council and for the inscription of speakers on his list,⁷ the President (Norway) observed that his office had been informed that morning by the delegation of Cyprus that its permanent representative was on his way to New York and that upon arrival he would call upon the President, at which time "he was likely... to request a meeting of the Security Council to consider the developments in Cyprus". Shortly thereafter, he had received a communication from the representative of Turkey requesting an urgent meeting of the Council. That letter was reproduced as document S/5859 contained in subparagraph (a) of the agenda. During the afternoon he had received a communication from the *Chargé d'Affaires* of Cyprus, reproduced as document S/5861, and appearing in subitem (b), calling for an emergency meeting of the Security Council "to be convened immediately". He added that "there is but one meeting considering both these requests: that is the present meeting".

The representative of Czechoslovakia supported the view that the matter presented in the letter from the representative of Cyprus be given priority in the Council meeting. The representative of Bolivia, after suggesting that the procedure adopted should be based on reality and not follow a purely routine course, ob-

⁷ For discussion concerning application of rule 27 of the rules of procedure, see chapter I, Case 37.

served that whereas the letter from the Turkish representative requested a meeting "to consider the serious situation created in Cyprus by the renewed and continuing attempts . . .", the note from Cyprus accused Turkey of "attacks", which was not the same thing as "attempts" against unarmed people of Cyprus. Consequently, his delegation felt that the Council should first hear the representative of Cyprus.

The representative of the United States reminded the Council that the Government of Turkey first initiated the request for the meeting and was thus first inscribed on the list of speakers. Consequently, there could be no question about the facts or about the application of rule 27 of the provisional rules of procedure.⁸

Decision: *The proposal of the USSR that the representative of Cyprus be heard first was rejected by 3 votes in favour, 4 against, with 4 abstentions.*⁹

2. Scope of items and subitems on the agenda, in relation to the scope of discussion

CASE 2

At the 1162nd meeting on 16 November 1964 in connexion with the Palestine question, the President (United States) drew the attention of the members of the Council to communications from Syria and Israel contained in subparagraphs (a) and (b) of paragraph 2 of the provisional agenda and proposed that since those dealt with the same incident, they be considered together in accordance with the practice of the Council.

The Council decided accordingly, without a vote.¹⁰

3. Phrasing of items on the agenda

CASE 3

At the 1127th meeting on 8 June 1964, the President (Ivory Coast) when submitting to the Council the provisional agenda containing one substantive item, "the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of South Africa", made the following statement:

"The first item is the adoption of the agenda . . . The members of the Council will have noticed that the wording of the provisional agenda does not follow previous practice. It appeared to me that the letter dated 27 April 1964 (S/5674) addressed to the President of the Security Council by the representatives of fifty-eight Member States, requesting the convening of this meeting, clearly meant that the Council should continue to consider the question originally placed on the agenda of the 1040th meeting held on 22 July 1963, under the title 'Letters dated 11 July 1963 addressed to the President of the Security Council . . .' by a number of States. This question was also discussed in December 1963 (1073rd to 1078th meetings). The original title was in keeping with the Council's usual practice. However, it appeared to me to be unclear and almost identical with the title of an item relating to the ter-

ritories under Portuguese administration. Consequently, although the Council is continuing its consideration of an item already on the list of questions submitted to it, I have suggested changing its title in order to make it clearer."

There being no objection, the agenda was adopted without vote.¹¹

CASE 4

At the 1140th meeting on 5 August 1964 during discussion on the inclusion in the agenda of an item concerning the complaint by the United States (Tonkin Gulf incident), the representative of the USSR observed that his delegation was not opposed in principle to the holding of a meeting of the Security Council.¹² Nor would his delegation object to the inclusion in the agenda of an item entitled "Letter dated 4 August 1964 from the permanent representative of the United States of America addressed to the President of the Security Council" provided it was understood that the Security Council "will be considering a United States complaint concerning alleged attacks by torpedo boats of the Democratic Republic of Viet-Nam against destroyers of the United States of America, and that our position in no way signifies that we accept the correctness of the terminology contained in the United States representative's letter . . .".

The representative of Czechoslovakia criticized the wording of the letter from the permanent representative of the United States and stated that his delegation, while maintaining its objections against the holding of the meeting, would nevertheless participate in it since all the other members of the Council had agreed that a meeting should take place.¹³

The agenda was adopted, without a vote.¹⁴

CASE 5

At the 1250th meeting on 4 November 1965 after the discussion on the situation in Territories in Africa under Portuguese administration had been completed, the President (Bolivia) stated that consideration of "the Kashmir problem" would be resumed at the next meeting. The representative of the USSR remarked that "if I understood the interpretation correctly, you said that we will meet tomorrow on the Kashmir question. This seems to be a departure from the agenda we discussed — the item on the agenda is worded somewhat differently. Do I understand correctly that you have in mind a meeting of the Security Council on the question which is on the agenda of the Security Council — the India-Pakistan question?" The President accepted the correction.¹⁵

4. Postponement of consideration of items

CASE 6

At the 1195th meeting on 3 May 1965, the revised provisional agenda (S/Agenda/1195/Rev.1) included the following items:

⁸ 1127th meeting, paras. 1-2.

¹¹ For the text of relevant statements, see 1142nd meeting: President (Norway), paras. 14-17; Bolivia, paras. 23-27; Czechoslovakia, para. 22; USSR, paras. 2-3; 9-12; United States, paras. 35-36.

¹² For discussion concerning the calling of the meeting, see chapter I, Case 1.

¹³ For the text of relevant statements, see 1140th meeting: Czechoslovakia, paras. 30-31; USSR, para. 27.

¹⁴ 1140th meeting: para. 32.

¹⁵ For the text of relevant statements, see 1250th meeting: President (Bolivia), paras. 141, 144; USSR, para. 143.

⁹ For the text of relevant statements, see 1142nd meeting: President (Norway), paras. 14-17; Bolivia, paras. 23-27; Czechoslovakia, para. 22; USSR, paras. 2-3; 9-12; United States, paras. 35-36.

¹⁰ 1142nd meeting: para. 46.

¹¹ For the text of relevant statements, see 1162nd meeting: President (United States), para. 5.

"2. Question concerning the situation in Southern Rhodesia: letters dated 2 and 30 August 1963 addressed to the President of the Security Council on behalf of the representative of thirty-two Member States (S/5382 and S/5409):

"Letter dated 21 April 1965 addressed to the President of the Security Council from the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia (S/6294 and Add.1).

"3. Letter dated 1 May 1965 from the Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/6316)."

Before the adoption of the agenda, the representative of the USSR stated that by letter dated 1 May 1965 (S/6316) addressed to the President of the Security Council his delegation had asked for an urgent meeting of the Council to consider "the question of the armed intervention by the United States in the internal affairs of the Dominican Republic". In view of the urgency of the question, the USSR delegation had been anxious that the Council should consider it without delay. However, taking into account that the Council had already begun its consideration of the question of the situation in Southern Rhodesia, the USSR delegation in accordance with the wishes of the African countries, was agreeable that the meeting of that morning should be devoted to a continuation of the discussion of the question of Southern Rhodesia, on the understanding that at its afternoon meeting the

Council would proceed to consider the urgent question raised by the USSR delegation.

There being no objection, the President (Malaysia) declared that the agenda, as modified, was adopted.¹⁶

5. Precedence of the decision on adoption of the agenda

CASE 7

At the 1229th meeting on 20 July 1965 in connexion with the situation in the Dominican Republic, prior to the adoption of the agenda, the representative of the United Kingdom, speaking on a point of order, suggested an adjournment of the meeting until that afternoon. The President (USSR) wondered whether he would have the right to seize the Council of the question before a decision was taken on the adoption of the agenda. He observed that it would be "difficult to suspend something that has not yet begun, and meetings of the Council properly begin with the consideration of the agenda which may be adopted or dealt with, after discussion, in some other manner". He therefore requested the United Kingdom not to insist on his point of order being dealt with at that stage since that might unnecessarily create a precedent. He stated further that he was agreeable to the question raised by the representative of the United Kingdom being discussed by members of the Council immediately after the first item on the agenda was disposed of. The representative of the United Kingdom accepted the suggestion.¹⁷

The agenda was thereupon adopted, without vote. The Council then proceeded, upon the President's suggestion, to deal with "a few purely procedural matters", after which the meeting was adjourned.¹⁸

¹⁶ 1195th meeting, paras. 5-9.

¹⁷ For the text of relevant statements, see 1229th meeting: President (USSR), para. 64; United Kingdom, paras. 63, 65.

¹⁸ 1229th meeting, paras. 66-74.

Part IV

THE AGENDA: MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED (RULES 10 AND 11)

NOTE

Rule 10 of the provisional rules of procedure was designed to enable the Security Council to continue, at its next meeting, the consideration of an item of unfinished business without subjecting that item to renewed debate in connexion with the adoption of the agenda. In practice, however, the provisional agenda has not contained all items of unfinished business.

In the volume of the *Repertoire* covering the period 1946-1951, it was noted¹⁹ that items on the agenda of the Council have remained on the Secretary-General's Summary Statement of matters of which the Security Council is seized when the tenor of the Council's discussion has revealed a continuing concern with the matter. During the period under review, additional evidence supporting such retention has been provided when the President of the Council announced, upon the conclusion of the debate, that the Council remained seized of a question,²⁰ or that it had dis-

posed of the matter.²¹

The tabulation appearing in section B brings up to date those appearing in previous volumes of the *Repertoire*.

** A. RULE 10

situation in Southern Rhodesia, the continued concern of the Council was evidenced in provisions included in its adopted resolutions, stating that the Council decided to keep the question on its agenda, or "under review" (see S/RES/202 (1965), para. 7, S/RES/217 (1965), para. 11).

²¹ On one occasion, at the 1111th meeting, para. 60, in connexion with the complaint by Yemen, the President (Czechoslovakia) announced that the Council had concluded its consideration of the item on its agenda. However the question remained in the list of matters of which the Security Council is seized. During the period under review there were two instances of removal of questions from the list of matters. Following the written requests from Jordan, by letter of 10 June 1964, for deletion of its complaint of 17 July 1958 (S/4053) against the United Arab Republic, and from Argentina, by letter of 12 July 1965, for deletion of its complaint of 15 June 1960 (S/4336) against Israel, the Secretary-General notified by letter the members of the Council of the requests and stated that in the absence of any objection within a specified time, the items would be removed from the list of matters (see tabulation under rule 11 below, items 83 and 94).

¹⁹ *Repertoire of the Practice of the Security Council, 1946-1951*, p. 84.

²⁰ See for example: (a) 1086th meeting, para. 108, in connexion with the complaint by Panama; and (b) 1233rd meeting, paras. 2-3, in connexion with the situation in the Dominican Republic. In connexion with another item, the

B. RULE 11

I. Retention and deletion of items from the Secretary-General's Summary Statements on matters of which the Security Council is seized

This tabulation, which supplements those appearing in the *Repertoire, 1946-1951*, pp. 85-91, the *Supplement, 1952-1955*, pp. 33-40, the *Supplement, 1956-1958*, pp. 38-45, and the *Supplement, 1959-1963*, pp. 49-61, covers matters appearing in the Secretary-General's Summary Statements during the period 1964-1965. The items included are (1) those of which the Security Council was seized at the close of the period covered by the earlier tabulations, and (2) items of which the Council has been seized since that time. Items are listed in the order in which they have appeared in the Summary Statement. Items to the end of 1963 are numbered to conform with the numberings in the earlier tabulation. The titles used are those occurring in the Summary Statement except for some abridgments.

Item	First inclusion in the agenda	First entry in Summary Statement	Last action of the Council as of 31 December 1965	Final entry in Summary Statement as of 31 December 1965
1. The Iranian question	3rd meeting, 28 January 1946	S/45, 23 April 1946	Adopted Netherlands proposal to adjourn discussion and resume it at the request of any member 43rd meeting, 22 May 1946 ^a	
3. Statute and Rules of Procedure of Military Staff Committee	1st meeting, 17 January 1946	S/45, 23 April 1946	Referred report of Military Staff Committee to Committee of Experts 23rd meeting, 16 February 1946	
4. Special Agreements under Article 43 of the Charter	1st meeting, 17 January 1946	S/45, 23 April 1946	Discussed report of Military Staff Committee 157th meeting, 15 July 1947	
5. Rules of procedure of the Security Council	1st meeting, 17 January 1946	S/45, 23 April 1946	Amended rules 468th meeting, 28 February 1950	
14. The general regulation and reduction of armaments	88th meeting, 31 December 1946	S/238, ^b 3 January 1947	Dissolved Commission for Conventional Armaments in accordance with recommendation in General Assembly resolution 502 (VI) 571st meeting, 30 January 1952	
Information on armed forces of United Nations (General Assembly resolutions 41 (1) and 42 (1))	89th meeting, 7 January 1947	S/246, ^b 10 January 1947		
19. Appointment of a Governor of the Free Territory of Trieste	143rd meeting, 20 June 1947	S/382, 20 June 1947	Postponed discussion of the item 647th meeting, 14 December 1953	
20. The Egyptian question	159th meeting, 17 July 1947	S/425, 18 July 1947	Rejected Chinese draft resolution 201st meeting, 10 September 1947 ^c	
21. The Indonesian question (II)	171st meeting, 31 July 1947	S/461, 1 August 1947	Failed to adopt Canadian draft resolution and rejected Ukrainian SSR draft resolution 456th meeting, 13 December 1949 ^d	

^a See *Repertoire of the Practice of the Security Council, 1946-1951*, Case 56, pp. 92-93.

^b Combined in S/279 of 14 February 1947 in accordance with the Security Council's decision to deal with the two items together.

^c See *Repertoire of the Practice of the Security Council, 1946-1951*, Case 59, pp. 95-96.

^d See *Repertoire of the Practice of the Security Council, 1946-1951*, Case 61, p. 97.

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1965</i>	<i>Final entry in Summary Statement as of 31 December 1965</i>
22. Voting procedure in the Security Council	197th meeting, 27 August 1947	S/533, 29 August 1947	Presidential statement concerning outcome of meetings of five permanent members in accordance with General Assembly resolution of 14 April 1949, 195th plenary session 452nd meeting, 18 October 1949	
24. Procedure in application of Articles 87 and 88 of the Charter with regard to the Pacific Islands under Strategic Trusteeship of the United States	220th meeting, 15 November 1947	S/603, 15 November 1947	Adopted resolution concerning procedure to be employed in application of Articles 87 and 88 of the Charter to strategic areas under Trusteeship 415th meeting, 7 March 1949	
25. Applications for membership. ^e Republic of Korea	409th meeting, 15 February 1949	S/1244, 7 February 1949	Not recommended 423rd meeting, 8 April 1949	See items 62, 77 and 85 below
Letter of 11 February 1949 from the representative of the USSR concerning application by the Democratic People's Republic of Korea	409th meeting, 15 February 1949	S/1257, 14 February 1949	Rejected USSR proposal to refer application to Committee on Admission of New Members 410th meeting, 16 February 1949	
26. The Palestine question	222nd meeting, 9 December 1947	S/623, 12 December 1947	Failed to adopt United Kingdom-United States draft resolution (S/6113) 1182nd meeting, 21 December 1964	
27. The India-Pakistan question ^f	226th meeting, 6 January 1948	S/641, 9 January 1948	Adopted joint draft resolution (S/6876) 1251st meeting, 5 November 1965	
28. The Czechoslovak question	268th meeting, 17 March 1948	S/700, 22 March 1948	Discussed Argentine draft resolution (S/782) 305th meeting, 26 May 1948	
30. Question of the Free Territory of Trieste	344th meeting, 4 August 1948	S/959, 10 August 1948	Rejected draft resolutions submitted by Yugoslavia and by the Ukrainian SSR 354th meeting, 19 August 1948	
31. The Hyderabad question	357th meeting, 16 September 1948	S/1010, 22 September 1948	Heard statements by the representatives of India and Pakistan 425th and 426th meetings, 19 and 24 May 1949 ^g	
33. Identic Notifications dated 29 September 1948	362nd meeting, 5 October 1948	S/1029, 9 October 1948	Rejected joint draft resolution (S/1048) 372nd meeting, 25 October 1948	

^eListed under this heading are only those applications which failed to obtain recommendations as others were admitted by the Council's later actions as of 31 December 1963.

^fThe India-Pakistan question: This item was entitled the Kashmir question in S/641. This was changed to the Kash-

mir and Jammu question in S/653 of 17 January 1948. The present title, India-Pakistan question, first appears in S/675, of 13 February, 1948.

^gSee *Repertoire of the Practice of the Security Council 1946-1951*, Case 60, pp. 96-97.

Item	First inclusion in the agenda	First entry in Summary Statement	Last action of the Council as of 31 December 1965	Final entry in Summary Statement as of 31 December 1965
38. International Control of Atomic Energy ^h	444th meeting, 15 September 1949	S/1394, ¹ 21 September 1949	Adopted Canadian draft resolution as amended, and rejected USSR draft resolution (S/1391/Rev.1)	447th meeting, 16 September 1949
43. Complaint of armed invasion of Taiwan (Formosa)	492nd meeting, 29 August 1950	S/1774, 7 September 1950	Rejected draft resolutions (S/1757 and S/1921)	530th meeting, 30 November 1950
44. Complaint of bombing by air forces of the territory of China	493rd meeting, 31 August 1950	S/1774, 7 September 1950	Failed to adopt United States draft resolution (S/1752) and rejected USSR draft resolution (S/1745/Rev.1)	501st meeting, 12 September 1950
48. Complaint of failure by the Iranian Government to comply with provisional measures indicated by the International Court of Justice in the Anglo-Iranian Oil Company case	559th meeting, 1 October 1951	S/2364, 2 October 1951	Adopted French motion to adjourn the debate until the International Court had ruled on its own competence	565th meeting, 19 October 1951
50. New applications for membership. Viet-Nam (S/2466)	594th meeting, 2 September 1952	S/2770, 8 September 1952	Not recommended	603rd meeting, 19 September 1952
Democratic Republic of Viet-Nam (S/2466)	594th meeting, 2 September 1952	S/2770, 8 September 1952	Not recommended	603rd meeting, 19 September 1952
51. Question of appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons	577th meeting, 18 June 1952	S/2679, 23 June 1952	Rejected USSR draft resolution	583rd meeting, 26 June 1952
52. Question of request for investigation of alleged bacterial warfare.	581st meeting, 23 June 1952	S/2687, 1 July 1952	Rejected USSR draft resolution	585th meeting, 1 July 1952
			Failed to adopt United States draft resolution	587th meeting, 3 July 1952
			Failed to adopt United States draft resolution	590th meeting, 9 July 1952
56. Letter dated 29 May 1954 from the acting permanent representative of Thailand to the United Nations addressed to the President of the Security Council (S/3220)	672nd meeting, 3 June 1954	S/3224, 8 June 1954	Failed to adopt Thailand draft resolution (S/3229)	674th meeting, 18 June 1954

^h The agenda item at the 444th through 447th meetings of the Security Council was entitled "Letter dated 29 July 1949 from the Chairman of the Atomic Energy Commission addressed to the President of the Security Council (S/1377)".

¹ An earlier summary statement, S/1388 of 12 September 1949, referred under the same heading to a Canadian draft resolution (S/1386) circulated in anticipation of the discussion of the question at a forthcoming meeting.

Item	First inclusion in the agenda	First entry in Summary Statement	Last action of the Council as of 31 December 1965	Final entry in Summary Statement as of 31 December 1965
57. Cablegram dated 19 June 1954 from the Minister of External Relations of Guatemala addressed to the President of the Security Council (S/3232)	675th meeting, 20 June 1954	S/3257, 29 June 1954	Failed to adopt Brazilian-Colombian draft resolution (S/3236/Rev.1) Adopted French draft resolution (S/3237) 675th meeting, 20 June 1954 ¹	
59. Letter dated 8 September 1954 from the representative of the United States addressed to the President of the Security Council	679th meeting, 10 September 1954	S/3289, 13 September 1954	Adjourned to meet again upon request of any delegation 680th meeting, 10 September 1954	
61. Letter dated 28 January 1955 from the representative of New Zealand addressed to the President of the Security Council concerning the question of hostilities in the area of certain islands off the coast of the mainland of China Letter dated 30 January 1955 from the representative of the USSR addressed to the President of the Security Council concerning the question of acts of aggression by the United States against the People's Republic of China in the area of Taiwan and other islands of China	689th meeting, 31 January 1955	S/3359, 7 February 1955	Postponed consideration of matters contained in the letter from the representative of New Zealand 691st meeting, 14 February 1955 Rejected USSR motion to consider the next item on the agenda 691st meeting, 14 February 1955	
62. Applications for membership ^k Reconsideration. Republic of Korea, Viet-Nam	703rd meeting, 13 December 1955	S/3515, 15 December 1955	Not recommended 704th meeting, 13 December 1955	See items 77 and 85 below
68. Letter dated 23 September 1956 from the representatives of France and the United Kingdom addressed to the President of the Security Council (S/3654)	734th meeting, 26 September 1956	S/3661, 1 October 1956	After adopting the first part of the joint draft resolution (S/3671), the Council rejected the second part as amended by Iran 743rd meeting, 13 October 1956	
69. Letter dated 24 September 1956 from the representative of Egypt addressed to the President of the Security Council (S/3656)	734th meeting, 26 September 1956	S/3661, 1 October 1956	Rejected a motion to discuss this item simultaneously with the preceding one submitted by France and the United Kingdom 734th meeting, 26 September 1956	

¹ At the 676th meeting on 25 June 1954, the Council failed to adopt the agenda. For case history, see the *Supplement, 1952-1955*, Cases 22 and 23, pp. 33, 40.

^k Under this agenda heading, the applications remaining on the list are only those which failed to obtain recommendation.

Item	First inclusion in the agenda	First entry in Summary Statement	Last action of the Council as of 31 December 1965	Final entry in Summary Statement as of 31 December 1965
70. Letter dated 27 October 1956 from the representatives of France, the United Kingdom and the United States addressed to the President of the Security Council (S/3690)	746th meeting, 28 October 1956	S/3738, 6 November 1956	Adopted United States draft resolution (S/3733) to call an emergency special session of the General Assembly 754th meeting, 4 November 1956	
71. Letter dated 25 October 1956 from the representative of France addressed to the Secretary-General (S/3689 and Corr. 1)	747th meeting, 29 October 1956	S/3738, 6 November 1956	Adjourned its discussion to a further date 747th meeting, 29 October 1956	
72. Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council (S/3712)	750th meeting, 30 October 1956	S/3738, 6 November 1956	Adopted Yugoslav draft resolution (S/3719) 751st meeting, 31 October 1956	
77. Admission of new Members Republic of Korea	789th meeting, 9 September 1957	S/3888, 17 September 1957	Rejected USSR amendment (S/3887) to recommend simultaneous admission of Democratic People's Republic of Korea and of the Republic of Korea Not recommended 790th meeting, 9 September 1957	See item 85 below
Viet-Nam	789th meeting, 9 September 1957	S/3888, 17 September 1957	Not recommended 790th meeting, 9 September 1957	See item 85 below
78. The Tunisian question (I) Letter dated 13 February 1958 from the permanent representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Sakiat-Sidi-Youssef" Letter dated 14 February 1958 from the permanent representative of France to the President of the Security Council concerning: "Situation resulting from the aid furnished by Tunisia to rebels enabling them to conduct operations from Tunisian territory directed against the integrity of French territory and the safety of the persons and property of French nationals"	811th meeting, 18 February 1958	S/3967, 26 February 1958	Adjourned the meeting under rule 33 811th meeting, 18 February 1958	

Item	First inclusion in the agenda	First entry in Summary Statement	Last action of the Council as of 31 December 1965	Final entry in Summary Statement as of 31 December 1965
79. Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General	812th meeting, 21 February 1958	S/3967, 26 February 1958	Decided that the next meeting, if necessary, would be called after consultation among members and the parties concerned 812th meeting, 21 February 1958	
80. Complaint of the representative of the USSR	813th meeting, 21 April 1958	S/3996, 28 April 1958	Failed to adopt United States draft resolution (S/3995), as amended by Sweden, and rejected USSR draft resolution (S/3997) 817th meeting, 2 May 1958	
82. The Tunisian question (II): Letter dated 29 May 1958 from the representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect of acts of armed aggression committed against it since May 1958 by the French military forces stationed in its territory and in Algeria" Letter dated 29 May from the representative of France to the President of the Security Council concerning: (a) "The complaint brought by France against Tunisia on 14 February 1958 (document S/3954)" (b) "The situation arising out of the disruption by Tunisia, of the <i>modus vivendi</i> which had been established since February 1958 with regard to the stationing of French troops at certain points in Tunisian territory"	819th meeting, 2 June 1958	S/4021, 9 June 1958	Statements made by the representatives of France and Tunisia concerning the agreement reached by their Governments 826th meeting, 18 June 1958	
83. Letter dated 17 July 1958 from the representative of Jordan addressed to the President of the Security Council concerning: "Complaint by the Hashemite Kingdom of Jordan of interference in its domestic affairs by the United Arab Republic"	831st meeting, 17 July 1958	S/4061, 21 July 1958	Item removed from the list of matters of which the Council is seized Note from Jordan addressed to the Secretary-General 10 June 1964	S/5785, 29 June 1964

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1965</i>	<i>Final entry in Summary Statement as of 31 December 1965</i>
85. Admission of new Members Republic of Korea	842nd meeting, 9 December 1958	S/4135 16 December 1958	Rejected USSR amendments (S/4132) to joint draft resolution (S/4129/Rev.1) Not recommended 843rd meeting, 9 December 1958	
Viet-Nam	842nd meeting, 9 December 1958	S/4135, 16 December 1958	Not recommended 843rd meeting, 9 December 1958	
86. Report by the Secretary-General on the letter received from the Minister for Foreign Affairs of the Royal Government of Laos, transmitted by a note from the Permanent Mission of Laos to the United Nations, 4 September 1959 (S/4212, S/4213, S/4214)	847th meeting 7 September 1959	S/4220 21 September 1959	Adopted joint draft resolution (S/4214) 848th meeting, 7 September 1959	
89. Letter dated 25 March 1960 from the representatives of Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, United Arab Republic and Yemen addressed to the President of the Security Council (S/4279 and Add.1)	851st meeting, 30 March 1960	S/4301, 4 April 1960	Adopted Ecuadorian draft resolution (S/4299) 856th meeting, 1 April 1960	
90. Cable dated 18 May 1960 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/4314, S/4315)	857th meeting, 23 May 1960	S/4329, 31 May 1960	Rejected USSR draft resolution (S/4321) 860th meeting, 26 May 1960	
91. Letter dated 23 May 1960 from the representatives of Argentina, Ceylon, Ecuador and Tunisia addressed to the President of the Security Council (S/4323)	861st meeting, 26 May 1960	S/4329, 31 May 1960	Adopted revised four-Power draft resolution (S/4323/Rev.2) 863rd meeting, 27 May 1960	
94. Letter dated 15 June 1960 from the representative of Argentina addressed to the President of the Security Council (S/4336)	865th meeting, 22 June 1960	S/4351, 28 June 1960	Item removed from the list of matters of which the Council is seized Letter from Argentine addressed to the Secretary-General 12 July 1965	S/6596, 9 August 1965

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96. Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381)	873rd meeting, 13/14 July 1960	S/4391, 18 July 1960	Adopted resolution (S/5002) 982rd meeting, 24 November 1961	
97. Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4378)	874th meeting, 18 July 1960	S/4408, 25 July 1960	Adopted joint draft resolution (S/4392) 876th meeting, 19 July 1960	
105. Letter dated 31 December 1960 from the Minister for External Relations of Cuba to the President of the Security Council (S/4605)	921st meeting, 4 January 1961	S/4617, 13 January 1961	President stated that the sponsors of the Chile-Ecuador joint draft resolution did not wish to press for a vote 923rd meeting, 5 January 1961	
106. Letter dated 20 February 1961 from the representative of Liberia addressed to the President of the Security Council (S/4738)	944th meeting, 10 March 1961	S/4765, 14 March 1961	Failed to adopt joint draft resolution (S/4769) 946th meeting, 15 March 1961	
Letter dated 26 May 1961 addressed to the President of the Security Council by the representatives of Afghanistan, Burma, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Nigeria, Pakistan, Philippines, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, United Arab Republic, Upper Volta, Yemen and Yugoslavia		S/4837, 12 June 1961	Adopted joint draft resolution (S/4835) as amended 956th meeting, 9 June 1961	
107. Complaint by the Government of Kuwait in respect of the situation arising from the threat by Iraq to the territorial independence of Kuwait, which is likely to endanger	957th meeting, 2 July 1961	S/4858, 10 July 1961	Failed to adopt United Kingdom draft resolution (S/4855) 960th meeting, 7 July 1961	

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the maintenance of international peace and security (S/4845, S/4844)				
108. Complaint by the Government of the Republic of Iraq in respect of the situation arising out of the armed threat by the United Kingdom to the independence and security of Iraq, which is likely to endanger the maintenance of international peace and security (S/4847)	957th meeting, 2 July 1961	S/4858, 10 July 1961	Failed to adopt United Arab Republic draft resolution (S/4856) 960th meeting, 7 July 1961	
109. Telegram dated 20 July 1961 addressed to the President of the Security Council by the Secretary of State for Foreign Affairs of the Republic of Tunisia (S/4861). Letter dated 20 July 1961 from the Permanent Representative of Tunisia addressed to the President of the Security Council (S/4862)	961st meeting, 21 July 1961	S/4867, 24 July 1961	Rejected two joint draft resolutions (S/4903, S/4904) and Turkish draft resolution (S/4905) 966th meeting, 29 July 1961	
112. Letter dated 21 November 1961 from the Permanent Representative of Cuba addressed to the President of the Security Council (S/4992)	980th meeting, 22 November 1961	S/5008, 30 November 1961	Decided to retain the item on the agenda 983rd meeting, 28 November 1961	
114. Letter dated 18 December 1961 from the Permanent Representative of Portugal to the President of the Security Council (S/5030)	987th meeting, 18 December 1961	S/5042, 28 December 1961	Rejected joint draft resolution (S/5032) and failed to adopt joint draft resolution (S/5033) 988th meeting, 18 December 1961	
117. Letter dated 22 October 1962 from the Permanent Representative of the United States of America addressed to the President of the Security Council (S/5181); letter dated 22 October 1962 from the Permanent Representative of Cuba addressed to the President of the Security Council (S/5183); letter dated 23 October 1962 from the Deputy Permanent Representative of the	1022nd meeting, 23 October 1962	S/5201, 31 October 1962	Adjournment of meeting pending outcome of Secretary-General's appeal 1025th meeting, 25 October 1962	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1965</i>	<i>Final entry in Summary Statement as of 31 December 1965</i>
Union of Soviet Socialist Republics addressed to the President of the Security Council (S/5186)				
119. Letter dated 10 April 1963 from the <i>Chargé d'affaires</i> a.i. of the Permanent Mission of Senegal addressed to the President of the Security Council (S/5279 and Corr.1)	1027th meeting, 17 April 1963	S/5291, 22 April 1963	Adopted joint draft resolution (S/5292) 1033rd meeting, 24 April 1963	
121. Telegram dated 5 May 1963 from the Minister for Foreign Affairs of the Republic of Haiti addressed to the President of the Security Council (S/5302)	1035th meeting, 8 May 1963	S/5313, 13 May 1963	Postponed indefinitely 1036th meeting, 9 May 1963	
122. Reports by the Secretary-General to the Security Council concerning developments relating to Yemen (S/5298, S/5321, S/5323, S/5325)	1037th meeting, 10 June 1963	S/5334, 17 June 1963	Adopted joint draft resolution (S/5330) 1039th meeting, 11 June 1963	
123. 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)	1040th meeting, 22 July 1963	S/5377, 30 July 1963	Adopted joint draft resolution (S/6953/Rev.1) 1268th meeting, 23 November 1965	
124. 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), Con-	1040th meeting, 22 July 1963	S/5377, 30 July 1963	Adopted joint draft resolution (S/5769) 1135th meeting, 18 June 1964	

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<p>go (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Gui- nea, Ivory Coast, Liberia, Libya, Ma- dagascar, Mali, Mauritania, Moroc- co, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Soma- lia, Sudan, Tanga- nyika, Togo, Tuni- sia, Uganda, United Arab Republic and Upper Volta (S/5348)</p>				
<p>125. Letter dated 2 August 1963 from the rep- resentatives of Gha- na, Guinea, Moroc- co and the United Arab Republic, ad- dressed to the Pre- sident of the Secu- rity Council (S/5382); and let- ter dated 30 August from the <i>Chargé d'affaires</i> of the Per- manent Mission of the Congo (Brazza- ville) addressed to the President of the Security Council on behalf of the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Braz- zaville), Congo (Leopoldville), Da- homey, Ethiopia, Gabon, Ivory Coast, Liberia, Libya, Ma- dagascar, Mali, Mauritania, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda and Upper Volta (S/5409)</p>	<p>1064th meeting, 9 September 1963</p>	<p>S/5429, 16 September 1963</p>	<p>Failed to adopt joint draft resolution (S/5425/Rev.1) 1069th meeting, 13 September 1963</p>	
<p>128. Letter dated 26 De- cember 1963 from the Permanent Rep- resentative of Cy- prus addressed to the President of the Security Council (S/5488)</p>	<p>1085th meeting, 27 December 1963</p>	<p>S/5500, 31 December 1963</p>	<p>Adopted joint draft resolution (S/7024) 1270th meeting, 17 December 1965</p>	
<p>129. Letter dated 10 Jan- uary 1964 from the Permanent Repre- sentative of Panama addressed to the President of the Security Council</p>	<p>1086th meeting, 10 January 1964</p>	<p>S/5513, 13 January 1964</p>	<p>Adopted the Brazilian pro- posal that the President be authorized to address an appeal to the Govern- ments of the United States and of Panama 1086th meeting, 10 January 1964</p>	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1965</i>	<i>Final entry in Summary Statement as of 31 December 1965</i>
130. 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	1106th meeting, 2 April 1964	S/5645, 6 April 1964	Adopted joint draft resolution (S/5649) 1111th meeting, 9 April 1964	
131. Complaint concerning acts of aggression against the territory and civilian population of Cambodia	1118th meeting, 19 May 1964	S/5716, 25 May 1964	Adopted joint draft resolution (S/5735) 1126th meeting, 4 June 1964	
132. Letter dated 4 August 1964 from the Permanent Representative of the United States addressed to the President of the Security Council	1140th meeting, 5 August 1964	S/5891, 13 August 1964	Adopted the proposal of France that President hold consultations with members of the Council in order to reach a general understanding 1141st meeting, 7 August 1964	
133. Letter dated 3 September 1964 from the Permanent Representative of Malaysia addressed to the President of the Security Council	1144th meeting, 9 September 1964	S/5967, 14 September 1964	Failed to adopt Norwegian draft resolution (S/5973) 1152nd meeting, 17 September 1964	
134. Letter dated 5 September 1964 from the Permanent Representative of Greece addressed to the President of the Security Council, and letter dated 8 September 1964 from the Permanent Representative of Greece addressed to the President of the Security Council	1146th meeting, 11 September 1964	S/5967, 14 September 1964	Decided that the time of the next meeting would be determined after consultations between the President and members of the Council 1147th meeting, 11 September 1964	
135. Letter dated 6 September 1964 from the Permanent Representative of Turkey addressed to the President of the Security Council	1146th meeting, 11 September 1964	S/5967, 14 September 1964	Decided that the time of the next meeting would be determined after consultations between the President and members of the Council 1147th meeting, 11 September 1964	
136. Admission of new Members				
Malawi	1160th meeting, 9 October 1964	S/6010, 15 October 1964	Recommended 1160th meeting, 9 October 1964	S/6010, 13 October 1964
Malta	1161st meeting, 30 October 1964	S/6035, 2 November 1964	Recommended 1161st meeting, 30 October 1964	S/6035, 2 November 1964
Zambia	1161st meeting, 30 October 1964	S/6035, 2 November 1964	Recommended 1161st meeting, 30 October 1964	S/6035, 2 November 1964
137. Letter dated 1 December 1964, addressed to the President of the Security Council, from the representatives of Afghani-	1170th meeting, 9 December 1964	S/6107, 14 December 1964	Adopted joint draft resolution, as amended (S/6129) 1189th meeting, 30 December 1964	

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stan, Algeria, Burundi, Cambodia, Central African Republic, Congo (Brazza- ville), Dahomey, Ethiopia, Ghana, Guinea, Indonesia, Kenya, Malawi, Mali, Mauritania, Somalia, Sudan, Tanzania, Uganda, United Arab Repub- lic, Yugoslavia and Zambia (S/6076 and Add. 1-5) Letter dated 9 Decem- ber 1964 from the Permanent Repre- sentative of the Democratic Republic of the Congo ad- dressed to the Presi- dent of the Secu- rity Council (S/6096)				
138. Admission of new Members Gambia	1190th meeting, 15 March 1965	S/6250, 22 March 1965	Recommended 1190th meeting, 15 March 1965	S/6250, 22 March 1965
139. Letter dated 1 May 1965 from the Per- manent Representa- tive of the Union of Soviet Socialist Re- publics addressed to the President of the Security Council	1196th meeting, 3 May 1965	S/6342, 10 May 1965	Adopted joint draft resolution (S/6355) 1208th meeting, 14 May 1965 Adopted French draft resolution (S/6376) 1217th meeting, 22 May 1965	
140. Admission of new Members				
Maldive Islands	1243rd meeting, 20 September 1965	S/6716, 27 September 1965	Recommended 1243rd meeting, 20 September 1965	S/6716, 27 September 1965
Singapore	1243rd meeting, 20 September 1965	S/6716, 27 September 1965	Recommended 1243rd meeting, 20 September 1965	S/6716, 27 September 1965

**** 2. Proceedings of the Security Council regarding the retention and deletion of items from the agenda**

Chapter III

PARTICIPATION IN THE PROCEEDINGS OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

As indicated previously in the *Repertoire*, Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure provide for invitations to non-members of the Security Council in the following circumstances: (1) where a Member of the United Nations brings a dispute or a situation to the attention of the Security Council in accordance with Article 35, paragraph 1 (rule 37); (2) where a Member of the United Nations or a State which is not a Member of the United Nations is a party to a dispute (Article 32); (3) where the interests of a Member of the United Nations are specially affected (Article 31 and rule 37); and (4) where members of the Secretariat or other persons are invited to supply information or give other assistance (rule 39). Of these four categories, only category (2) involves an obligation of the Council. In extending invitations, the Council, as earlier, has made no distinction between a complaint involving a dispute within the meaning of Article 32, or a situation, or a matter not of such nature.

The classification of material relevant to participation in the proceedings of the Security Council is designed to facilitate the presentation of the varieties of

practice to which the Council has had recourse, adhering where possible to a classification based on Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure. The reasons why the material cannot be satisfactorily arranged within a classification derived directly from the texts of these Articles and rules of procedure have been set forth in the *Repertoire, 1946-1951*.

The relevant material is assembled under parts I and III of the present chapter. During the period under review there has been no discussion of the terms and provisions of Article 32; consequently, there are no entries in part II.

Part I includes a summary account of the proceedings of the Council in the consideration of those proposals to extend an invitation to participate in the discussion where objections or other questions were raised with special emphasis on consideration of the basis on which the invitation might be deemed to rest. Included also in this part is a tabulation of invitations extended by the Council.

Part III presents a summary account of procedures relating to the participation of invited representatives after the Council had decided to extend invitations.

Part I

BASIS OF INVITATIONS TO PARTICIPATE

NOTE

Part I includes all instances in which proposals to extend invitations to participate in the discussion have been put forward in the Security Council. The types and varieties of practice to which the Council has had recourse in connexion with the extension of invitations are dealt with in three sections: section A: Invitations to persons invited in an individual capacity;¹ section C: Invitations to Members of the United Nations;² section D: invitations to non-member States and other invitations. Presented in case histories are those instances in which special problems arose regarding a request for an invitation to participate in the proceedings of the Council. In each case history the general features of the proceedings together with the decision of the Council and the main positions taken in the course of the debate are outlined.

In most instances in which Member States submitting matters to the Council in accordance with Article 35, paragraph 1 have asked to participate in the deliberations of the Council, the invitations have been extended as a matter of course and without discussion. This has been true also of invitations under Article 31 to Members of the United Nations to participate in the discussion of a question when their interests were considered by the Council to be specially affected.

Of the fifty-eight instances in which routine invitations have been extended forty-seven have been recorded in tabular form in section C.1 (a), whereas the other eleven appear in section C.2 (a). As indicated in the previous volume, the tabulation is chronologically arranged to provide information on the following points: (1) agenda item; (2) State invited; (3) request for invitation; and (4) decision of the Council. Two of the three case histories following the tabulation are concerned with the question of extending invitations to States whose interests were claimed to be specially affected by the situation under consideration. In one instance questions were raised as to whether a State requesting an invitation had established to the satisfaction of the Council that its interests had been affected by the item under discussion.³ In the second case it was contended that the question under consideration was of such scope as to affect the interests of two neighbouring States which, although they had not requested invitations, should be invited to participate in the Council's deliberations.⁴ The third case presents an instance in which a request to extend an invitation to an individual in a personal capacity had not been accepted by the Council.⁵

In section D are reported proceedings involving the extension of an invitation to non-member States of the

¹ See Case 1.

² See tabulations C.1 (a), C.2 (a).

³ Case 2.

⁴ Case 3.

⁵ Case 4.

United Nations as well as other invitations. In the first of the three cases presented,⁶ the invitation was extended expressly under Article 32 of the Charter while in the second case,⁷ although reference had been made to Article 32, it was not specified whether the invitation had been extended expressly under Article 32. In the third case, an invitation was extended expressly under rule 39 of the provisional rules of procedure.^{7a}

A. IN THE CASE OF PERSONS INVITED IN AN INDIVIDUAL CAPACITY

CASE 1

At the 1207th meeting on 13 May 1965, in connexion with the situation in the Dominican Republic, the representative of the USSR called attention to a telegram dated 13 May from Mr. Jottin Cury, "Minister for Foreign Affairs of the Dominican Republic, who states therein . . . that the Constitutional Government of the Dominican Republic has appointed Mr. Ruben Brache as Permanent Representative of that country in the United Nations" and requesting that Mr. Brache be accepted in that capacity by the Security Council. Since the telegram had a direct bearing on the question on the agenda, the representative of the USSR requested the President to provide the necessary explanations to the Council on the matter.

The President (Malaysia) drawing attention to the provisions of rules 14 and 15 of the provisional rules of procedure explained that the problem in his view was essentially a matter of credentials and that prior to the meeting he had indicated to Mr. Brache, that he should have his credentials approved and be accepted as permanent representative of the Dominican Republic, after which he would have the right to participate in the Council's proceedings.⁸

The representative of France wondered whether the situation was as had been described by the President and contended that under rule 16 of the provisional rules of procedure, the question of recognition of the validity of credentials did not necessarily have to be decided upon before the representative concerned had been invited to participate in the debate. He suggested that the question with which the Council should concern itself was not whether Mr. Brache's credentials were valid for the purpose of accrediting him in the capacity of permanent representative, but simply whether the Council wished that he should be seated at its table to supply information.

The President, disagreeing with the applicability of rule 16 to the present case, then suggested that rule 39 might be applicable although he himself had doubts having regard to the contents of the telegram which requested that Mr. Brache be received in his capacity as the permanent representative of the Dominican Republic.

The representative of the United States cautioned the Council against taking any action under rule 39 at that stage. He recalled that the situation in the Dominican Republic remained confused and that to embroil the Council in a "long and tendentious" discussion as to who was the representative of the Dominican Republic could hardly contribute constructively to the disposition of the case. Moreover, it should be

noted that there were two persons claiming to represent the Dominican Republic and in such circumstances it would be unwise for the Council to invite contending spokesmen to appear before it. In any event, Mr. Brache would hardly be in a position to supply a first-hand report of the situation in that country since he had been a resident in New York for many years and had not been in the Dominican Republic since the rebellion began. In view of the fact that the discussion of the question under consideration concerned current affairs in the Dominican Republic and the activities of the Organization of American States, his delegation questioned whether Mr. Brache "is personally in a position to provide first-hand information in any case, or should be invited to do so under rule 39".

The President, noting that the Council had exhaustively discussed all the rules relevant to the problem, stated that it was for the Council to decide what it wanted to do. He recalled that he had drawn attention to rule 39 which put the obligation on the Council itself for inviting any person whom it considered competent for that purpose and asked whether it was the wish of the Council "that this particular representative, as an individual who may in the view of some members be in a position to contribute useful information, should be invited to participate and whether we should hear a statement from him".

At the 1209th meeting on 14 May 1965 the representative of Jordan, noting that in his report⁹ the Secretary-General had been unable to formulate any opinion as to the adequacy of the provisional credentials¹⁰ which have been submitted, suggested that the Security Council could follow one of two courses: either to invite both persons to speak or to decline to invite either. His delegation felt that it would be beneficial to the discussion if the Council became acquainted with the views of both sides, and that they therefore should be heard "in accordance with the relevant rule of procedure applicable in this case".

The representative of the Ivory Coast, recalling a "precedent" in the discussion of the Cyprus question in which the Council in granting a hearing to persons representing certain communities or certain authorities had always invited them in accordance with rule 39 of the provisional rules of procedure, supported the view of the representative of Jordan, and suggested that the two persons from the Dominican Republic should be heard under rule 39.

The representative of the United States, recalling that the Council previously had decided to request the Secretary-General to send a representative to the Dominican Republic "to bring back to us some first-hand and disinterested information" was of the opinion that it would be more advisable for the Council to refrain from deciding to hear anyone else, until it had received that information from its own sources. On the other hand, if the Council should wish to hear the two gentlemen, his delegation agreed with the representative of the Ivory Coast that they should be heard as individuals, competent to provide the Council with information. Thus, despite its reservations, his delegation would not raise any formal objection to their being heard in accordance with rule 39 of the provisional rules of procedure.

⁹ S/6353, O.R., 20th yr., Suppl. for April-June 1965, pp. 118-120.

¹⁰ See chapter I, Case 14.

⁶ Case 5.

⁷ Case 7.

^{7a} Case 6.

⁸ For discussion on the question of credentials see chapter I, Case 14.

In reply to a request by the representative of the USSR for a clarification of the procedural developments at that stage, the President explained that as he understood it, two gentlemen wanted to make a statement to the Council and some members of the Council felt that it might be worth while to listen to those statements. "It is for that reason that we have to take a decision on rule 15, so that we might go to the escape clause, as I would call it — rule 39."

The representative of Ivory Coast, noting that his reference to the Cyprus "precedent" had created some confusion, explained that although the Government of Cyprus was fully represented by its accredited minister in the Security Council, the Council did hear under rule 39 a gentleman from one of the communities in Cyprus.

The President, after inquiring whether any member

wished to make a statement on the applicability of rule 39 stated:

"I hear no objection, and I assume therefore that the consensus is that these two gentlemen who have asked to participate should be invited under rule 39, bearing in mind the readiness of some delegations and the reluctance of others to see rule 39 applied. In substance, however, all members have agreed that the two gentlemen might be given an opportunity to place whatever facts they have before the Security Council."¹¹

** B. IN THE CASE OF REPRESENTATIVES OF UNITED NATIONS ORGANS OR SUBSIDIARY ORGANS

¹¹ For the text of relevant statements see 1207th meeting: President (Malaysia), paras. 9-10, 40, 43-46, 94-95; France, paras. 23-27; USSR, paras. 4-5; United States, paras. 69-73; 1209th meeting: President (Malaysia), paras. 41, 50-51; Ivory Coast, paras. 24, 27-28, 49; Jordan, paras. 20-22; USSR, paras. 38-39; United States, paras. 30-31.

C. IN THE CASE OF MEMBERS OF THE UNITED NATIONS

I. Invitation when the Member brought to the attention of the Security Council

(a) A MATTER IN ACCORDANCE WITH ARTICLE 35, PARAGRAPH 1 OF THE CHARTER

Question *	State invited	Initiation by *	Request for invitation	Decision of the Council: Invitations extended and renewed *
1. Complaint by Panama	Panama		S/5510, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, p. 19	1086th meeting
2. The India-Pakistan question	Pakistan		S/5517, ^d O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 26-34	1087th meeting (1088th-1093rd, 1104th-1105th, 1112th-1117th, 1237th-1242nd, 1244th, 1245th, 1247th-1249th, 1251st meetings)
	India		S/5522, ^d O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 38-47	1087th meeting (1088th-1105th, 1112th-1117th, 1237th-1242nd, 1244th, 1245th, 1247th-1249th, 1251st meetings)
3. Complaint by the Government of Cyprus *	Cyprus		S/5490, O.R., 18th yr., Suppl. for Oct.-Dec. 1963, p. 114	1094th meeting (1095th-1103rd, 1136th-1139th, 1142nd 1143rd, 1146th, 1147th, 1151st, 1153rd-1159th, 1180th meetings)
4. Complaint by Yemen *	Yemen		S/5637, O.R., 19th yr., Suppl. for April-June 1964, p. 3	1106th meeting, (1107th- 1111th meetings)
5. Complaint by Cambodia	Cambodia		S/5714, O.R., 19th yr., Suppl. Apr.-June 1964, p. 153	1118th meeting (1119th- 1126th meetings)
6. Question of race conflict in South Africa	India		S/5729, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 179	1127th meeting (1128th- 1135th meetings)
	Indonesia		S/5725, <i>ibid.</i> , pp. 172-173	1127th meeting (1128th- 1135th meetings)
	Liberia		S/5739, <i>ibid.</i> , pp. 188-189	1127th meeting (1128th- 1135th meetings)
	Madagascar		S/5718, <i>ibid.</i> , p. 156	1127th meeting (1128th- 1135th meetings)
	Pakistan		S/5745, <i>ibid.</i> , p. 196	1127th meeting (1128th- 1135th meetings)
	Sierra Leone		S/5733, <i>ibid.</i> , p. 183	1127th meeting (1128th- 1135th meetings)
	Tunisia		S/5751, <i>ibid.</i> , p. 201	1127th meeting (1128th- 1135th meetings)
7. Complaint by Malaysia *	Malaysia		S/5930, O.R., 19th yr., Suppl. for July-Sept., 1964, p. 263	1144th meeting (1145th, 1148th- 1150th, 1152nd meetings)

Question ^a	State invited	Initiation by ^b	Request for invitation	Decision of the Council: Invitations extended and renewed ^c
8. Question of Relations between Greece and Turkey *	Greece		S/5938	1146th meeting (1147th meeting)
	Turkey		S/5949, <i>O.R.</i> , 19th yr., <i>Suppl. for July-Sept. 1964</i> , p. 279	1146th meeting (1147th meeting)
9. The Palestine Question	Israel		S/6047, <i>O.R.</i> , 19th yr., <i>Suppl. for Oct.-Dec. 1964</i> , p. 60	1162nd meeting (1164th-1169th, 1179th meetings)
	Syria		S/6051, <i>ibid.</i> , p. 61	1162nd meeting (1164th-1169th, 1179th meetings)
10. Situation in the Democratic Republic of the Congo	Algeria		S/6090, <i>ibid.</i> , p. 212	1170th meeting (1171st-1178th, 1181st-1189th meetings)
	Belgium		S/6081, <i>ibid.</i> , p. 202	1170th meeting (1171st-1178th, 1181st-1189th meetings)
	Congo (Brazzaville)		S/6086, <i>ibid.</i> , p. 210	1170th meeting (1171st-1178th, 1181st-1189th meetings)
	Democratic Republic of the Congo		S/6095, <i>ibid.</i> , p. 217	1170th meeting (1171st-1178th, 1181st-1189th meetings)
	Ghana		S/6080, <i>ibid.</i> , p. 202	1170th meeting (1171st-1178th, 1181st-1189th meetings)
	Guinea		S/6079, <i>ibid.</i> , p. 201	1170th meeting (1171st-1178th, 1181st-1189th meetings)
	Mali		S/6093, <i>ibid.</i> , p. 215	1170th meeting (1171st-1178th, 1181st-1189th meetings)
	Nigeria		S/6097, <i>O.R.</i> , 19th yr., <i>Suppl. for Oct.-Dec. 1964</i> , p. 219	1170th meeting (1171st-1178th, 1181st-1189th meetings)
	Sudan		S/6091, <i>ibid.</i> , p. 213	1170th meeting (1171st-1178th, 1181st-1189th meetings)
	United Arab Republic		S/6098, <i>ibid.</i> , p. 219	1170th meeting (1171st-1178th, 1181st-1189th meetings)
	Burundi		S/6099, <i>ibid.</i> , pp. 219-220	1171st meeting (1172nd-1178th, 1181st-1189th meetings)
	Kenya		S/6100, <i>ibid.</i> , p. 220	1171st meeting (1172nd-1178th, 1181st-1189th meetings)
	Central African Republic		S/6101, <i>ibid.</i> , p. 220	1172nd meeting (1173rd-1178th, 1181st-1189th meetings)
	Uganda		S/6110, <i>ibid.</i> , p. 316	1177th meeting (1178th, 1181st-1189th meetings)
	Tanzania		S/6112, <i>ibid.</i> , p. 318	1178th meeting (1181st, 1183rd-1189th meetings)
11. Situation in Southern Rhodesia *	Algeria		S/6304, <i>O.R.</i> , 20th yr., <i>Suppl. for Apr.-June 1965</i> , pp. 53-54; and S/6904, 11 November 1965	1194th meeting (1195th, 1197th, 1199th, 1201st, 1257th-1265th meetings)
	Senegal		S/6297, <i>ibid.</i> , p. 49	1194th meeting (1195th, 1197th, 1199th, 1201st, 1257th-1265th meetings)
	Ghana		S/6907, 11 November 1965	1257th meeting (1258th- 1265th meetings)
	India		S/6905, 11 November 1965	1257th mtg. (1258th- 1265th meetings)
	Mali		S/6913, 12 November 1965	1257th meeting (1258th- 1265th meetings)
	Nigeria		S/6912, 12 November 1965	1257th meeting (1258th- 1265th meetings)
	Pakistan		S/6906, 11 November 1965	1257th meeting (1258th- 1265th meetings)

Question *	State invited	Initiation by ^b	Request for invitation	Decision of the Council: Invitations extended and renewed ^c
11. Situation in Southern Rhodesia (continued)	Senegal		S/6911, 12 November 1965	1257th meeting (1258th-1265th meetings)
	Sierra Leone		S/6910, 12 November 1965	1257th meeting (1258th-1265th meetings)
	Tanzania		S/6912, 12 November 1965	1257th meeting (1258th-1265th meetings)
	Zambia		S/6909, 12 November 1965	1257th meeting (1258th-1265th meetings)
	Ethiopia		S/6922, 12 November 1965	1259th meeting (1259th-1265th meetings)
	Gambia		S/6933, 15 November 1965	1261st meeting (1261st-1265th meetings)
	Guinea		S/6919, 12 November 1965	1258th meeting (1258th-1265th meetings)
	Jamaica		S/6934, 15 November 1965	1261st meeting (1261st-1265th meetings)
	Mauritania		S/6932, 15 November 1965	1261st meeting (1261st-1265th meetings)
	Somalia		S/6941, 17 November 1965	1263rd meeting (1263rd-1265th meetings)
Sudan		S/6944, 17 November 1965	1263rd meeting (1263rd-1265th meetings)	
12. Complaint by Senegal *	Senegal		S/6349, <i>O.R.</i> , 20th yr., <i>Suppl. for Apr.-June 1965</i> , p. 114	1205th meeting (1206th, 1210th-1212th meetings)
13. Situation in Territories in Africa under Portuguese administration *	Liberia		S/6860, 2 November 1965	1250th meeting (1253rd-1256th, 1266th-1268th meetings)
	Madagascar		S/6868, 3 November 1965	1250th meeting (1253rd-1256th, 1266th-1268th meetings)
	Sierra Leone		S/6871, 4 November 1965	1250th meeting (1253rd-1256th, 1266th-1268th meetings)
	Tunisia		S/6861, 2 November 1965	1250th meeting (1253rd-1256th, 1266th-1268th meetings)

* Questions entered in this tabulation are arranged under agenda items. The items appearing herein are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a subitem under the general heading at subsequent meetings does not reappear as a new agenda item, but has been grouped under the item which first appeared. Questions in respect of which invitations were extended to other Members because their interests were considered to be specially affected are indicated by an asterisk and the invitations are listed separately in a tabulation entitled: *Invitations when the interests of a Member were considered specially affected*, as explained in the introductory note (see C.2 below).

^b In this column are listed only those invitations which were extended at the initiative of a member, not those routinely initiated by the President.

^c The meetings at which the invitations were renewed are indicated by parentheses.

^d No specific request was included in the letter of submission herein indicated. However, at the 1087th meeting on 3 February 1964, the President (Brazil) referred to past occasions when the parties concerned had been invited to participate, and to rule 37 of the provisional rules of procedure, and with the consent of the Council invited the parties to the Council table.

**** (b) A MATTER NOT BEING EITHER A DISPUTE OR A SITUATION**

2. Invitations when the interests of a Member were considered specially affected

(a) TO PARTICIPATE WITHOUT VOTE IN THE DISCUSSIONS

Question *	State invited	Initiation by	Request for invitation	Decision of the Council: Invitations extended and renewed ^b
1. Complaint by the Government of Cyprus	Turkey		S/5493, <i>O.R.</i> , 18th yr., <i>Suppl. for Oct.-Dec., 1963</i> , p. 116	1094th meeting (1095th-1103rd, 1136th-1139th, 1142nd, 1143rd, 1146th, 1147th, 1151st, 1153rd, 1159th, 1180th meetings)
	Greece		S/5494, <i>ibid.</i> , p. 116	1094th meeting (1095th-1103rd, 1136th-1139th, 1142nd, 1143rd, 1146th, 1147th, 1151st, 1153rd, 1159th, 1180th meetings)
2. Complaint by Yemen	Iraq		S/5638, <i>O.R.</i> , 19th yr., <i>Suppl. for Apr.-June 1964</i> , p. 3	1106th meeting (1107th-1111th meetings)
	United Arab Republic		S/5639, <i>ibid.</i>	1106th meeting (1107th-1111th meetings)
	Syria		S/5643, <i>ibid.</i> , p. 4	1107th meeting (1108th-1111th meetings)

Question ^a	State invited	Initiation by	Request for invitation	Decision of the Council: Invitations extended and renewed ^b
3. Complaint by Malaysia	Indonesia		S/5936, <i>O.R.</i> , 19th yr., <i>Suppl. for July-Sept.</i> , 1964, p. 270	1144th meeting (1145th-1148th-1150th, 1152nd meetings)
	Philippines		S/5953	1145th meeting (1146th-1148th, 1150th-1152nd meetings)
4. Question of Relations between Greece and Turkey	Cyprus		S/5962, <i>O.R.</i> , 19th yr., <i>Suppl. for July-Sept.</i> , 1964, p. 370	1147th meeting
5. Situation in the Dominican Republic	Cuba		S/6318, <i>O.R.</i> , 20th yr., <i>Suppl. for Apr.-June</i> , 1965, p. 72	1195th meetings, (1198th, 1200th, 1202nd-1204th, 1207th-1209th, 1212th-1223rd, 1225th-1233rd meetings)
6. Complaint by Senegal	Portugal		S/6348, <i>O.R.</i> , 20th yr., <i>Suppl. for Apr.-June</i> , 1965, p. 114	(1205th, 1206th, 1210th-1212th meetings)
7. Situation in Territories in Africa under Portuguese administration	Portugal		S/6859, 2 November 1965	1250th meeting (1253rd-1256th, 1266th-1268th meetings)
8. Situation in Southern Rhodesia	Portugal	Jordan	1257th meeting, paras. 110, 112	1257th meeting
	South Africa	Jordan	1257th meeting, paras. 110, 112	1257th meeting

^a Questions entered in this tabulation are arranged under agenda items. The items appearing herein are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a subitem under the general heading at subsequent meetings

does not reappear as a new agenda item, but has been grouped under the item which first appeared.

^b The meetings at which invitations were renewed are indicated by parentheses.

CASE 2

At the 1106th meeting on 2 April 1964 in connexion with the complaint by Yemen, the President (Czechoslovakia) called attention to a request ¹² from the representative of Iraq for an invitation under rule 37 of the provisional rules of procedure to participate in the discussion and asked whether any member of the Council objected to the granting of that request. After the representative of Iraq had taken a seat at the Council table, the representative of the United Kingdom drew attention to the provisions of rule 37 and asserted that in extending invitations under this rule, the Council was "specifically enjoined to consider whether the interests of the Member which has made application are, in fact, specially affected". He recalled that in the past the Council had felt that the rules of procedure should be "very strictly interpreted and observed" and wondered whether in the light of this practice the request from Iraq satisfied the required conditions.

The representative of Iraq ^{*} asserted that the interest of his Government in the situation "arising from the British military action in Yemen" was based first on Iraq's membership in the League of Arab States. Consequently, the peace of the area and the interests of the Arab countries are of vital interest to Iraq. Secondly, Iraq had always had very close relations and "acknowledged interests" in the whole area starting from the Persian Gulf down to the rim of the Arabian Peninsula. It was therefore natural that his Government sought to make its views known before the Council on a question which directly affected the interests of that part of the Arab world. ¹³

CASE 3

At the 1257th meeting on 12 November 1965

¹² S/5638, *O.R.*, 19th yr., *Suppl. for Apr.-June* 1964, p. 3.

¹³ For texts of relevant statements, see 1106th meeting: President (Czechoslovakia), para. 2; United Kingdom, paras. 4-5; Iraq, ^{*} paras. 6-8.

during consideration of the situation in Southern Rhodesia, the representative of Jordan suggested that the Council invite "the two Member States which voted against resolution 2024 (XX) of the General Assembly yesterday, namely Portugal and South Africa to come and participate with us in these deliberations". He reasoned that "they are neighbouring States. They have their own responsibilities, and their presence will help us in our deliberations here", and explained that his proposal was based on rule 37 of the provisional rules of procedure.

The representative of Malaysia doubted that either the Charter or the rules of procedure provided for the situation mentioned by the representative of Jordan. Noting that the representative of Jordan had referred to the first part of rule 37, he pointed out that in his view the second part of that rule "controls the first part". After calling attention to the provisions of Articles 31 and 32, he observed that Article 32 "which is the foundation for rule 37" limited participation to parties to a dispute under consideration by the Council. On the other hand, under rule 37 which contained a "permissive provision" and which required a decision of the Council, a State might be invited provided, however, that the interests of the Member to be invited were especially affected. While he was prepared to grant that the position of the two States mentioned by the representative of Jordan might significantly affect the situation under consideration, he felt that it would be difficult to say that their position was affected "as a result of any debate on the question of Southern Rhodesia".

The representative of the Ivory Coast observed that there was a precedent regarding the extension of an invitation to South Africa, which occurred in connexion with the same question, and suggested that "subject to verification of that by the Secretariat", that precedent could be followed in connexion with the matter at issue.

The representative of Jordan asserted that "rule 37

is a rule of the Council's provisional rules of procedure and that the Council is the master of its own procedure". Consequently, it could interpret that rule as it saw fit, or it could "freeze its effectiveness or decide otherwise".

The representative of the USSR maintained that the proposal of the representative of Jordan was made mandatory by the "special position" taken by Portugal and the Republic of South Africa during both the debate and the vote in the General Assembly.¹⁴

The representative of Uruguay, noting that the proposal by Jordan was essentially a question of invitation, asserted that an invitation might be either accepted or rejected and did not entail any juridical undertaking. Since, however, the presence and opinion of the two Governments in question might be of significance, his delegation would support the proposal that the Council, seeking information that might be of help in its deliberation, should extend the invitation.

The representative of the United States observed that while his delegation would not oppose an invitation to the two Governments in question, it should be recognized that an invitation is "not a demand" and might be accepted or not accepted.

The President (Bolivia) noting the proposal by the representative of the Ivory Coast that the question of invitation was "a question falling within the competence of the Security Council and one for which there are precedents", queried whether there was any objection to an invitation being addressed to the Governments of Portugal and South Africa. There was no objection.¹⁵

** (b) TO SUBMIT WRITTEN STATEMENTS

3. Invitations denied

CASE 4

At the 1112th meeting on 5 May 1964, during consideration of the India-Pakistan question, the representative of Pakistan * after disputing India's statement that the people of Kashmir had already expressed their wishes on the question of accession, suggested that Sheik Abdullah be invited under rule 39 of the provisional rules of procedure to appear before the Council "as he should be able to give it information which will be of assistance in examining the question". He noted that the precedent had been established by the Council by inviting persons under the said rule without concerning itself with legal and constitutional questions.

At the 1113th meeting on 7 May 1964, the representative of India, * commenting on the suggestion by the representative of Pakistan, remarked that Sheik Abdullah was a citizen of India and like any other Indian citizen had the right to approach his Prime Minister and report to him what change he thought should be made in the political and administrative set-up in Kashmir, "but with all that he is no more than a private citizen", whereas the parties before the Council were India and Pakistan and they alone had the right to appear through their official delegations.

At the 1115th meeting on 12 May 1964, the representative of Czechoslovakia stated that having studied the suggestion by the representative of Pakistan that

an invitation be extended under rule 39 to Sheik Abdullah, his delegation had come to the conclusion that the use of that procedure would not be appropriate.¹⁶

D. IN THE CASE OF NON-MEMBER STATES AND OTHER INVITATIONS

1. Invitations expressly under Article 32

CASE 5

At the 1118th meeting on 19 May 1964, in connexion with the complaint by Cambodia, the President (France), informed the Council of a request from the Minister for Foreign Affairs of the Republic of Viet-Nam, subsequently confirmed in a letter from the observer of the Republic of Viet-Nam to the United Nations, asking for permission to participate through a representative of his Government in the debate arising out of the Cambodian complaint. He further stated that while he had not then received the credentials required under rule 14 of the provisional rules of procedure, nevertheless, the Council was required to take a decision regarding the invitation which it may address to the Government of the Republic of Viet-Nam under Article 32 of the Charter.

The representative of the USSR considered it unnecessary to invite the representative of the "South Viet-Nam régime" to be present during the consideration of the agenda item, whatever credentials might be issued by "Saigon", as it was well known that the responsibility for the acts of aggression complained of rested with the United States of America which, in essence, controlled the actions of the South Viet-Nam armed forces and authorities.

The representative of the United States observed that the Cambodian Government had lodged a charge of acts of aggression by the Government of the United States and the Government of the Republic of Viet-Nam. Noting that the Charter and the rules of procedure provided for invitations to non-members, he maintained that there could be no question of the authority of the Council to invite the Republic of Viet-Nam to participate in the discussion. The Republic of Viet-Nam had for many years been represented by an observer at the United Nations. Besides, it was only equitable that one of the parties to the complaint was given an opportunity to present its views to the Council.

The representative of Czechoslovakia objected to the participation of the Republic of Viet-Nam on the grounds that the Council, by admitting a representative of "the so-called South Viet-Nameese Government" would be permitting participation by a private individual pretending to be a representative of a people whom his government did not represent. Furthermore, since the foreign power responsible for the grave situation regarding the frontier between Cambodia and South Viet-Nam was a member of the Council, it could easily give all pertinent information.

Decision: *A formal proposal by the representative of the United States to invite the representative of the Republic of Viet-Nam to participate without vote in the discussion of the question was voted upon and adopted by 9 votes to 2.*¹⁷

¹⁶ For texts of relevant statements see 1112th meeting, Pakistan, * para. 90; 1113th meeting, India, * para. 59; 1115th meeting, Czechoslovakia, para. 117.

¹⁷ For texts of relevant statements see 1118th meeting, President (France) paras. 2, 13, Czechoslovakia, para. 11, USSR, paras. 3-6, United States, paras. 8-10.

¹⁴ See Case 18 below.

¹⁵ For texts of relevant statements, see: 1257th meeting, President (Bolivia), para. 165; Ivory Coast, para. 122; Jordan, paras. 128-132; United States, paras. 141, 144; Uruguay, para. 137.

2. Invitations expressly under rule 39 of the provisional rules of procedure

CASE 6

At the 1098th meeting on 27 February 1964, during consideration of the complaint by the Government of Cyprus, the President (Brazil) called attention to a communication dated 19 February from the representative of Turkey containing a request from the Vice-President of Cyprus that Mr. Rauf Denktas be allowed to address the Council "in the name of the Turkish Cypriots".¹⁸

The representative of the USSR observed that the Council had already invited the accredited delegation of the Republic of Cyprus to participate in its proceedings, and since there were no grounds to doubt the competence and character of that delegation, there was no need for the Council to grant hearing to anyone else.

The representative of Morocco was of the opinion that if the Council considered it necessary "to hear this Cypriot personality on the basis of rule 39 of our provisional rules of procedure" such a hearing might be particularly useful to the debate and might considerably facilitate the discussion.

The representative of Bolivia expressed the fear that if the Council granted the request to give a hearing to the "so-called" representative of the Turkish community in Cyprus, as that request had been worded, such action would inevitably constitute interference in the domestic affairs of Cyprus. He reminded the Council that the Minister for Foreign Affairs of Cyprus was participating not as a representative of the Greek majority but as the representative of the Republic of Cyprus. On the other hand, Mr. Küçük, like anyone else who was considered competent, could appear before the Council to supply information in the capacity specified in rule 39 "as a competent person, not as representative of any community".

After the President, noting that "there is no consensus among the members of the Security Council with regard to the question raised by the letter of the Acting Permanent Representative of Turkey", had drawn the Council's attention to rule 39 of the provisional rules of procedure, the representative of the USSR recalled that Mr. Denktas was seeking to address the Council "as the representative of the Turkish Cypriot community, one of the interested parties in the Cyprus question". Moreover, since that was the only request before the Council, the Soviet delegation expected some clarification of the matter.

The President then explained that "a decision has to be taken strictly within the terms of rule 39", but since there was no consensus among the members, a formal proposal from the members was needed.

After the representative of Morocco had moved that the Council invite Mr. Denktas to present his views, before the Council, in accordance with rule 39 of the provisional rules of procedure, the representative of Czechoslovakia observed that there was nothing in that rule "which specifies the form" in which the information might be supplied to the Council, and consequently such information "may be supplied in a form other than that of an oral statement".

Taking into account the fact that a letter containing Mr. Denktas' views, along with certain other information was already in the possession of the Council, his delegation considered that information sufficient and could see no reason why it was necessary for Mr. Denktas personally to appear before the Council and make an oral statement.

The representative of the United Kingdom supported the proposal by the representative of Morocco that the representative of the Turkish Cypriot community should be invited in accordance with rule 39 of the provisional rules of procedure to make a statement concerning the matter under consideration and to hold himself available thereafter to supply the Council with any additional information if the Council considered that desirable and appropriate. He recalled that the Council had decided on the merits of each case in which a proposal had been made to issue an invitation under rule 39, and in his view, the Council should "continue to give very careful scrutiny to any such proposal".

The representative of France maintained that rule 39 "gives the Security Council complete latitude to decide who may be invited", to supply information during consideration of questions within its competence and in hearing Mr. Denktas the Security Council was within the terms of that rule. Moreover, "the wording of that rule clearly shows that legal, or more precisely, constitutional questions do not have to be examined". The Council "makes its decisions solely on the basis that the person invited is in a position to supply information likely to enlighten it".

Before a vote on the proposal was taken, the representative of the USSR stated that it was his understanding that the Council was rejecting the request that Mr. Denktas be allowed to address it as the representative of the Turkish Cypriot community, one of the interested parties in the Cyprus question, "since there cannot be any other party in the question of Cyprus than the Government of Cyprus represented here by the delegation headed by Mr. Kyprianou, the Minister for Foreign Affairs of Cyprus".

The representative of the United States disagreed with the interpretation by the representative of the USSR noting that "there is only one proposal that has been made and that is the proposal by the representative of Morocco to invite the representative of the Turkish Cypriot community in Cyprus to address the Council under rule 39", and that a motion had been made to that effect.

The representative of the USSR observed that whereas rule 39 stated that the Security Council "may" invite persons whom it considered competent for the purpose of supplying it with information, that rule did not in any way state that such persons must necessarily be heard by the Council. To adopt the point of view that the Security Council would hear "all persons who apply to it" might in itself create a kind of precedent. Moreover, he wondered what would be the criterion by which in the discussion of other questions, the Council would be able in the future to decide that it should not hear as an individual a particular representative, official or other person. In that regard, he felt that the Council should realize the responsibility it was assuming in "throwing open the door in advance to any person who might wish to address the Security Council". The representative then

¹⁸ S/5556, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 76-77.

expressed doubt that Mr. Denktas would be capable of supplying "any really valuable or new information on the situation in Cyprus" since he had been absent from that territory for a number of weeks.

The representative of Czechoslovakia contended that the request from the Acting Permanent Representative of Turkey had not been submitted under rule 39 of the provisional rules of procedure. Consequently, before dealing with the proposal made under that rule the Council should first decide that the above-mentioned request could not be considered, since there were no substantive or procedural grounds for hearing Mr. Denktas as representative of a party to a dispute.

The representative of Morocco cautioned against forcing the Council into the position of having to take a decision on a request by a Member State, and saw a way of getting around the difficulty in deciding the question under rule 39 as he had proposed.

The Moroccan proposal was adopted without objection.¹⁹

3. Invitations not expressly under Article 32 or rule 39

CASE 7

At the 1140th meeting on 5 August 1964, in connexion with the complaint by the United States (Tonkin Gulf incident), the representative of the USSR observed that the Council, which had just heard a statement by the representative of the United States "still has only one-sided information about the alleged attacks by torpedo-boats of the Democratic Republic of Viet-Nam against the United States destroyers". An objective discussion of the dispute, particularly in the light of circumstances which must be clarified, would require that the Government of the Democratic Republic of Viet-Nam be asked for information on the substance of the matter involved in the United States complaint. After drawing the attention of the Council to Article 32 of the Charter, the representative of the USSR asserted that if the Government of the Democratic Republic of Viet-Nam wished to take part in the discussion of the question, it would be the obligation of the Council, in accordance with Article 32, to invite forthwith a representative of that Government. In that connexion, he submitted a draft resolution²⁰ under which the Council *inter alia*:

"1. Requests the President of the Security Council to ask the Government of the Democratic Republic of Viet-Nam to supply the Council urgently with the necessary information relating to the United States complaint;

"2. Invites the representatives of the Government of the Democratic Republic of Viet-Nam to take part without delay in the meetings of the Security Council."

The representative of China contended that inviting the "North Viet-Nameese" to come to the Council would be to confer on the "Hanoi régime" a status it had not therefore enjoyed in the United Nations and would give it an opportunity to abuse and obstruct the proceedings of the Council.

¹⁹ For texts of relevant statements see 1098th meeting: President (Brazil), paras. 2, 11, 16, 35, 41, 61; Bolivia, paras. 8-10; Czechoslovakia, paras. 21-23, 55; France, para. 28; Morocco, paras. 7, 17, 20, 59-60; USSR, paras. 3, 4-6, 12-14, 31-33, 37, 49-52; United Kingdom, paras. 24-25; United States, paras. 19, 38.

²⁰ This proposal later circulated in writing was distributed as document S/5851.

The representative of France considered it as self-evident and in line with the Charter and the Council's tradition that the parties to a dispute should be enabled to state their case. The representative of the Democratic Republic of Viet-Nam should therefore be invited as a matter of urgency to participate in the debate without vote. He further suggested that rather than taking a vote on a draft resolution the terms of which might lead to controversy and prolong the debate, the President be entrusted with the task of taking action on any wishes the Council might express.

The representative of the United States had no objection to the authorities of North Viet-Nam being heard by the Council "to answer for their grave use of military force". He believed, however, that if "the North Viet-Nameese are invited the Republic of Viet-Nam should also be invited to appear". He felt that the best way to handle the matter would be to provide an opportunity for informal consultation among the members so that appropriate invitations could go forward.

With regard to the United States suggestion that a representative from the Republic of Viet-Nam be invited to participate, the representative of the USSR saw no practical justification "for relating the invitation of a representative of South Viet-Nam . . . to the content and framework of the item now being considered by the Security Council". At the same time he would have no objection to the procedure proposed by the representative of France if the President took the steps required of him in accordance with operative paragraphs 1 and 2 of his draft resolution.

The President (Norway) observed that if it was the desire of the members of the Council that he consult with them informally on the basis of the proposal made by the representative of France and in the light of the comments made thereon by the representatives of the USSR and the United States, he would attempt to undertake such informal consultations.

At the 1141st meeting on 7 August 1964, the President (Norway) reported that as a result of consultations among the members the Council had arrived at the following understanding: "The Security Council, for its further consideration of the complaint against the Democratic Republic of Viet-Nam referred to in the letter dated 4 August 1964 from the Permanent Representative of the United States of America to the President of the Security Council, would welcome such information relating to this complaint as the Democratic Republic of Viet-Nam²¹ would desire to make available to the Council, either through taking part in the discussion of the complaint in the Council, or in the form which it might prefer. Furthermore, the Security Council would receive in the same manner such information relating to the complaint as the Republic of Viet-Nam would desire to make available to the Council".²²

** 4. Invitations denied

²¹ The Democratic Republic of Viet-Nam did not accept the invitation of the Council to participate in its proceedings, but its views on the incident were circulated as a Security Council document at the request of the USSR, S/5888, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 170-174.

²² For texts of relevant statements, see 1140th meeting: President (Norway), para. 106; China, para. 86; France, paras. 88-90; USSR, paras. 56-57, 60-61, 72-74, 101-102, 104; United States, paras. 95-96; 1141st meeting: President (Norway), para. 22.

Part II

**** CONSIDERATION OF THE TERMS AND PROVISIONS OF ARTICLE 32 OF THE CHARTER**

Part III

PROCEDURES RELATING TO PARTICIPATION OF INVITED REPRESENTATIVES

NOTE

Part III is concerned with procedures relating to the participation of invited representatives after an invitation has been extended and comprises material on participation by Members and non-members of the United Nations.

Section A includes proceedings concerned with the related questions of the opportune moment for the Council to extend invitations to participate and the timing of the initial hearing of the invited representative. This section includes one instance²³ in which as an exception to its usual practice the Council had agreed to hear invited representatives while it was discussing a point of procedure.

No question concerning the duration of participation (section B) has arisen during the period under review. The practice has been maintained according to which the President, when consideration of a question has extended over several meetings, has renewed the invitation at each consecutive meeting immediately after the adoption of the agenda.²⁴

Section C deals with limitations of a procedural nature affecting invited representatives throughout the process of participation in the proceedings of the Security Council. During the period under review there were two instances²⁵ illustrative of the limitations concerning the order in which invited representatives were called upon to speak. On one occasion an individual who had previously been invited under rule 39 to address the Council was denied an opportunity to speak before certain members who had previously inscribed their names on the list of speakers. In the second instance, after consultation with members of the Council, the President explained the order in which invited representatives would be heard.

Two cases are included concerning the raising of points of order by invited representatives. In the first instance²⁶ no objections were raised to hearing an invited representative on a point of order, while the second case²⁷ involved extensive discussion on the raising of a point of order by an invited representative during a statement by another invited representative.

One case is included²⁸ in which the procedure concerning the submission of a draft resolution by invited representatives was discussed.

Section D is concerned with those limitations connected with aspects of the business of the Council in

which it has been deemed inappropriate that invited representatives should participate. The discussion in the two cases included under the subheading "Postponement of the consideration of the question" dealt primarily with the question whether an invited representative may propose adjournment until he had had time to communicate with his Government²⁹ or to study statements made during the discussion.³⁰

Under the subheading "Other matters" one case³¹ is included in which an invited representative sought clarification on the procedure concerning his participation after the Council had reached that point in the debate when it was considering the question of voting on a draft resolution and explanation of votes.

The two cases included under section E are concerned with the "effect of extension of invitations". The first case involves the withdrawal of an invited representative from the Council table prior to the conclusion of discussion of the item.³² In the second case³³ certain members contended that an invitation did not entail any juridical undertaking and was not legally binding.

A. THE STAGE AT WHICH INVITED STATES ARE HEARD

CASE 8

At the 1105th meeting on 20 March 1964, in connexion with the India-Pakistan question, after the list of speakers had been exhausted, the President (Bolivia) recalling the proposal made at the previous meeting by the representative of Czechoslovakia that the Security Council discussion on that item should be adjourned until 5 May 1964,³⁴ observed that the Council was at a point of procedure with regard to the proposed adjournment. Although he was aware of the practice of the Council of confining discussion on procedural questions to members of the Council, he had, in view of the special circumstances, recognized the representatives of Pakistan and India. He further observed that while he would like to confine the discussion to the procedural point of adjournment as proposed by the representative of Czechoslovakia, the matter was in the hands of the members. The Council being master of its own procedure could discuss the question further if the members so wished.

The representative of Pakistan * explained that he wished only to assist "in the formulation of the procedure" and in the debate. Earlier he had noted that the representative of Brazil had conditioned his support of the proposal for adjournment on the understanding that an urgent meeting would be called should new

²⁹ Case 14.³⁰ Case 15.³¹ Case 16.³² Case 17.³³ Case 18.³⁴ 1104th meeting, Czechoslovakia, paras. 64, 65.²³ Case 8.²⁴ In this connexion see tabulation above, part I, C.1 (a), footnote c, and part I, C.2 (a), footnote b.²⁵ Cases 9 and 10. In another instance, the question of the order in which invited representatives would be called upon to speak was raised in connexion with the discussion on the order of consideration of the items in the agenda (see chapter II, Case 1).²⁶ Case 11.²⁷ Case 12.²⁸ Case 13.

developments occur that would alter or worsen the situation.

The proposal to adjourn the meeting until 5 May 1964 was adopted without objection.³⁵

** B. THE DURATION OF PARTICIPATION

C. LIMITATIONS OF A PROCEDURAL NATURE

1. Concerning the order in which the representatives are called upon to speak

CASE 9

At the 1225th meeting on 16 June 1965, in connexion with the situation in the Dominican Republic, the President (Netherlands) before calling on the first speaker on his list informed the Council that he had received from Mr. Ruben Brache who had previously been invited under rule 39 to address the Council³⁶ a letter requesting an opportunity to present to the Council information he had shortly before received concerning certain grave events which had occurred in his country on the day before. The President inquired whether in view of the Council's previous decision of granting Mr. Brache a hearing the Council would have any objection to his asking him to make a statement before it on the same basis as before, "the order of speakers being decided later on in the sense that we would first hear the members of the Council and would then give Mr. Brache an opportunity to make a statement".

The representative of Uruguay suggested that since the events which had taken place in the Dominican Republic on the previous day were one of the subjects to be considered by the Council, Mr. Brache, who intended to provide information on those events, might be heard before starting on the debate.

The representative of the United States reminded the Council that his delegation was inscribed as the first speaker and since he also had some information to convey to the Council about the events of the previous day he preferred "to hold that place".

The representative of the USSR in supporting the suggestion of the representative of Uruguay maintained that before presenting their own views on the substance of the matter, it would be appropriate that members "hear and give due weight to a primary source of information". In that connexion the USSR delegation which had also previously indicated its desire to speak was prepared to yield its turn in order to hear first Mr. Brache. This would serve to assist an appropriate and objective analysis and evaluation of the situation then obtaining in the Dominican Republic.

The President, noting that the suggestion of the representative of Uruguay was contingent upon obtaining the consent of any member who might be inscribed on the list of speakers, recalled that the United States had expressed its preference to speak first. It was therefore to be assumed that the suggestion of the representative of Uruguay no longer applied. In addition he pointed out that it had been the tradition of the Council to have its members speak before invited representatives.

³⁵ For texts of relevant statements, see: 1105th meeting, President (Bolivia), paras. 43, 51; Brazil, paras. 6-7; Pakistan,* para. 44.

³⁶ See Case 2.

The representative of the USSR while appreciating the President's attitude of "respect for a procedure" reiterated his argument that the Council should first hear the representative of the constitutional government of the Dominican Republic and repeated his offer to yield his turn to that representative.

The President, noting that the representative of the USSR had not made a formal motion stated that "the President, whether he likes it or not, is bound by the rules of procedure, which say that speakers shall be given the floor in the order in which they have asked to be given the floor and, furthermore, by certain traditions of the Council which I have mentioned before".³⁷

CASE 10

At the 1230th meeting on 20 July 1965 in connexion with the situation in the Dominican Republic, the President (USSR) informed the Council that two members had indicated their desire to speak. He stated further that requests had also been received from Mr. R. Brache and Mr. G. Velazquez of the Dominican Republic to be heard in accordance with a decision under rule 39 taken earlier by the Council and that the representative of Cuba, who had been invited by the Council to take part in the consideration of the question on the agenda, would also like to speak. He then proposed that in accordance with the consultations in which the President had taken part the speakers be heard in the following order: first, Mr. Brache; then Mr. Velazquez; then the representative of Cuba; and then "the members of the Council in the order in which they appear on the list of speakers". There was no objection to the President's proposal, and the Council proceeded accordingly.³⁸

2. Concerning the raising of points of order by invited representatives

CASE 11

At the 1142nd meeting on 8 August 1964 in connexion with the complaint by the Government of Cyprus, the President (Norway) in response to a point of order raised by the representative of Cyprus* expressing his desire to make a statement at that juncture, queried whether any member of the Council had any objection to the request, "Cyprus being a State Member of the United Nations but not a member of the Security Council".

The representative of Bolivia stated that the delegation of Cyprus had suggested to him that he should ask the President and the other members of the Council to allow it "to make a brief statement to inform us of a situation which, in that delegation's opinion, is extremely serious, and which will affect the opinion of the Council when it hears the latest developments". As there was no objection the President called on the representative of Cyprus on a point of order.³⁹

CASE 12

At the 1247th meeting on 25 October 1965 during consideration of the India-Pakistan question, the Presi-

³⁷ For texts of relevant statements, see: 1225th meeting: President (Netherlands), paras. 9-11, 18, 21; USSR, paras. 15-16, 19-20; United States, para. 14; Uruguay, paras. 12-13.

³⁸ For texts of relevant statements, see 1230th meeting, President (USSR), paras. 8-9.

³⁹ For texts of relevant statements, see: 1142nd meeting: President (Norway), paras. 51, 53; Bolivia, para. 52; Cyprus,* para. 50.

dent (Uruguay), noting that the representative of India had asked for the floor, queried whether that representative had wished to raise a point of order. If not he would request that he wait until the representative of Pakistan, who was in the process of speaking, had completed his statement. After the representative of India * had made his point of order, the President stated that: "As for points of order, within a strict interpretation of the provisional rules of procedure of the Security Council, they may be raised only by the members of the Security Council".

After the representative of Pakistan * had resumed his statement, the President observed that the representative of India had again asked for the floor, but that he was not sure whether he wished "to raise a point of order or a marginal question".⁴⁰

Raising a "point of order" the representative of Pakistan * remarked that having been invited to participate in the debate, under the rules of procedure, neither he nor the representative of India had the authority to raise a point of order.

The President replying to the representative of Pakistan, stated that the Chair had no way of knowing what the representative of India wished to say and that he proposed to call upon him to find out what problem he wished to raise. If it were out of order the Chair had the right to tell him that he had no right to raise it.

The representative of Jordan observed that a party can only be interrupted by a point of order raised by one of the members of the Security Council. "He cannot be interrupted otherwise. Only a member can interrupt the representative of Pakistan — and only on a point of order."

The President, seeking to ascertain the nature of the problem which the representative of India sought to raise, called on that representative advising him that under the rules of procedure he was not entitled to raise points of order in the Council, as only members of the Council were entitled to do so.

The representative of India * observed that while it had been claimed that non-members of the Security Council may not raise a point of order, the representative of Pakistan had been permitted to intervene on a point of order.

The representative of France supported the position that only members of the Council had the right to raise a point of order and to participate, under the authority of the President, in decisions on the agenda and on the conduct of the debates. "On these two points the Council is sovereign, and no rule of procedure, no precedent, and no past practice can be invoked in opposition to the rule that I have just mentioned." Nevertheless, the Council had just witnessed the consequence of a failure to observe that principle and that practice. He then cautioned against the repetition of such departures from established practices which might undermine the authority of the Security Council.

In concurring with the observations of the representative of France, the President explained that when the Foreign Minister of India had asked for the floor and commented on the attitude of the representative of Pakistan, he had pointed out that his remarks were

inappropriate and when he was given the floor the second time, it was because the President had no way of knowing what he was about to say.

The representative of the United States observed that the Council had always heard "everything that anybody has to say". He further expressed his delegation's respect for "the right of free speech not only of members of the Council but also of anybody who appears before this body at our invitation". Bearing that in mind, his delegation was prepared to hear anything which the representative of either India or Pakistan had to say.

The representative of Malaysia noting that the President had accepted the observations of the representative of France concerning the raising of points of order by non-members of the Council stated that while he had no wish to give the impression that he was challenging that ruling, the provisions of rules 14 and 30 might offer some guidance. Quoting rule 30, which states that if a representative raised a point of order the President shall immediately state his ruling, he then raised the question "who is a representative for the purpose of raising points of order." Quoting rule 14, he explained that once a party is invited under that rule, "he puts on the garb of a representative", and the limitations on the right of a representative so invited were defined in Articles 31, 32 of the Charter and rules 37 and 38 of the provisional rules of procedure. After remarking that there were ample possibilities in which the ability of an invited representative to participate in a discussion might be hampered or prevented if points of order might not be raised, he concluded that under the terms of the above-mentioned provisions, there were only two things which an invited representative cannot do, "first he cannot vote and, secondly, though he may submit a draft resolution, he cannot have it voted upon unless a member of the Council so requests." His full participation in the discussion was permitted.

The representative of France recalled that the President had approved the interpretation that he had advanced and in the light of the importance of the item under consideration his delegation would wish that the procedural discussion could be considered as closed.⁴¹

3. Concerning the submission of proposals or draft resolutions by invited representatives

CASE 13

At the 1188th meeting on 30 December 1964, in connexion with the situation in the Democratic Republic of the Congo, the President (Bolivia) called attention to an amendment⁴² submitted by eighteen African States to the joint draft resolution⁴³ under consideration before the Council. The President then explained that under rule 38 of the provisional rules of procedure, the amendment could be put to the vote only at the request of a representative of the Security Council.

The representative of the USSR after commenting

⁴¹ For texts of relevant statements, see 1247th meeting: President (Uruguay), paras. 77, 86, 102, 104, 108; France, paras. 112, 115, 138-140; India,* para. 109; Jordan, para. 105; Malaysia, paras. 129-134; Pakistan,* paras. 103, 107; United States, paras. 120-121.

⁴² S/6128.

⁴³ S/5123/Rev.1.

⁴⁰ See also chapter I, Case 42.

on the draft resolution requested that the amendment of the eighteen African States be put to the vote.⁴⁴

D. LIMITATIONS ON MATTERS TO BE DISCUSSED BY INVITED REPRESENTATIVES

** 1. Adoption of the agenda

** 2. Extension of invitations

3. Postponement of consideration of a question

CASE 14

At the 1143rd meeting on 9/11 August 1964 in connexion with the complaint by the Government of Cyprus, the representative of Cyprus, * commenting on a joint draft resolution (S/5866/Rev.1) submitted by the United Kingdom and the United States, observed that he could not associate himself with the draft resolution without having the consent of his Government. He therefore requested a brief adjournment of the debate until the afternoon to allow him to communicate with his Government.

The President (Norway), after recalling the gravity of the situation under consideration by the Council enquired whether members "... feel we should therefore adjourn, or as suggested by me, inasmuch as the views of the members of the Council with respect to the draft resolution are known, proceed to vote".

The representative of Cyprus * pointed out that an appeal by the President, similar in tone to that of the draft resolution, had already been directed to the parties, and repeated his request for adjournment. This position was supported by the representatives of the USSR and Czechoslovakia.

The representative of Turkey * observed that since Cyprus was not a member of the Council it was not called upon to associate itself with its resolutions, but instead to comply with its recommendations. He therefore urged the Council to proceed to the vote without further delay.

The representative of Morocco sought clarification as to whether the representative of Cyprus was asking for a suspension of the meeting for a few minutes or for an adjournment, since in the case of the former his delegation would have no objection to the meeting being recessed "for a few minutes or even an hour".

The representative of Cyprus * replied that his hope was that "within an hour or two" he would be able to establish communication with his Government, and suggested that the meeting "be suspended without being adjourned, for some such period".

The President again suggested that in view of the gravity of the situation it would be most appropriate for the Council not to adjourn but simply to suspend its proceedings and remain at the disposal of the President in case developments in the area should warrant a call at short notice.

He further appealed to the representative of Cyprus to consider the possibility of not pressing his suggestion for another suspension "but of having the Council proceed to the vote now, it being fully understood that the Council would not adjourn thereafter but would simply suspend its proceedings".

The representative of Cyprus again stated that the purpose of his appeal for adjournment was to obtain instructions from his Government before passage of

⁴⁴ For texts of relevant statements see 1188th meeting: President (Bolivia), para. 2; USSR, para. 13.

the draft resolution and informed the Council that he was at that moment being called to the telephone and that that might be what he had been waiting for.

The President stated that the meeting would be suspended in the meantime.⁴⁵

CASE 15

At the 1250th meeting on 4 November 1965 during consideration of the situation in Territories in Africa under Portuguese administration, the representative of Portugal * suggested that since his delegation needed time to study the statements which had been made that afternoon, the Council might adjourn the meeting and meet again on the following Monday afternoon at which time the Portuguese delegation would be fully prepared to present its point of view.

The list of speakers having been completed, the President (Bolivia) explained that he planned to consult with members of the Council on the date and time for resumption of debate on that item.

The representative of the Ivory Coast, noting that the representative of Portugal had requested an adjournment of the meeting until Monday recalled that the President had proposed there would be "consultations" to determine the date of the next meeting, and sought clarification from the President on the matter.

The representative of Portugal * acknowledged that his delegation not being a member of the Security Council was not in a position to make a formal proposal or even an informal proposal to the Council. That being the case, he had been merely presenting a "request" which he thought would be useful to the Council, if it wished to have the point of view of his Government which could not be presented before the following Monday.

The representative of the Ivory Coast stated that he did not understand the position taken by the Minister for Foreign Affairs of Portugal. The representative of Portugal was entitled to make his statement whenever he wished; the Council could not tell him on which day he could speak and has never compelled any party invited to attend a meeting to speak on a particular day.

In accordance with the President's suggestion concerning consultations to be held prior to a resumption of debate on the question the meeting was adjourned.⁴⁶

4. Other matters

CASE 16

At the 1134th meeting on 17 June 1964, in connexion with the question of race conflict in South Africa, the representative of Indonesia * noting that the Council had decided to take a vote the following day on the draft resolution before it, inquired whether the Council had reached the stage of explanation of votes. As his delegation wished to speak on the draft resolution it would like to be informed whether those who were participating without the right to vote would be

⁴⁵ For texts of relevant statements, see 1143rd meeting: President (Norway), paras. 129, 144-147, 150; Czechoslovakia, para. 143; Cyprus, * paras. 128, 130, 141, 149; Morocco, para. 140; Turkey, * paras. 136-137; USSR, paras. 131-134.

⁴⁶ For texts of relevant statements, see 1250th meeting: President (Bolivia), paras. 141, 151; Ivory Coast, paras. 146, 150; Portugal, * paras. 140, 148.

given the opportunity to speak at the meeting on the following day.

The President (Ivory Coast) explained that under the procedural decision recently adopted the vote on the draft resolution before the Council would be taken the following day, after those representatives wishing to explain their votes had done so. Thereafter, further explanations would be heard by those delegations who had indicated their desire to make such explanations after the vote. At the conclusion of those proceedings the Council would then allow invited representatives to express their views on the draft resolution voted upon.

At his request, the representative of Indonesia was allowed to make a statement at that stage, not "merely to explain" his vote "but to influence those who are going to vote on the draft resolution".⁴⁷

E. EFFECT OF THE EXTENSION OF INVITATIONS

CASE 17

At the 1248th meeting on 27 October 1965 in connexion with the India-Pakistan question, the President (Uruguay) after recalling that at the previous meeting the Council had decided to invite the representatives of India and Pakistan to participate in the discussion of the item under consideration, stated that since the delegation of India was not present in the Council chamber at that time, he intended to invite the representative of Pakistan to take a seat at the Council table. He added that "at any time during the meeting, the delegation of India is invited to take a seat at the table".

Observing that a situation had arisen in the Council in which one of the parties had found it necessary to leave the meeting of the Security Council the representative of the USSR expressed the view that without the participation of one of the parties directly concerned, the Council discussion of the question could hardly lead to any positive results.

The representative of the Ivory Coast, deploring the fact that "the two parties" were not taking seats at the Council table and taking part in the discussion, noted that it was not the first time that such a situation had arisen in the Council. While expressing his expectation that South Africa would, as usual, not participate in the meeting of the Council when the Council would discuss the problem of apartheid, he pointed out that its absence had in the past not prevented the Council from taking appropriate decisions. Hence he was of the view that in the case under consideration the Council could usefully continue its deliberation and take decisions which would be carried out.

Expressing his support for the position of the Ivory Coast, the representative of Jordan remarked that if the absence of one of the parties could stop the Council from deliberating a question, taking decisions or finding constructive solutions, such an action would in effect "amount to a veto" over the work of the Council.

In the absence of observations to the contrary, the representative of Pakistan was invited to take a place at the Council table.⁴⁸

⁴⁷ For texts of relevant statements, see 1134th meeting: President (Ivory Coast), paras. 49, 51; Indonesia, paras. 48, 50.

⁴⁸ For texts of relevant statements, see 1248th meeting: President (Uruguay), paras. 1 and 8; Ivory Coast, para. 5; Jordan, para. 7; USSR, para. 3.

CASE 18

At the 1257th meeting on 12 November 1965 in connexion with the situation in Southern Rhodesia the representative of Jordan proposed under rule 37 of the provisional rules of procedure that invitations be extended to South Africa and Portugal to participate in the Council consideration of the question.

During discussion concerning the interpretation of that rule⁴⁹ and the effect of the extension of invitations, the representative of the USSR maintained that the proposal by the representative of Jordan was made mandatory by the special position taken by Portugal and the Republic of South Africa during both the debate and the vote in the General Assembly. Noting that the conduct of both Governments had been a challenge to the authority of the Organization, he observed that it was quite legitimate for the representative of Jordan to raise the question of having the Council decide to ensure their participation in the debate.

The representative of Uruguay asserted that whereas the presence and comments of the representatives of the two Governments in question might be of significance, his delegation was of the view that an invitation did not imply any juridical undertaking. It was not legally or institutionally binding and might be either accepted or rejected. His delegation would support the proposal, however, if it were understood that the Council, seeking information which might be of help in its deliberations had thus extended the invitation.

While his delegation would not oppose an invitation to the Governments of South Africa and Portugal, the representative of the United States took the position that "this is an invitation and may be accepted or not accepted; it is not a demand".

At the 1261st meeting on 15 November 1965, the representative of the USSR recalled that at the 1257th meeting, a proposal that the Council hear the representatives of Portugal and the Republic of South Africa in connexion with the question under consideration had been adopted and requested that the President inform the members what position had been taken by the two countries with regard to the Council's invitation.

The President (Bolivia) explained that immediately after the said meeting the Secretary-General sent a cabled invitation to the Governments of South Africa and Portugal asking them to be represented at the discussion. He stated that "a few minutes ago a reply was received from the Permanent Representative of South Africa to the United Nations, stating in substance, that the Government of South Africa does not see its way to accepting the invitation to attend the discussions in the Security Council". With respect to Portugal he had been informed by the Secretariat that no reply had been received so far.

At the 1262nd meeting on 16 November 1965, the President further informed the Council that Portugal had replied to the invitation to be represented at the debate and had in essence stated that while reiterating its desire for collaboration, it regretted its inability to accept the invitation.⁵⁰

⁴⁹ For discussion concerning rule 37 see Case 4 above.

⁵⁰ For texts of relevant statements, see: 1257th meeting: Jordan, paras. 110, 112; USSR, paras. 131-132; United States, paras. 140, 147; Uruguay, para. 137; 1261st meeting: President (Bolivia), para. 64; USSR, para. 63; 1262nd meeting, President (Bolivia), para. 35.

Chapter IV
VOTING

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INTRODUCTORY NOTE

This chapter contains material from the *Official Records* relating to the practice of the Council under Article 27 of the Charter.¹ The arrangement of the material in this chapter follows that of the corresponding chapter in earlier volumes of the *Repertoire*.

Part I presents evidence relating to the distinction between procedural and non-procedural matters. No material requiring treatment in part II relating to the practice of the Council in voting upon the question whether a matter is procedural within the meaning of Article 27, paragraph 2 has been found for the period under review. Part III is concerned with the abstention or absence of a Council member in relation to the requirements of Article 27, paragraph 3.

Material relating to voting in connexion with the election of Judges under Article 10 of the Statute of the International Court of Justice is included in chapter VI, part I, section D. Chapter VII, parts I and V, contains material on the voting procedure employed by the Council in connexion with applications for admission to membership in the United Nations.

As noted in preceding volumes of the *Repertoire*,

¹ By resolution 1991 A (XVIII) of 17 December 1963, the General Assembly adopted amendments to Articles 23 and 27 of the Charter which enlarged the membership of the Security Council from eleven to fifteen, and changed the required majority for its decision from seven to nine. These amendments entered into force on 31 August, 1965 (see *Annual Report of the Secretary-General on the Work of the Organization, 16 June 1965-15 June 1966*, p. 153). Article 27, as amended, reads as follows:

"1. Each member of the Security Council shall have one vote.

"2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.

"3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting".

most of the occasions on which the Council has voted afford no indication of the attitude of the Council regarding the procedural or non-procedural character of the matter voted upon. Where a decision has been arrived at by a unanimous vote, or with all permanent members voting in favour of the proposal, no indication of the view of the Council as to the procedural or non-procedural nature of the matter can be obtained from the vote. Nor can any indication be obtained from proceedings in which a proposal, having been put to the vote, has failed to obtain seven votes in its favour.

Part I, section A, comprises those instances (Cases 1-4) wherein the adoption of a proposal, obtained through seven or more votes, with one or more permanent members casting a negative vote, indicated the procedural character of the decision. Cases in this section have been grouped under headings derived from the subject matter dealt with in the decisions; the headings do not constitute general propositions as to the procedural character of future proposals which might be deemed to fall under them.

Part I, section B, includes only two instances where the rejection of a proposal, having obtained seven or more votes with one or more permanent members casting a negative vote, indicated the non-procedural character of the decision. During the period under review, there has been no discussion in the Security Council of the procedural or non-procedural character of the decisions to be taken. The entries in this section are therefore restricted to a reference whereby the draft resolution or proposal and the vote thereon may be identified in the record of decisions in other parts of this Supplement.

Part III, section B, lists those occasions (Cases 7-21) on which permanent members have abstained voluntarily considering that no affirmative decision could have been taken had they voted against the proposal.

Part I

PROCEDURAL AND NON-PROCEDURAL MATTERS

A. CASES IN WHICH THE VOTE INDICATED THE PROCEDURAL CHARACTER OF THE MATTER

1. Inclusion of items in the agenda

CASE 1

On one occasion an item has been included in the agenda by a vote of the Council, notwithstanding the negative vote of a permanent member.

At the 1170th meeting on 9 December 1964 — situation in the Democratic Republic of the Congo.^{1a}

^{1a} 1170th meeting: para. 63. For procedural discussion concerning inclusion of the item in the agenda, see chapter VIII, p. 179.

** 2. Order of items on the agenda

** 3. Deferment of consideration of items on the agenda

** 4. Removal of an item from the list of matters of which the Security Council is seized

5. Rulings of the President of the Security Council

CASE 2

On the following occasion a ruling of the President was challenged and put to the vote and upheld, not-

withstanding the negative vote of a permanent member.

At the 1143rd meeting on 9 August 1964, in connexion with the complaint by the Government of Cyprus, the representative of the USSR proposed that the Council should await the return of the representative of Cyprus to his place before putting the draft resolution to a vote. The President expressed his view in the form of a ruling that a vote should be proceeded on in the absence of the representative of Cyprus. The ruling was challenged and put to the vote. The President's ruling was upheld notwithstanding the negative vote of a permanent member.²

6. Suspension of a meeting

CASE 3

On the following occasion a proposal that the Security Council should recess for a brief period was adopted by a vote of the Council, notwithstanding the negative vote of a permanent member:

At the 1247th meeting on 25 October 1965 — The India-Pakistan question.³

** 7. Adjournment of a meeting

8. Invitation to participate in the proceedings

CASE 4

On the following occasion an invitation to participate in the proceedings was extended to a non-member by a vote of the Council, notwithstanding the negative vote of a permanent member.

At the 1118th meeting on 19 May 1964 in connexion with the complaint by Cambodia, the representative of the United States supported a request of the Republic of Viet-Nam to participate in the discussion of the item. The representative of the USSR objected to the issuing, to the Republic of Viet-Nam, of an invitation to sit at the Council table. The United

² 1143rd meeting: para. 177.

³ 1247th meeting, para. 111.

States proposal to invite the representative of the Republic of Viet-Nam to participate in the discussion was adopted.⁴

** 9. Conduct of business

** 10. Convocation of an emergency special session of the General Assembly

B. CASES IN WHICH THE VOTE INDICATED THE NON-PROCEDURAL CHARACTER OF THE MATTER

1. In connexion with matters considered by the Security Council under its responsibility for the maintenance of international peace and security

CASE 5

Decision of 17 July 1964 (1152nd meeting): Rejection of draft resolution submitted by Norway in connexion with the complaint by Malaysia.⁵

CASE 6

Decision of 21 December 1964 (1182nd meeting): Rejection of draft resolution submitted by the United Kingdom and the United States in connexion with the Palestine question.⁶

** 2. In connexion with other matters considered by the Security Council

** (a) IN CONNEXION WITH ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

** (b) IN CONNEXION WITH APPOINTMENT OF THE SECRETARY-GENERAL

⁴ 1118th meeting: para. 13. For discussion concerning the extension of an invitation to a non-member State, see chapter III, Case 5.

⁵ S/5973, 1150th meeting: para. 72, 1152nd meeting: para. 64. For rejection of the draft resolution, see chapter VIII, p. 163.

⁶ S/6113 and S/6116, O.R., 19th yr., Suppl. for Oct-Dec. 1964, pp. 318-321; 1182nd meeting: para. 41. For rejection of the draft resolution, see chapter VIII, p. 140.

** Part II

PROCEEDINGS OF THE SECURITY COUNCIL REGARDING VOTING UPON THE QUESTION WHETHER THE MATTER WAS PROCEDURAL WITHIN THE MEANING OF ARTICLE 27, PARAGRAPH 2, OF THE CHARTER

** A. PROCEEDINGS ON OCCASIONS WHEN THE SECURITY COUNCIL VOTED ON "THE PRELIMINARY QUESTION"

** B. CONSIDERATION OF PROCEDURES INVOLVED IN VOTING ON "THE PRELIMINARY QUESTION"

** 1. Consideration of the order in which the matter itself, and the question whether the matter is procedural, should be voted upon

** 2. Consideration whether the decision that the matter is procedural is itself a procedural decision

** 3. Consideration of the use of rule 30 of the provisional rules of procedure of the Security Council in determining whether a matter is procedural

Part III

ABSTENTION AND ABSENCE IN RELATION TO ARTICLE 27, PARAGRAPH 3 OF THE CHARTER

** A. OBLIGATORY ABSTENTION

** 1. Cases in which members have abstained in accordance with the proviso of Article 27, paragraph 3

** 2. Consideration of abstention in accordance with the proviso of Article 27, paragraph 3

B. VOLUNTARY ABSTENTION IN RELATION TO ARTICLE 27, PARAGRAPH 3

1. Certain cases in which permanent members have abstained otherwise than in accordance with the proviso of Article 27, paragraph 3

COMPLAINT BY THE GOVERNMENT OF CYPRUS

CASE 7

Decision of 4 March 1964 (1102nd meeting): Draft resolution submitted by Bolivia, Brazil, Ivory Coast, Morocco and Norway (vote on paragraph 4).⁷

CASE 8

Decision of 9 August 1964 (1143rd meeting): Draft resolution submitted by the United Kingdom and the United States.⁸

COMPLAINT BY YEMEN

CASE 9

Decision of 9 April 1964 (1111th meeting): Draft resolution submitted by Ivory Coast and Morocco.⁹

COMPLAINT BY CAMBODIA

CASE 10

Decision of 4 June 1964 (1126th meeting): Draft resolution submitted by Ivory Coast and Morocco (vote on paragraph 5).¹⁰

THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA

CASE 11

Decision of 9 June 1964 (1128th meeting): Draft resolution submitted by Ivory Coast and Morocco.¹¹

⁷ S/5571 issued as S/5575 after its adoption; O.R., 19th yr., Suppl. for Jan.-Mar. 1964, p. 103; 1102nd meeting: para. 27. For vote on the draft resolution (paragraph 4) see chapter VIII, p. 111.

⁸ S/5868, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 152, 1143rd meeting: para. 178. For vote on the draft resolution, see chapter VIII, p. 117.

⁹ S/5650, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 9, 1111th meeting: para. 24. For vote on the draft resolution, see chapter VIII, p. 128.

¹⁰ S/5741, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 190, 1126th meeting: para. 48. For vote on the draft resolution (paragraph 5), see chapter VIII, p. 130.

¹¹ S/5761, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 208-209; 1128th meeting: para. 34. For vote on the draft resolution, see chapter VIII, p. 132.

CASE 12

Decision of 18 June 1964 (1135th meeting): Draft resolution submitted by Bolivia and Norway.¹²

THE PALESTINE QUESTION

CASE 13

Decision of 21 December 1964 (1182nd meeting):
(i) Third Moroccan amendment to the United Kingdom-United States draft resolution.¹³
(ii) Fifth Moroccan amendment to the United Kingdom-United States draft resolution.¹⁴

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

CASE 14

Decision of 30 December 1964 (1189th meeting): Draft resolution submitted by Ivory Coast and Morocco.¹⁵

SITUATION IN THE DOMINICAN REPUBLIC

CASE 15

Decision of 22 May 1965 (1217th meeting): Draft resolution submitted by France.¹⁶

THE INDIA-PAKISTAN QUESTION

CASE 16

Decision of 5 November 1965 (1251st meeting): Draft resolution submitted by Bolivia, Ivory Coast, Malaysia, the Netherlands and Uruguay.¹⁷

SITUATION IN SOUTHERN RHODESIA

CASE 17

Decision of 6 May 1965 (1202nd meeting): Draft resolution submitted by Ivory Coast, Jordan and Malaysia.¹⁸

CASE 18

Decision of 12 November 1965 (1258th meeting): Draft resolution submitted by Jordan as amended.¹⁹

¹² S/5773, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 249-251; 1135th meeting: para. 43. For vote on the draft resolution, see chapter VIII, p. 134.

¹³ S/6116, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, pp. 320-321. 1182nd meeting: para. 24. For vote on the 3rd Moroccan amendment to the United Kingdom and United States draft resolution, see chapter VIII, p. 140.

¹⁴ S/6116, *ibid.*, pp. 320-321. 1182nd meeting: para. 26. For vote on the 5th Moroccan amendment to the United Kingdom and United States draft resolution, see chapter VIII, p. 140.

¹⁵ S/6129, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, pp. 328-329; 1189th meeting: para. 34. For vote on the draft resolution, see chapter VIII, p. 142.

¹⁶ 1217th meeting, para. 46. For vote on the draft resolution, see chapter VIII, part II, p. 152.

¹⁷ 1251st meeting, para. 80. For vote on the draft resolution, see chapter VIII, part II, p. 107.

¹⁸ 1202nd meeting, para. 87. For vote on the draft resolution, see chapter VIII, part II, p. 144.

¹⁹ 1258th meeting. (S/PV), p. 26. For vote on the draft resolution, see chapter VIII, part II, p. 146.

CASE 19

Decision of 20 November 1965 (1265th meeting):
*Draft resolution submitted by Bolivia and Uruguay.*²⁰

SITUATION IN TERRITORIES IN AFRICA UNDER
PORTUGUESE ADMINISTRATION

CASE 20

Decision of 23 November 1965 (1268th meeting):

(i) *First Uruguayan amendment to draft resolution submitted by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone, Tunisia and Madagascar;*²¹

(ii) *Second Uruguayan amendment to draft resolution submitted by Ivory Coast, Jordan, Libe-*

²⁰ 1265th meeting para. 4. For vote on the draft resolution, see chapter VIII, part II, p. 148.

²¹ 1268th meeting, para. 15. For vote on the first Uruguayan amendment to seven-Power draft resolution, see chapter VIII, part II, p. 156.

*ria, Malaysia, Sierra Leone, Tunisia and Madagascar.*²²

CASE 21

Decision of 23 November 1965 (1268th meeting):
*Draft resolution submitted by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone, Tunisia and Madagascar as amended.*²³

**** 2. Consideration of the practice of voluntary abstention in relation to Article 27, paragraph 3**

**** C. ABSENCE OF A PERMANENT MEMBER IN RELATION TO ARTICLE 27, PARAGRAPH 3**

²² 1268th meeting, para. 16. For vote on the second Uruguayan amendment to seven-Power draft resolution, see chapter VIII, part II, p. 156.

²³ S/RES/218 (1965), 1268th meeting, para. 30. For vote on the draft resolution see chapter VIII, part II, p. 156.

Chapter V

**SUBSIDIARY ORGANS ESTABLISHED BY OR IN PURSUANCE OF SECURITY
COUNCIL RESOLUTIONS**

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INTRODUCTORY NOTE

The material included in this chapter pertains to procedures of the Security Council in establishing, or authorizing the establishment of, subsidiary organs deemed necessary for the performance of its functions. Part I, "Occasions on which subsidiary organs of the Security Council have been established or proposed," includes two case histories in which the Council established the subsidiary organs, and five case histories in which the Council decided to authorize the Secretary-General to set up the subsidiary organs.

During the period covered by this *Supplement* there has been no instance of submission of a proposal to establish a subsidiary organ which was not adopted.

With respect to the case histories in which subsidiary organs were established or set up by the Sec-

retary-General pursuant to Council resolution, no implication is intended as to whether these bodies do or do not come within Article 29 of the Charter.

Part II of this chapter contains no entries as there were no instances during the period under review of consideration by the Council of procedures in relation to subsidiary organs.

ARTICLE 29 OF THE CHARTER

"The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions."

RULE 28 OF THE PROVISIONAL RULES OF PROCEDURE

"The Security Council may appoint a commission or committee or a rapporteur for a specified question."

Part I

OCCASIONS ON WHICH SUBSIDIARY ORGANS OF THE SECURITY COUNCIL HAVE BEEN ESTABLISHED OR PROPOSED

NOTE

During the period under review the Security Council: (i) recommended the creation, with the consent of the Government of Cyprus, of a United Nations peace-keeping force in Cyprus, and authorized the Secretary-General to establish the force, this authorization having been implemented by the Secretary-General by the setting up of the UNFICYP;¹ (ii) recommended that the Secretary-General designate, in agreement with the parties concerned, a United Nations Mediator in Cyprus;² (iii) established a Security Council Mission to the Kingdom of Cambodia and the Republic of Viet-Nam, in connexion with the complaint by Cambodia;³ (iv) invited the Secretary-General to send a representative to the Dominican Republic for the purpose of reporting to the Council on the situation;⁴ (v) established an Expert Committee of the Security Council on measures concerning the question of race conflict in South Africa;⁵ (vi) requested the Secretary-General in connexion with the India-Pakistan question to provide the necessary assistance to ensure the supervision of the cease-fire and withdrawal of all armed personnel;⁶ and (vii), authorized the Secretary-General to appoint, after consultation with India and Pakistan, a suitable representative for the formulation of an agreed plan and schedule of withdrawal.⁷

As to the UNFICYP, the Council, in defining its terms of reference, authorized the Secretary-General

to determine the composition and size of the Force. In the case of the United Nations Mediator in Cyprus, the Council has defined his terms of reference. As regards the Security Council Mission to Cambodia and the Republic of Viet-Nam both its composition and terms of reference have been determined by the Council. In the instance of the Representative of the Secretary-General in the Dominican Republic, the Council has defined his terms of reference. The Expert Committee on measures concerning South Africa has also been given explicit terms of reference by the Council.

Of the subsidiary organs established by the Council as outlined above, only the last mentioned did not involve activities at places away from the seat of the Organization.

Of the subsidiary organs established in connexion with the Security Council's discharge of responsibilities for the maintenance of international peace and security, the United Nations Representative for India and Pakistan and the United Nations Truce Supervision Organization in Palestine (UNTSO) continued in existence during the period under review.

Of the Standing Committees of the Security Council, neither the Committee of Experts nor the Committee for the Admission of New Members has been employed by the Council during the period under review.

Besides the organizational functions entrusted to the Secretary-General in connexion with the establishment of the subsidiary organs mentioned above (see Cases 1, 2, 4, 6 and 7), the Security Council in connexion with the India-Pakistan question, faced with the outbreak of an armed conflict in the area, requested the Secretary-General (i) to report within three days on

¹ Case 1.

² Case 2.

³ Case 3.

⁴ Case 4.

⁵ Case 5.

⁶ Case 6.

⁷ Case 7.

the implementation of the cease-fire resolution;⁸ (ii) to exert every possible effort to give effect to the resolution calling for a cessation of hostilities, to take all measures possible to strengthen the United Nations Military Observer Group for India and Pakistan, and to keep the Council informed;⁹ (iii) to provide assistance to ensure supervision of the cease-fire, to exert every possible effort to give effect to the cease-fire resolution, to seek a peaceful solution, and to report to the Council thereon;¹⁰ and (iv) to report urgently on compliance with the resolution on complete and effective cease-fire and a prompt withdrawal of armed forces.¹¹ In connexion with the question relating to the Yemen-South Arabian Federation frontier, the Secretary-General was requested to use his good offices to try to settle outstanding issues, in agreement with the two parties.¹²

In connexion with the question of race conflict in South Africa, the Secretary-General was requested (i) to follow closely the implementation of the resolution urging the Government of South Africa to renounce executions, end trials and grant amnesty to persons opposing the policies of apartheid, and report thereon to the Council;¹³ and (ii) to consider what assistance the United Nations may offer to facilitate consultations among representatives of the people of South Africa.¹⁴ In connexion with the situation in the Democratic Republic of the Congo, the Secretary-General was requested to follow the situation and to report thereon.¹⁵ In connexion with the situation in the Dominican Republic, the Secretary-General was (i) requested to convey to his representative in Santo Domingo the Council's desires concerning the securing of a suspension of hostilities;¹⁶ and (ii) invited to report to the Council on the implementation of its resolution requesting that the suspension of hostilities be transformed into a permanent cease-fire.¹⁷ In connexion with the complaint by Senegal, the Secretary-General was requested to follow the development of the situation.¹⁸ In connexion with the situation in Territories in Africa under Portuguese administration, the Secretary-General was requested to ensure the implementation of the resolution of 23 November 1965, to furnish necessary assistance and to report to the Council within a certain period.¹⁹ The reports from the United Nations Truce Supervision Organization in Palestine continued to be submitted to the Se-

⁸ Decision of 4 September 1965 (S/RES/209 (1965)), *O.R.* 20th year, *Resolutions and Decisions of the Security Council*, 1965, p. 14.

⁹ Decision of 6 September 1965 (S/RES/210 (1965)), *ibid.*, p. 14.

¹⁰ Decision of 20 September 1965 (S/RES/211 (1965)), *ibid.*, p. 15.

¹¹ Decision of 5 November 1965 (S/RES/215 (1965)), *ibid.*, p. 17.

¹² Decision of 9 April 1964 (S/RES/188 (1964)), *O.R.* 19th year, *Resolutions and Decisions of the Security Council*, 1964, pp. 9-10.

¹³ Decision of 9 June 1964 (S/RES/190 (1964)), *ibid.*, p. 13.

¹⁴ Decision of 18 June 1964 (S/RES/191 (1964)), *ibid.*, pp. 14-15.

¹⁵ Decision of 30 December 1964 (S/RES/199 (1964)), *ibid.*, p. 19.

¹⁶ Decision taken at 1212th meeting, para. 208.

¹⁷ Decision of 22 May 1965 (S/RES/205 (1965)), *O.R.*, 20th year, *Resolutions and Decisions of the Security Council*, 1965, p. 11.

¹⁸ Decision of 19 May 1965 (S/RES/204 (1965)), *ibid.*, p. 13.

¹⁹ Decision of 23 November 1965 (S/RES/218 (1965)), *ibid.*, p. 19.

curity Council through the Secretary-General.²⁰ In connexion with the India-Pakistan question, the Secretary-General also submitted to the Security Council several reports on developments in the current situation in Kashmir.²¹

A. INVOLVING, TO FACILITATE THEIR WORK, MEETINGS AT PLACES AWAY FROM THE SEAT OF THE ORGANIZATION

I. Subsidiary organs established

CASE I

United Nations Force in Cyprus

Establishment

At the 1100th meeting on 2 March 1964, in connexion with the complaint by the Government of Cyprus, the representative of Brazil introduced a draft resolution²² jointly sponsored by Bolivia, Brazil, Ivory Coast, Morocco and Norway, which was adopted at the 1102nd meeting on 4 March 1964. That resolution (186 (1964)), provided that the Security Council:

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

"5. *Recommends* that the function of the Force should be, in the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions;²³

²⁰ S/6061, and Add.1, *O.R.*, 19th year, *Suppl. for Oct.-Dec. 1964*, pp. 70-185.

²¹ S/6651, *O.R.*, 20th year, *Suppl. for July-Sept. 1965*, pp. 239-253.

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

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

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

S/6669 and Add.1, *O.R.*, 20th year, *Suppl. for July-Sept. 1965*, pp. 282-283.

S/6710 and Add.1-7, *O.R.*, 20th year, *Suppl. for July-Sept. 1965*, pp. 348-352.

S/6719 and Add.1-3, *O.R.*, 20th year, *Suppl. for July-Sept. 1965*, pp. 359-361.

²² S/5571, 1100th meeting; paras. 3-17.

²³ In his report dated 26 March 1964 (S/5593/Add.3, *O.R.*, 19th year, *Suppl. for Jan.-March 1964*, pp. 132-133) on the organization and operation of the Force, the Secretary-General referred to the function of the UNFICYP as follows:

"... the Force in Cyprus is a United Nations Force, which operates exclusively under the mandate given to it by the Security Council and, within that mandate, under instructions given by the Secretary-General. I would once again point out that the Force is an impartial, objective body which has no responsibility for political solutions and, indeed, which will not try to influence them one way or another. With co-operation and with a positive attitude from all parties, it is my hope that the United Nations Force may make a large contribution to the restoration

"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."

At the 1102nd meeting on 4 March 1964 the representative of the USSR requested that a separate vote be taken on operative paragraph 4 on which he intended to abstain.²⁴

Prior to the vote, the Secretary-General noting that the draft resolution would call upon him to undertake certain responsibilities, explained that it was his intention in accordance with well established practice concerning previous United Nations peace-keeping forces to "keep the Security Council, which would authorize this establishment, promptly and fully informed about the organization and the operation of the force including its composition, size and command".²⁵

Subsequently, operative paragraph 4 was adopted²⁶ by 8 votes to none against, with 3 abstentions; the draft resolution as a whole was adopted unanimously.

At the 1103rd meeting on 13 March 1964, the Council unanimously adopted²⁷ a draft resolution jointly sponsored by Bolivia, Brazil, Ivory Coast, Morocco and Norway, under which it reaffirmed its resolution of 4 March 1964 and requested the Secretary-General "to press on with his efforts to implement" the Security Council resolution of 4 March 1964, and requested Member States to co-operate with him to that end.

of law and order and to return to normal conditions in the island of Cyprus."

In his report dated 11 April 1964 (S/5653, *O.R.*, 19th year, *Suppl. for Apr.-June 1964*, pp. 12-16), the Secretary-General stated:

"The terms of reference for UNFICYP are as set forth in paragraph 5 of the resolution adopted by the Security Council on 4 March 1964. The Secretary-General has instructed the Commander of the Force that the activities of the Force are to be kept at all times within the framework of those Security Council terms of reference and that no action not entirely consistent with them is to be undertaken."

"The Commander of the Force receives from the Secretary-General from time to time, as a matter of course, both general and detailed directives, relating always to the terms of reference, for his guidance in the discharge of his command. This practice, which is usual for a military force, has been the rule scrupulously followed with regard to all other United Nations peace-keeping operations."

As to the function of the Force, in the same report, the Secretary-General stated:

"The Security Council, by paragraph 5 of its resolution of 4 March 1964, recommended that the functions of the United Nations Peace-keeping Force in Cyprus (UNFICYP) 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."

"In carrying out its function, the United Nations Force shall avoid any action designed to influence the political situation in Cyprus except through contributing to a restoration of quiet and through creating an improved climate in which political solutions may be sought."

²⁴ 1102nd meeting, paras. 6-10. For the statement see also chapter VIII, part II, p. 71.

²⁵ 1102nd meeting, paras. 20-21.

²⁶ 1102nd meeting, paras. 27-28.

²⁷ 1103rd meeting: paras. 95, 156, S/RES/187 (1964), *O.R.*, 19th yr., *Resolutions and Decisions of the Security Council*, p. 4.

At the 1139th meeting on 20 June 1964, the Council adopted²⁸ a draft resolution reaffirming its resolutions of 4 and 13 March 1964. The Council adopted similar resolutions, reaffirming its previous resolutions, at its 1143rd meeting on 9 August 1964;²⁹ 1159th meeting on 25 September 1964;³⁰ 1180th meeting on 18 December 1964;³¹ 1193rd meeting on 19 March 1965;³² 1224th meeting on 15 June 1965;³³ and 1270th meeting on 17 December 1965.³⁴

Composition and organization

At the 1103rd meeting on 13 March 1964, the Secretary-General referred to his report³⁵ to the Council dated 12 March 1964, and stated³⁶ that the UNFICYP was in the process of actually being constituted. He had received firm official assurances from three of the Governments which he had approached, namely the Governments of Canada, Ireland and Sweden, to the effect that they would make contingents available. With regard to each of those Governments, certain conditions and prerequisites were defined which had either been met or, in his view, could be coped with. There were also other promising prospects for troops. In such circumstances he was able to assure the Council that the Force would be established without further delay and that elements of it would soon be deployed in Cyprus. The requisite financial support for the UNFICYP, through voluntary contributions, was also assured.

In his report³⁷ dated 26 March 1964, the Secretary-General informed the Security Council that the Commander of the UNFICYP would assume command over it on 27 March, at 05.00 hours, at which time the Force would become operational under the Council resolution 186 (1964) of 4 March 1964. As of that date and shortly thereafter, the UNFICYP would consist of contingents or parts thereof, made available by the Governments of Canada, the United Kingdom, Finland, Sweden and Ireland.

In his report³⁸ dated 31 March 1964, the Secretary-General informed the Security Council that by an exchange of letters on the same date between himself and the Foreign Minister of Cyprus, an agreement³⁹

²⁸ 1139th meeting, para. 21.

²⁹ 1143rd meeting, para. 178.

³⁰ 1159th meeting, para. 24.

³¹ 1180th meeting, para. 176.

³² 1193rd meeting, para. 153.

³³ 1224th meeting, para. 145.

³⁴ 1270th meeting, para. 162.

³⁵ S/5593, *O.R.*, 19th yr., *Suppl. for Jan.-Mar. 1964*, pp. 125-131. In this report, the Secretary-General recalled the steps he had taken to establish the UNFICYP immediately after the adoption of the Council resolution of 4 March 1964.

³⁶ 1103rd meeting: paras. 4-6.

³⁷ S/5593/Add.3, *O.R.*, 19th yr., *Suppl. for Jan.-Mar. 1964*, pp. 132-133.

³⁸ S/5634, *O.R.*, 19th year, *Suppl. for Jan.-March 1964*, pp. 171-182. In this report the Secretary-General proposed *ad hoc* arrangements defining certain of the conditions necessary for the effective discharge of the functions of the UNFICYP. The arrangements which were set out in detail were fully agreed to, and accepted by the Government of Cyprus (annexes I and II).

³⁹ In the agreement the "United Nations Force in Cyprus" was defined as consisting of the United Nations Commander appointed by the Secretary-General in accordance with Council resolution 186 (1964) of 4 March 1964, and all military personnel placed under his command. Under the agreement, the Government of Cyprus undertook to respect the exclusively international character of the UNFICYP as established by the Secretary-General in accordance with the Council resolution of 4 March 1964, and the international nature of its command and function.

had been concluded concerning the status of the UNFICYP.

In his report⁴⁰ dated 29 April 1964, the Secretary-General informed the Security Council on the operations of the UNFICYP and submitted "a comprehensive programme of action" for the Force.

In his report⁴¹ dated 2 May 1964 and 15 June 1964, the Secretary-General informed the Security Council on the composition and operation of the Force.

Area of operation

In his report dated 31 March 1964 in which the Secretary-General informed the Security Council on the agreement concluded with the Republic of Cyprus concerning the status of the UNFICYP, the "area of operations" of the Force was defined⁴² as including "all areas throughout the territory of the Republic of Cyprus... where the Force is deployed in the performance of its functions, as defined in operative paragraph 5 of the Security Council resolution of 4 March 1964".

Limitations concerning the use of force

In his report dated 11 April 1964⁴³ the Secretary-General stated concerning the use of force by UNFICYP:

"The troops of the Force carry arms which, however, are to be employed only for self-defence, should this become necessary in the discharge of its function, in the interest of preserving international peace and security, of seeking to prevent a recurrence of the fighting, and contributing to the maintenance of law and order and a return to normal conditions."

In his report dated 15 June 1964⁴⁴ the Secretary-General informed the Council that a warning had been given to both sides that a repetition of incidents which endangered the lives of personnel of the Force would result in the removal of any post used as a base for fire against troops of UNFICYP, using force if necessary after warning had been given.

That question was raised during consideration of a draft resolution proposing the extension of the duration of UNFICYP for another three months at the 1136th to the 1139th meetings held between 18-29 June 1964. The representative of the United Kingdom stated that it was certainly right for the United Nations Force to be authorized to act vigorously considering the circumstances described by the Secretary-General. For his part, the representative of the USSR recalled that his delegation had consistently opposed any expansion of the functions of the UNFICYP, in-

cluding the use of force to restore order. That would inevitably lead to direct intervention in the internal affairs of the Republic of Cyprus. The representative of the United States observed that the mandate of the Force permitted it to take firm action whenever necessary, as had been reported by the Secretary-General.⁴⁵

In his report dated 10 September 1964, the Secretary-General also referred⁴⁶ to certain actions that the Force may take in the discharge of its mandate, and indicated that he intended to proceed on certain assumptions, which included (a) complete freedom of movement in Cyprus, (b) the right to remove positions and fortified installations that endangered peace, and (c) the need that the opposing armed forces be separated by buffer zones. Those observations of the Secretary-General concerning the actions that the Force might take to improve the position of UNFICYP and prevent a recurrence of fighting were explicitly endorsed by the representatives of Brazil, France, Ivory Coast, Morocco and Norway. The representatives of the USSR and Czechoslovakia opposed any broadening of the function of the Force⁴⁷ as set out in its original mandate stipulated in the Council resolution 186 (1964) of 4 March 1964.⁴⁸

Duration of the mandate of the Force

Paragraph 6 of the Security Council resolution of 4 March 1964 provided that the stationing of the United Nations Peace-keeping Force in Cyprus would be "for a period of three months". By resolutions unanimously adopted at the 1139th meeting on 20 June 1964,⁴⁹ at the 1159th meeting on 25 September 1964,⁵⁰ at the 1180th meeting on 18 December 1964,⁵¹ at the 1193rd meeting on 19 March 1965,⁵² at the 1224th meeting on 15 June 1965,⁵³ and at the 1270th meeting on 17 December 1965,⁵⁴ the Security Council extended the mandate of the Force, in five instances for periods of three months, in one instance⁵⁵ for a period of six months.⁵⁶

⁴⁵ For texts of relevant statements, see: 1136th meeting: Cyprus,* para. 124; 1137th meeting: Brazil, para. 60; Greece,* para. 41; United Kingdom, paras. 66, 77; 1138th meeting: France, para. 100; Turkey,* para. 74; USSR, paras. 39-45; United States, paras. 82-83; 1139th meeting: China, para. 18; Czechoslovakia, paras. 12-13.

⁴⁶ S/5950, *O.R.*, 19th yr., *Suppl. for July-Sept. 1964*, pp. 336, 337.

⁴⁷ Their objections were reiterated on several occasions during consideration of extensions of the mandate of the Force. See: 1155th meeting: Czechoslovakia, para. 64; 1153rd meeting: USSR, paras. 96-102, 106-108; 1180th meeting, paras. 137-138; 1192nd meeting, paras. 3-9; 1224th meeting: paras. 137-142; 1252nd meeting, paras. 124-127.

⁴⁸ For texts of relevant statements, see: 1151st meeting: Cyprus,* paras. 14-15, 17-19, 22; Turkey,* paras. 104-105, 128-129; 1153rd meeting: United Kingdom, paras. 24, 27-28, 34; USSR, paras. 102-111; United States, paras. 42, 44; 1154th meeting: China, para. 26; Norway, paras. 14-15; 1155th meeting: Brazil, para. 9-10; Czechoslovakia, para. 64; France, paras. 18-19; Ivory Coast, para. 27; Morocco, paras. 38-39; 1156th meeting: Bolivia, paras. 6-7; 1159th meeting: Brazil, paras. 3-8; Ivory Coast, paras. 13-15; Morocco, para. 17; 1180th meeting: USSR, paras. 136-138.

⁴⁹ S/RES/192 (1964), *O.R.* 19th yr., *Resolutions and Decisions of the Security Council 1964*, p. 5.

⁵⁰ S/RES/194 (1964), *ibid.*, pp. 7-8.

⁵¹ S/RES/198 (1964), *ibid.*, pp. 8-9.

⁵² S/RES/201 (1965).

⁵³ S/RES/206 (1965).

⁵⁴ S/RES/219 (1965).

⁵⁵ 1224th meeting, para. 145 S/6440.

⁵⁶ By his reports dated 15 June 1964 (S/5764 and Add.1, *O.R.*, 19th yr., *Suppl. for April-June 1964*, pp. 211-244), 10 September 1964 (S/5950 and Add.1 and 2, *O.R.*, 19th yr., *Suppl. for July-Sept. 1964*, pp. 280-341), 12 December 1964

⁴⁰ S/5671, *O.R.*, 19th year, *Suppl. for April-June 1964*, pp. 87-93.

⁴¹ S/5679, *O.R.*, 19th year, *Suppl. for April-June 1964*, pp. 105-106. S/5764 and Add.1, *O.R.*, 19th year, *Suppl. for April-June 1964*, pp. 211-212. In the latter report dated 15 June 1964, the Secretary-General stated that as of 8 June 1964, the strength of the Force totalled 6,411 men, including 6,238 military and 173 policemen, and was composed of military contingents from Austria, Canada, Denmark, Finland, Ireland, Sweden and the United Kingdom, and police contingents from Australia, Austria, Denmark, New Zealand and Sweden.

⁴² S/5634, *O.R.*, 19th yr., *Suppl. for Jan.-March 1964*, pp. 172-173.

⁴³ S/5653, *O.R.*, 19th yr., *Suppl. for April-June 1964*, pp. 12-14.

⁴⁴ S/5764 and Add.1, *O.R.*, 19th yr., *Suppl. for April-June 1964*, p. 219, para. 31.

CASE 2

United Nations Mediator in Cyprus

Establishment

At the 1100th meeting on 2 March 1964, in connexion with the Cyprus question, the representative of Brazil introduced a draft resolution⁵⁷ jointly sponsored by Bolivia, Brazil, Ivory Coast, Morocco and Norway. Under paragraph 7 of the proposed text, the Security Council would recommend "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 draft resolution would also provide that the Mediator should report periodically to the Secretary-General on his efforts, and that the expenses to be incurred by the Mediator and his staff would be disbursed by the United Nations.

At the 1102nd meeting on 4 March 1964,⁵⁸ the joint draft resolution submitted by Bolivia, Brazil, Ivory Coast, Morocco and Norway was adopted unanimously by the Council.

At the 1103rd meeting on 13 March 1964, the Council adopted⁵⁹ a draft resolution jointly sponsored by Bolivia, Brazil, Ivory Coast, Morocco and Norway, under which it reaffirmed its resolution of 4 March 1964, and requested the Secretary-General "to press on with his efforts to implement the Security Council resolution of 4 March 1964".

At the 1139th meeting on 20 June 1964, the Council adopted⁶⁰ a draft resolution reaffirming its resolutions of 4 and 13 March 1964.

Similar resolutions, reaffirming its previous resolutions were subsequently adopted by the Council at its 1143rd meeting on 9 August 1964;⁶¹ 1159th meeting on 25 September 1964;⁶² 1180th meeting on 18 December 1964;⁶³ 1193rd meeting on 19 March 1965;⁶⁴ 1224th meeting on 15 June 1965;⁶⁵ and 1270th meeting on 17 December 1965.⁶⁶

(S/6102, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, pp. 221-310), 11 March 1965 (S/6228 and Add.1, O.R., 20th yr., Suppl. for Jan.-March 1965, pp. 106-174), 10 June 1965 (S/6426, O.R., 20th yr., Suppl. for April-June 1965, pp. 247-290), and 17 December 1965 (S/7001, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 438-486), the Secretary-General informed the Security Council of his reasons for proposing the extension of the mandate of the Force. In four instances the Secretary-General proposed the extension of the mandate of the Force for periods of three months, in two instances (reports dated 10 June 1965 and 17 December 1965) for periods of six months.

⁵⁷ S/5571, 1100th meeting: paras. 5-21.

⁵⁸ S/5571, 1102nd meeting: para. 28.

⁵⁹ 1103rd meeting: para. 156.

⁶⁰ 1139th meeting: para. 21.

⁶¹ 1143rd meeting: para. 178.

⁶² 1159th meeting: para. 24.

⁶³ 1180th meeting: para. 176.

⁶⁴ 1193rd meeting: para. 153.

⁶⁵ 1224th meeting: para. 145.

⁶⁶ 1270th meeting: para. 162.

Composition and reports

In his report⁶⁷ dated 26 March 1964, the Secretary-General informed the Security Council 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 Mediator in Cyprus.

In a statement⁶⁸ before the Council at its 1144th meeting on 9 September 1964, the Secretary-General announced the death of Mr. Tuomioja, which had occurred on that date in Helsinki.

In his report⁶⁹ dated 10 September 1964, the Secretary-General informed the Council that Mr. Tuomioja had kept him informed of his activities, plans and thinking on the Cyprus question, but had not submitted a formal report on his mediation effort. It was further stated in the report that after consultations with the four parties principally concerned, and having found that they all considered it important that a new mediator be designated without delay, the Secretary-General was taking the necessary steps toward this end.

At the 1151st meeting on 16 September 1964, the Secretary-General reported⁷⁰ to the Council that the four Governments concerned had agreed to the appointment of Mr. Galo Plaza as United Nations Mediator in Cyprus.

In his report⁷¹ dated 12 December 1964, the Secretary-General gave the Council an account of the series of consultations conducted by the Mediator during the period up to that date, and stated that the Mediator would continue his efforts to find the grounds for an agreed solution in the context of the Council resolution of 4 March 1964.

On 26 March 1965 the Secretary-General submitted to the Council and other parties directly concerned with the Cyprus problem a report⁷² by the United Nations Mediator in Cyprus. Observations from the parties concerning that report were communicated to the Secretary-General and subsequently transmitted⁷³ to the members of the Council. Noting that in their observations, the Government of Turkey and the Turkish Cypriot leadership had objected to certain sections of the Mediator's report on the grounds that the report contained matters which went beyond the terms of reference of the Mediator, the Secretary-General in his report⁷⁴ of 10 December 1965 stated that he had informed the representative of Turkey⁷⁵ by letter dated 1 April 1965 that he had found nothing in the Mediator's report which could be considered as going beyond or being in any respect incompatible with the functions of the Mediator, and could therefore not accept the view that the Mediator's function had come to an end upon the publication of his report. At the same time he drew the attention of the Council to

⁶⁷ S/5625, O.R., 19th yr., Suppl. for Jan.-March 1964, pp. 162-163.

⁶⁸ 1144th meeting, para. 2.

⁶⁹ S/5950, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 330.

⁷⁰ 1151st meeting: paras. 5-6.

⁷¹ S/6102, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 282.

⁷² S/6253, O.R., 20th yr., Suppl. for Jan.-March 1965, pp. 199-252.

⁷³ S/6267 and Add.1, S/6279 and S/6280, O.R., 20th yr., Suppl. for April-June 1965, pp. 1-5, pp. 13-14, pp. 21-25 and pp. 25-26.

⁷⁴ S/7001, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 438-486.

⁷⁵ S/6267, O.R., 20th yr., Suppl. for Apr.-June 1965, pp. 2-4.

the fact that under prevailing circumstances the Mediator had been unable to function and that consequently the search for a peaceful solution and an agreed settlement of the Cyprus problem had been at a standstill. Nevertheless, upon his request the Mediator had continued to be available to the parties for further efforts of mediation in accordance with the provisions of the Security Council resolution of 4 March 1964. On 31 December 1965 the Secretary-General transmitted to the Council an exchange of letters⁷⁶ with the Mediator in which the Secretary-General had noted with regret the decision of Mr. Galo Plaza to resign as United Nations Mediator in Cyprus. Since the resignation of Mr. Galo Plaza no new mediator had been designated.

In his report⁷⁷ dated 10 March 1966, the Secretary-General stated that his subsequent efforts towards achieving a resumption of the mediation function had up to that date been unavailing, due primarily to the widely differing and firmly held views on the matter of the three Governments most directly concerned. He further reported that following informal consultations with the parties concerned, he had sent on 2 March 1966 to his Special Representative in Cyprus, Mr. Carlos Bernardes instructions⁷⁸ broadening his mandate. As he had informed the Council by his note of 4 March 1966, the broader activity thus envisaged was without prejudice to the mediation function as provided for in the Council resolution of 4 March 1964.

CASE 3

Security Council Mission to the Kingdom of Cambodia and the Republic of Viet-Nam

Establishment

At the 1125th meeting on 3 June 1964, in connexion with the complaint by Cambodia, the representative of Morocco introduced⁷⁹ a draft resolution jointly sponsored by the Ivory Coast and Morocco. Under operative paragraph 5 of the proposed text, the Security Council would decide "to send three of its members to the two countries [the Kingdom of Cambodia and the Republic of Viet-Nam] 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", and to "report to the Security Council within forty-five days".

At the 1126th meeting on 4 June 1964, the joint draft resolution submitted by Ivory Coast and Morocco was adopted unanimously by the Council.⁸⁰

Composition

The President of the Council (Ivory Coast), after consulting the members of the Council, announced

⁷⁶ S/7054, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 542-544.

⁷⁷ S/7191, O.R., 21st yr., Suppl. for Jan.-Mar. 1966.

⁷⁸ Under these instructions the Special Representative was authorized to "employ his good offices and make such approaches to the parties in or outside the island" as might seem likely to be productive "in the sense of achieving in the first instance discussions at any level of problems and issues of either a purely local or broader nature". (S/7180).

⁷⁹ S/5735, 1125th meeting: paras. 8-26.

⁸⁰ 1126th meeting: para. 49, S/RES/189 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, p. 11.

in a note⁸¹ of 5 June 1964 that he had appointed Brazil, Ivory Coast and Morocco to carry out the mission. Subsequently, the three Governments designated their representatives to serve as Members of the Mission.⁸²

Termination

The Security Council Mission submitted to the Council its report⁸³ on 27 July 1964. During the period covered by this Supplement the report of the Mission has not been acted upon by the Council. With the submission of its report, the Mission had fulfilled its mandate.

CASE 4

Representative of the Secretary-General in the Dominican Republic

Establishment

At the 1208th meeting on 14 May 1965, in connexion with the situation in the Dominican Republic, the representative of Jordan introduced a draft resolution⁸⁴ jointly sponsored by Ivory Coast, Jordan and Malaysia, under which the Council would decide to invite the Secretary-General "to send, as an urgent measure, a representative to the Dominican Republic for the purpose of reporting to the Security Council on the present situation". The Council would further call upon "all concerned in the Dominican Republic to co-operate with the Representative of the Secretary-General in the carrying out of his task".

In submitting the proposed text to the Council, the representative of Jordan stated⁸⁵ that the joint draft resolution was intended "as an urgent measure on the part of the Security Council with regard to the present developments in the Dominican Republic, and in order to enable the Council to obtain a clear report from the appropriate organs of the United Nations on the situation in the Dominican Republic".

At the same meeting the joint draft resolution submitted by Ivory Coast, Jordan and Malaysia was adopted unanimously by the Council.⁸⁶

Composition

The Secretary-General reported on 15 May to the Council⁸⁷ that he had appointed Mr. José Antonio Mayobre as his Representative in the Dominican Republic, and that pending his arrival in Santo Domingo an advance party, led by the Military Adviser of the Secretary-General, had been dispatched to Santo Domingo.

At the 1212th meeting on 19 May 1965, the Secretary-General informed the Council⁸⁸ that his Representative in the Dominican Republic had arrived in Santo Domingo on 18 May. Reports by the Secretary-General on the situation in the Dominican Republic, based on information communicated by his Representative in that country, continued to be submitted to the Council throughout the duration of the United Nations Mission in the Dominican Republic.⁸⁹

⁸¹ S/5749, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 200.

⁸² S/5832, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 103.

⁸³ S/5832, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 101-112.

⁸⁴ S/6355, 1208th meeting: para. 6.

⁸⁵ 1208th meeting: paras. 6, 7.

⁸⁶ 1208th meeting: para. 8.

⁸⁷ S/6358.

⁸⁸ 1212th meeting: paras. 78-87.

⁸⁹ For reference to reports during the period covered by this supplement, see below, chapter VIII, part II, p. 151, foot-note 470 and p. 153, foot-note 488.

Terms of reference

The Secretary-General, in his report⁹⁰ of 3 June 1965 to the Council, stated that in the Dominican Republic "the general situation is one of an uneasy truce", and that his Representative "... has been provided only with the staff and facilities necessary for the discharge of the mandate set forth in operative paragraph 2 of the Security Council resolution of 14 May 1965". He added that "This mandate does not include investigations of complaints, a task which would require a much larger team of observers, investigators and subsidiary personnel, as well as ancillary equipment".

In the course of further consideration of the question, references to the limited mandate of the Representative of the Secretary-General in the Dominican Republic were made at several meetings of the Council. At the 1221st meeting on 7 June 1965, suggestions were made by the representative of Jordan⁹¹ for the broadening of the mandate and that the Secretary-General's representative should be provided "with a team of aides and observers to enable him to carry out the tasks of supervising the implementation of the cease-fire and also of investigating complaints and acts of violence, since these matters are completely related to the cease-fire". Similar suggestions were made at that meeting by the representatives of Uruguay,⁹² France⁹³ and at the 1222nd meeting on 9 June 1965 by the USSR.⁹⁴ At the latter meeting the representative of Malaysia⁹⁵ while disagreeing with the broadening of the mandate to include investigation of complaints, suggested a limited increase of the personnel assisting the Representative of the Secretary-General in the performance of his tasks. Reservations concerning these suggestions were made by the representatives of the United States,⁹⁶ the United Kingdom⁹⁷ and Bolivia.⁹⁸

In his report before the Council⁹⁹ on 11 June 1965, the Secretary-General further stated that "the extent of the personnel requirements and other ancillary facilities required by my Representative is under constant review". He added that "the present mandate involves observation and reporting" and that, in his view, that did not include "the actual investigation of complaints". This added function of investigation, he observed, would require "specific clarification by this Council".

At the 1227th meeting on 18 June 1965, the President (Netherlands), in summing up the discussion, stated¹⁰⁰ that there was "unanimity of view that the representative of the Secretary-General is, under the terms of the Security Council's resolutions 203 (1965) of 14 May and 205 (1965) of 22 May, entitled and required to report to the Security Council, (a) on the situation in the Dominican Republic, and (b) on the implementation of the cease-fire". He further stated that there was a consensus in the Council to the extent "that the Representative's task of reporting on the im-

plementation of the cease-fire entitles him to receive and collect information as he has done heretofore". However, there was no consensus in the Council to the effect of giving him "a more elaborate mandate of investigation than up to now". There was also a basic agreement in the Council in considering that it was "within the competence of the Secretary-General to expand the staff of his Representative as the situation requires in the judgement of the Secretary-General". There was, likewise, no objection to providing the Representative of the Secretary-General in the Dominican Republic with more effective and efficient means of communication with the United Nations Headquarters.

Termination

In his report dated 14 October 1966¹⁰¹ the Secretary-General stated that in view of the developments in the Dominican Republic he had initiated arrangements for the withdrawal of the United Nations Mission in the Dominican Republic.

CASE 5

*Expert Committee of the Security Council on Measures Concerning the Question of Race Conflict in South Africa**Establishment*

At the 1133rd meeting on 16 June 1964, in connexion with the question of race conflict in South Africa, the representative of Norway introduced¹⁰² a draft resolution jointly sponsored by Bolivia and Norway. Under operative paragraph 8 of the proposed text, the Council would "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". The Council would further authorize the Expert Committee to request all Member States to submit their views on such measures not later than 30 November 1964 and the Committee was requested "to complete its report not later than three months thereafter".

At the 1135th meeting on 18 June 1964, the joint draft resolution submitted by Bolivia and Norway was adopted by 8 votes in favour, none against and 3 abstentions.¹⁰³

Composition

In submitting the joint draft resolution at the 1133rd meeting on 16 June 1964, the representative of Norway explained¹⁰⁴ that the composition of the Expert Committee would include the "present" members of the Council so as to avoid changing its composition when new members of the Council were elected at the end of the year. The members of the expert committee were thus Bolivia, Brazil, China, Czechoslovakia, France,¹⁰⁵ Ivory Coast, Morocco, Norway, USSR, United Kingdom and United States.

⁹⁰ S/6408.

⁹¹ 1221st meeting: paras. 27-31.

⁹² 1221st meeting: paras. 55-56.

⁹³ 1221st meeting: para. 62.

⁹⁴ 1222nd meeting: paras. 88-91.

⁹⁵ 1222nd meeting: paras. 114-116.

⁹⁶ 1221st meeting, paras. 106-108.

⁹⁷ 1222nd meeting, paras. 8-12.

⁹⁸ 1222nd meeting, para. 129.

⁹⁹ S/6408, 1223rd meeting, paras. 5, 6.

¹⁰⁰ 1227th meeting, paras. 16-25.

¹⁰¹ S/7552.

¹⁰² S/5769, 1133rd meeting: paras. 2-13.

¹⁰³ 1135th meeting: para. 43; S/5773, *O.R.*, 19th yr., *Suppl. for Apr.-June 1964*, pp. 249-251.

¹⁰⁴ 1133rd meeting: para. 10.

¹⁰⁵ France did not participate in the meetings of the Committee.

Termination

The Expert Committee submitted to the Council its report¹⁰⁶ on 27 February 1965. During the period covered by this *Supplement* the report of the Expert Committee has not been acted upon by the Council. With the submission of its report, the Committee has fulfilled its mandate.

CASE 6

United Nations India-Pakistan Observation Mission

Establishment

At the 1242nd meeting on 20 September 1965, in connexion with the India-Pakistan question, the representative of the Netherlands introduced^{106a} a draft resolution under which the Security Council would *inter alia* "request the Secretary-General to provide the necessary assistance to ensure the supervision of the cease-fire and withdrawal of all armed personnel" demanded by the Council. The Secretary-General was also requested to exert every possible effort to give effect to the resolution and to seek a peaceful solution. At the same meeting, the draft resolution was adopted by 10 in favour, none against and one abstention.

In his report¹⁰⁷ dated 21 September 1965, the Secretary-General gave an account of the action he had taken to give effect to Security Council resolution 211 (1965) of 20 September 1965. In a supplementary report¹⁰⁸ of 23 September 1965, the Secretary-General further stated that he had taken immediate steps to provide a group of observers for the supervision of the cease-fire which was accepted by both Governments. However, in view of the difference in origin and function between the United Nations Military Observer Group in Pakistan (UNMOGIP) and the new group of observers, he had "decided to organize the observers whose function it is to supervise the cease-fire and withdrawals as an organization separate from UNMOGIP, entitled United Nations India-Pakistan Observation Mission (UNIPOM)". Nevertheless, the operations of UNIPOM and UNMOGIP would be closely co-ordinated both administratively and operationally.¹⁰⁹

Composition

In his report¹¹⁰ dated 23 September 1965, the Secretary-General informed the Council that he had asked the Chief Officer of UNMOGIP to delegate a group of UNMOGIP observers to supervise the cease-fire in the area of conflict outside the cease-fire line in Kashmir, and that twelve observers under his deputy, who were due to arrive on both the Indian and Pakistan sides of the front on that day had been dispatched. In addition, a party of fifteen military observers from the

United Nations Truce Supervision Organization in Palestine (UNTSO) was then en route to the area and was expected to arrive on the next day. Pending the appointment of a senior officer in charge of UNIPOM, the Chief Officer had been asked to direct both operations. The report further stated that the Secretary-General had made urgent requests to a number of Governments to provide military observers for UNIPOM and had in general received a positive response.¹¹¹ The report also stated that the necessary co-operation and assistance had been requested and were forthcoming both from the Indian and Pakistan armies, to enable the observers to carry out their functions.

On the question of compliance with withdrawal provisions of Security Council resolution 211 (1965), the Secretary-General informed the Council of his efforts in that matter and stated that the expected withdrawals had not taken place and there was no indication that they were likely to take place soon unless some new effort were made.

Duration of mandate

In a report dated 15 December 1965,¹¹² the Secretary-General drew the attention of the Council to the fact that the first three-month period of the cease-fire demanded by Security Council resolution 211 of 20 September would elapse on 22 December 1965. He explained that while some degree of quiet had been established along the cease-fire line, the situation was such that tension persisted between the parties at numerous points and incidents continued. Noting that both India and Pakistan had informed him of their desire that the United Nations continue its observer function after 22 December, the Secretary-General indicated his intention under the circumstances to continue the United Nations activities relating to the cease-fire and withdrawal provisions of the Security Council resolution. In that connexion a continuation of UNIPOM for a second three-month period would be necessary.

Termination

In a report dated 30 December 1965,¹¹³ the Secretary-General informed the Council that the Chief of Army Staff of the Indian Army had informed the Chief Officer of UNIPOM of his intention to order a unilateral cessation of firing by all formations effective 26 December. On 22 December the Chief of General Staff of Pakistan had agreed to take similar action. On 17 February 1966, the Secretary-General reported¹¹⁴ to the Council that an agreement had been reached between the parties on a plan for disengagement and withdrawal of their troops and on the ground rules for implementation of the plan; the withdrawal to be completed by 25 February 1966.¹¹⁵

¹⁰⁶ S/6210 and Add.1, O.R., 20th yr., *Special Supplement No. 2*.

^{106a} 1242nd meeting, para. 44; S/6694.

¹⁰⁷ S/6699, O.R., 20th yr., *Suppl. for July-Sept. 1965*, pp. 329-331.

¹⁰⁸ S/6699/Add.3, O.R., 20th yr., *Supplement for July-Sept. 1965*, pp. 335-336.

¹⁰⁹ At the 1247th and 1251st meetings on 25 October and 5 November 1965 respectively, the representative of the USSR contended that the action of the Secretary-General in connexion with the Observation Mission departed from the United Nations Charter, and asserted that only the Security Council was competent to adopt appropriate measures connected with observers of the United Nations; 1247th meeting: para. 243; 1251st meeting, paras. 83-88. See also chapter VIII, part II, p. 107 and foot-note 58.

¹¹⁰ S/6699/Add.3, O.R., 20th yr., *Suppl. for July-Sept. 1965*, pp. 335-336.

¹¹¹ "Specific agreement urgently to provide observers has been received so far from the Governments of Brazil, Canada, Ethiopia, Ireland, Nigeria" and "arrangements are now in hand to get these observers to the subcontinent with the shortest possible delay".

¹¹² S/6699/Add.11, O.R., 20th yr., *Suppl. for Oct.-Dec. 1965*, pp. 14-15.

¹¹³ S/6710/Add.14, O.R., 20th yr., *Suppl. for Oct.-Dec. 1965*, pp. 117-124.

¹¹⁴ S/6719/Add.5, O.R., 21st yr., *Suppl. for Jan.-Mar. 1966*.

¹¹⁵ A corrigendum to S/6719/Add.5, issued on 18 February 1966, stating that the withdrawal date should be amended to read "25 January 1966" appears to be at variance with the withdrawal date stated in S/6719/Add.6.

On 26 February 1966, the Secretary-General reported¹¹⁶ that the withdrawal of troops by India and Pakistan had been completed on schedule on 25 February, and that the withdrawal provisions of the Council's resolution had thus been fulfilled by the two parties.

CASE 7

Representative of the Secretary-General in the matter of withdrawal of troops by India and Pakistan

Establishment

At the 1251st meeting on 5 November 1965, in connexion with the India-Pakistan question, the Council adopted a draft resolution¹¹⁷ jointly sponsored by Bolivia, Ivory Coast, Malaysia, Netherlands and Uruguay reaffirming its resolution 211 (1965) of 20 September 1965 in all its parts and demanding that the representatives of the Governments of India and Pakistan meet with a "suitable representative of the Secretary-General, to be appointed without delay after consultation with both parties, for the purpose of formulating an agreed plan and schedule for the withdrawals by both parties".

Composition and terms of reference

On 25 November 1965, the Secretary-General informed¹¹⁸ the Council that after consultations with both parties he had appointed a personal representative¹¹⁹ who was to meet with the representatives of India and Pakistan for the purpose of formulating an agreed plan and schedule for the withdrawal, as envisaged in Security Council resolution 215 (1965) of 5 November 1965. He then advised the Council of assurances by both parties that they would receive and co-operate with his representative.

Duration of mandate

In a report¹²⁰ dated 15 December 1965, the Secretary-General informed the Council that whereas the

¹¹⁶ S/6719/Add.6, *ibid.*; also S/6699/Add.12, *O.R.*, 21st yr., *Suppl. for Jan.-Mar. 1966*.

¹¹⁷ S/RES/215 (1965).

¹¹⁸ S/6719/Add.4, *O.R.*, 20th yr., *Suppl. for Oct.-Dec. 1965*, pp. 131-132.

¹¹⁹ Brigadier General Tulio Marambio of Chile.

¹²⁰ S/6699/Add.11, *O.R.*, 20th yr., *Suppl. for Oct.-Dec. 1965*, pp. 131-132.

first three-month period of the cease-fire demanded by the Security Council on 20 September would have elapsed on 22 December, the situation remained such as to necessitate the continuance of United Nations activities relating to the cease-fire and withdrawal provisions of the Security Council resolutions. In that connexion he expressed his intention to prolong the mission of his personal representative.

On 17 February 1966, the Secretary-General reported¹²¹ to the Security Council that in a series of joint meetings of the military representatives of India and Pakistan, convened under the auspices of the Secretary-General's representative, agreement had been reached between the parties on a plan for disengagement and withdrawal of their troops. The contemplated withdrawal was to be completed by 25 February 1966. Should disagreements arise which could not be resolved by the two parties, the good offices of the Secretary-General's representative would be requested and his decision would be final and binding.

Termination

On 23 February 1966, the Secretary-General reported¹²² to the Council that the first stages of the withdrawals had been completed on 20 February and it was expected that the entire operation would be completed by 25 February. Barring any untoward developments, the responsibilities of the Secretary-General's representative would come to an end on 28 February and his mission would be terminated on that date. On 26 February 1966, the Secretary-General reported¹²³ to the Council that the withdrawal of troops from India and Pakistan had been completed on schedule on 25 February 1966.

**** 2. Subsidiary organs proposed but not established**

**** B. NOT INVOLVING, TO FACILITATE THEIR WORK, MEETINGS AT PLACES AWAY FROM THE SEAT OF THE ORGANIZATION**

¹²¹ S/6719/Add.5.

¹²² S/6699/Add.12.

¹²³ S/6719/Add.6.

Part II

**** CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS**

Chapter VI

RELATIONS WITH OTHER UNITED NATIONS ORGANS

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INTRODUCTORY NOTE

As previously in the *Repertoire*, the present chapter, dealing with the relations of the Security Council with all the other organs of the United Nations, is broader in scope than chapter XI of the provisional rules of procedure of the Security Council (rule 61) which governs only certain procedures related to the election by the Council of Members of the International Court of Justice.

This chapter presents material bearing on the relations of the Security Council with the General Assembly (part I), and also brings up to date the account given in the previous volumes of the *Repertoire* of the transmission by the Trusteeship Council to the Secu-

urity Council of questionnaires and reports (part III). No material has been found for the period under review which would require entry in parts II, IV and V relating respectively to relations with the Economic and Social Council, the International Court of Justice and the Military Staff Committee.

The functions of the Secretariat in relation to the Security Council, to the extent that they are governed by the provisional rules of procedure of the Council, are covered in chapter 1, part IV. Proceedings regarding the appointment of the Secretary-General under Article 97 are treated in part I of this chapter.

Part I

RELATIONS WITH THE GENERAL ASSEMBLY

NOTE

In part I, concerning the relations of the Security Council with the General Assembly, the arrangement of the material remains the same as in the previous volumes of the *Repertoire*.

Part I is mainly concerned with instances in which the responsibility of the Security Council and of the General Assembly is, under the provisions of the Charter or the Statute of the International Court of Justice, either exclusive or mutual; that is, where a final decision is or is not to be taken by one organ without a decision to be taken in the same matter by the other. The proceedings in these instances fall into three broad categories.

The first category, treated in section A, includes practices and proceedings in relation to Article 12, paragraph 1 limiting the authority of the General Assembly in respect of any dispute or situation while the Council is exercising the functions assigned to it by the Charter. No material for inclusion in this section was found for the period covered by this *Supplement*. The section, therefore, contains only a note concerning notification by the Secretary-General to the General Assembly under Article 12, paragraph 2 of the Charter. Neither has there been any material required for treatment in the second category relating to the mutual responsibility of the Security Council and the General Assembly whereby the decision must be taken by the Security Council before that of the General Assembly, i.e., appointment of the Secretary-General and conditions of accession to the Statute of the International Court of Justice. The third category includes cases where the final decision depends upon action to be taken by both the organs concurrently, such as the election of Members of the International Court of Justice.¹ Also included is one case history giving account of the relations of the Security Council with subsidiary organs established by the General As-

sembly.² In addition, there is a tabulation of recommendations to the Security Council adopted by the General Assembly in the form of resolutions and references to the annual and special reports of the Security Council submitted to the General Assembly.

A. PRACTICES AND PROCEEDINGS IN RELATION TO ARTICLE 12 OF THE CHARTER

Article 12 of the Charter

"1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

"2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters."

[*Note:* During the period under review there was no discussion in the Security Council on the question of the respective competence of the Security Council and the General Assembly to deal with a matter relating to the maintenance of international peace and security, which the Security Council had considered and then referred to the General Assembly.

Notifications to the General Assembly under Article 12, paragraph 2 by the Secretary-General, with the consent of the Security Council, of "matters relative to the maintenance of international peace and security which are being dealt with by the Security Council" and of matters with which the Council has ceased to deal, have been drafted on the basis of the "Summary Statement by the Secretary-General on matters

¹ Case 1.

² Case 2.

of which the Security Council is seized and on the stage reached in their consideration" which is circulated each week by the Secretary-General in accordance with rule 11 of the provisional rules of procedure.

The notification issued before each regular session of the General Assembly contains the same agenda items as those in the current Summary Statement, except that certain items in the Statement which are not considered as "matters relative to the maintenance of international peace and security" for the purpose of Article 12, paragraph 2 are excluded from the notification, e.g., rules of procedure of the Council, applications for membership, and the application of Articles 87 and 88 with regard to strategic areas. In addition, the notification contains a list of any items with which the Council has ceased to deal since the previous session of the General Assembly.³

Matters being dealt with by the Security Council have been listed in the notification, since 1951, in two categories: (1) matters which are being dealt with by the Council and which have been discussed during the period since the last notification; and (2) matters of which the Council remains seized but which have not been discussed since the last notification.

Since 1947, the consent of the Council required by Article 12, paragraph 2 has been obtained through the circulation by the Secretary-General to the members of the Council of copies of the draft notifications.]

**** B. PRACTICES AND PROCEEDINGS IN RELATION TO THE CONVOCAATION OF A SPECIAL SESSION OF THE GENERAL ASSEMBLY**

**** C. PRACTICES AND PROCEEDINGS IN RELATION TO ARTICLES OF THE CHARTER INVOLVING RECOMMENDATIONS BY THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY**

**** 1. Appointment of the Secretary-General**

**** 2. Conditions of accession to the Statute of the International Court of Justice**

**** 3. Conditions under which a non-member State, party to the Statute, may participate in electing Members of the International Court of Justice**

³ In the notifications issued before the convening of the nineteenth and twentieth sessions of the General Assembly (A/5823, 2 December 1964; and A/5980, 20 September 1965) it was stated that two items with which the Security Council had ceased to deal were removed from the list of matters of which the Council was seized. In the notification issued before the nineteenth session, a final paragraph was included which read as follows: "Following the request of the Permanent Representative of Jordan, the Security Council has removed the following item from the list of matters of which the Council is seized: 'Letter dated 17 July 1958 from the representative of Jordan addressed to the President of the Security Council concerning Complaint of the Hashemite Kingdom of Jordan of interference in its domestic affairs by the United Arab Republic.'" In the notification issued before the twentieth session, a final paragraph was included which read as follows: "Following the request of the *Chargé d'affaires* of the Permanent Mission of Argentina, the Security Council removed the following item from the list of matters of which the Security Council is seized: 'Letter dated 15 June 1960 from the representative of Argentina addressed to the President of the Security Council.'"

D. PRACTICES AND PROCEEDINGS IN RELATION TO THE ELECTION OF MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

"STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

"Article 4

"1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration . . ."

"Article 8

"The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court."

"Article 10

"1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

"2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

"3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected."

"Article 11

"If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place."

"Article 12

"1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

"2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

"3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

"4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote."

"Article 14

"Vacancies shall be filled by the same method as

that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

"PROVISIONAL RULES OF PROCEDURE

"Rule 61. Relations with other United Nations organs

"Any meeting of the Security Council held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes."

CASE 1

At the 1262nd meeting on 16 November 1965, the Security Council proceeded to the election of a Member of the International Court of Justice to fill the vacancy in the Court caused by the death of Judge Abdel Hamid Badawi. Prior to the balloting, the President (Bolivia) stated that in accordance with Article 10, paragraph 1, of the Statute of the Court the candidate who obtained an absolute majority of votes both in the General Assembly and in the Security Council would be considered elected as a Member of the Court.

A vote was then taken by secret ballot which resulted in the election of Mr. Fouad Ammoun, who obtained eleven votes in the Council. After stating that the General Assembly would be duly informed of the result of the vote in the Council, he suspended the meeting in order to await a communication from the President of the General Assembly on the result of the vote in the Assembly.

Upon resumption of the meeting the President announced that he had received a communication from the President of the General Assembly informing him that Justice Fouad Ammoun of Lebanon had obtained an absolute majority of votes in the General Assembly and noting that he had already obtained a unanimous vote in the Security Council, he had declared him elected. Accordingly, the President declared Mr. Fouad Ammoun elected a Member of the International Court of Justice.⁴

E. RELATIONS WITH SUBSIDIARY ORGANS ESTABLISHED BY THE GENERAL ASSEMBLY

[Note: The case history included herein gives an account of the establishment of a subsidiary organ by the General Assembly. In a series of reports the subsidiary organ made a number of recommendations to the Security Council for its consideration.]

CASE 2

By resolution 1761 (XVII)⁵ of 6 November 1962, the General Assembly established the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa. According to its terms of reference set forth in paragraph 5 of the resolution, the Special Committee was to report, as appropriate, either to the General Assembly or to the

Security Council or to both. On 6 May 1963, the Special Committee submitted to the General Assembly and to the Security Council an interim report⁶ in which it recommended that in view of the non-compliance by the Government of South Africa with its resolution, the Security Council should re-examine the situation. On 17 July 1963 the Special Committee submitted to the Security Council and the General Assembly a second interim report⁷ recommending, *inter alia*, that the Security Council should invite the Secretary-General and the specialized agencies and other United Nations bodies to continue to co-operate with the Special Committee in implementing General Assembly resolution 1761 (XVII). On 31 September 1964, the Special Committee submitted to the Security Council and the General Assembly a third interim report⁸ in which, *inter alia*, it recommended that in the light of the grave situation arising from the continuation and intensification of the policy of apartheid of the Government of South Africa, the General Assembly and the Security Council should consider without further delay possible new measures in accordance with the Charter.

At the 1076th meeting on 3 December 1963, the Security Council had under its consideration a draft resolution⁹ submitted by Norway whereby the Council taking note of the reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, would request 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. At the 1077th meeting on 3 December 1963, in the course of the debate on the draft resolution the representative of Ghana expressed his doubts as to the need for establishing the group of experts envisaged in operative paragraph 6 of the draft and stated:

"That is why we are very happy to see, in operative paragraph 8, the fact that the Secretary-General is supposed to report to the Security Council 'such new development as may occur . . .'. I think this is a salutary addition to the draft, which we welcome, and it might well help to put our fears at rest as regards paragraph 6. But we feel that 'such new development as may occur' could also be reported by the existing Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, which, after all, has been charged by the General Assembly to be a watchdog over the whole problem of the apartheid policies of South Africa. We also feel that the establishment of a small group of experts should in no way affect the work of the Special Committee . . .".

The representative of Morocco supported the reservations made by the representative of Ghana and stated that if paragraph 6 were adopted it would in no case constitute a limitation on the duties and functions of the Special Committee. At the 1078th meeting on 4 December 1963 the representative of the USSR also questioned the advisability of creating a new body and observed:

"One might therefore consider whether it is really

⁶ S/5310.

⁷ S/5353.

⁸ S/5426 and Add.1-2, also issued as document A/5497 and Add.1.

⁹ S/5469, same text as document S/5471, O.R., 18th yr., Suppl. for Oct.-Dec. 1963, pp. 103-105.

⁴ 1262nd meeting, paras. 1-6.

⁵ GAOR, 17th Session, Suppl. No. 17 (A/5271), pp. 9-10.

necessary to establish a further body in addition to the one already in existence — some group of experts or new organ to examine the very same question of apartheid. What possible reason can there be for overlooking the existence of the Special Committee. . . . Moreover, we fully understand the fears expressed here in the Security Council, by representatives of African countries over the fact that the establishment of a group of experts could ultimately lead to the replacement of the Special Committee by a new body which would devote itself to studies that would inevitably lead away from the substance of the matter . . . ”¹⁰

After further deliberation the draft resolution was adopted unanimously.¹¹

By resolution 1978 A (XVIII)¹² of 16 December 1963, the General Assembly modified the terms of reference of the Special Committee and requested it to continue to follow constantly the various aspects of the policies of apartheid of the Government of the Republic of South Africa and to submit reports to the General Assembly and to the Security Council whenever necessary. In accordance with this new mandate the Special Committee recommended that unless the South African Government complied with the demands, the Security Council, in conformity with the terms of Chapter VII of the Charter and on the basis of the recommendations of the General Assembly and the Special Committee, should take new mandatory steps to compel the South African Government to comply with the decisions of the Council.¹³

¹⁰ For texts of relevant statements, see: 1077th meeting: Ghana, para. 31; Morocco, paras. 42-43; 1078th meeting: USSR, paras. 39-40.

¹¹ 1078th meeting, para. 137.

¹² GAOR, 18th Session, Suppl. No. 15 (A/5515), p. 20.

¹³ GAOR, 19th Session, A/5692, para. 15.

At the 1135th meeting on 18 June 1964, in connexion with the same question, the Security Council adopted a resolution¹⁴ submitted by Bolivia and Norway, whereby the Council, after taking note of the reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, decided 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 those measures.^{14a}

On 30 November 1964 the Special Committee submitted to the Security Council and the General Assembly a report¹⁵ in which it recommended that the General Assembly should invite the Security Council to take necessary action without delay to resolve the situation. It further recommended that the General Assembly and the Security Council should, among a number of measures, enlarge the membership of the Special Committee to include the permanent members of the Security Council and to ensure a wider geographical distribution of its membership. But so far no action has been taken by the Council on this recommendation.

F. RECEPTION OF RECOMMENDATIONS TO THE SECURITY COUNCIL ADOPTED BY THE GENERAL ASSEMBLY IN THE FORM OF RESOLUTIONS

[Note: The Security Council, in agreeing to consider a General Assembly recommendation, has done so by placing the recommendation of the Assembly on the Council's agenda.]

¹⁴ S/5769, same text as document S/5773, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 249-251.

^{14a} See chapter V, Case 5.

¹⁵ S/6073.

TABULATION OF RECOMMENDATIONS

Entry No.	General Assembly resolutions and decisions	Subject of recommendation	Initial proceedings of the Security Council
1.	(XIX) 1 December 1964	Admission of new Members ^a (Malawi, Malta and Zambia)	None ^b
2.	2008 (XX) 21 September 1965	Admission of new Members (Gambia)	None ^b
3.	2009 (XX) 21 September 1965	Admission of new Members (Maldivé Islands)	None ^b
4.	2010 (XX) 21 September 1965	Admission of new Members (Singapore)	None ^b
5.	2105 (XX) 20 December 1965	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Not placed on the provisional agenda
6.	2077 (XX) 18 December 1965	Question of Cyprus	Included in the agenda under a letter dated 26 December 1963 submitted by the permanent representative of Cyprus at the 1094th meeting on 17 February 1964
7.	2054 (XX) 15 December 1965	The policies of <i>apartheid</i> of the Government of the Republic of South Africa	Included in the agenda under a letter dated 11 July 1963 submitted by 32 Member States at the 1127th meeting on 8 June 1964

TABULATION OF RECOMMENDATIONS (continued)

Entry No.	General Assembly resolutions and decisions	Subject of recommendation	Initial proceedings of the Security Council
8.	2046 (XX) 8 December 1965	Amendments to the rules of procedure of the General Assembly consequent upon the entry into force of the amendments to Articles 23, 27 and 61 of the Charter of the United Nations	Not placed on the provisional agenda
9.	2101 (XX) 20 December 1965	Amendment to Article 109 of the Charter of the United Nations	Not placed on the provisional agenda

^a The action taken by the General Assembly at its nineteenth session on this item was in the form of decisions, not resolutions.

^b The General Assembly recommendation was not included in the agenda of the Security Council.

G. REPORTS OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

"Article 24, paragraph 3 of the Charter

"The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration."

[Note]: In accordance with Article 24, paragraph 3, the Security Council has continued, during the period under review, to submit annual reports to the General Assembly.]¹⁶

¹⁶ Annual reports were approved by the Security Council at the following meetings held in private: 19th report, 1163rd meeting, 18 November 1964; and 20th report, 1246th meeting, 28 September 1965.

It further transmitted to the General Assembly its recommendations concerning several applications for membership,¹⁷ pursuant to paragraph 2 of rule 60 of its provisional rules of procedure. During the period covered by this *Supplement* no special report was submitted to the General Assembly concerning the question of admission of a new Member, in accordance with paragraph 3 of rule 60 of the provisional rules of procedure.

¹⁷ Malawi (A/5742, 9 October 1964); Malta (S/5769, 30 October 1964); Zambia (S/5770, 30 October 1964); Gambia (A/5911, 15 March 1965); Maldives Islands (A/5981, 20 September 1965); and Singapore (A/5982, 20 September 1965). For consideration of the aforesaid applications by the Security Council, see chapter VII, pp. 87-88.

Part II

** RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL

Part III

RELATIONS WITH THE TRUSTEESHIP COUNCIL

** A. PROCEDURE UNDER ARTICLE 83, PARAGRAPH 3 IN APPLICATION OF ARTICLES 87 AND 88 OF THE CHARTER WITH REGARD TO STRATEGIC AREAS UNDER TRUSTEESHIP

B. TRANSMISSION TO THE SECURITY COUNCIL BY THE TRUSTEESHIP COUNCIL OF QUESTIONNAIRES AND REPORTS

During the period under review, no questionnaires have been transmitted to the Security Council by the Trusteeship Council. The report of the latter body on the exercise of its functions in respect of the strategic areas under trusteeship have, therefore, continued to be based on the revised questionnaire transmitted to the Security Council on 24 July 1953.¹⁸

¹⁸ The revised questionnaire was further amended at the 1166th meeting of the Trusteeship Council on 7 July 1961. The document was circulated as T/1010/Rev.1.

Between 1 January 1964 and 31 December 1965, the Secretary-General transmitted to the Security Council the following reports of the Trusteeship Council on the Trust Territory of the Pacific Islands, which has continued to be the only territory designated as a strategic area:

Sixteenth report adopted during the thirty-first session of the Trusteeship Council, 29 June 1964.¹⁹

Seventeenth report adopted during the thirty-second session of the Trusteeship Council, 20 June 1965.²⁰

¹⁹ S/5783, O.R., 19th Year, Special Supplement No. 1, pp. 1-43.

²⁰ S/6490, O.R., 20th Year, Special Supplement No. 1, pp. 1-55.

Part IV

** RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Part V**** RELATIONS WITH THE MILITARY STAFF COMMITTEE**

Chapter VII

**PRACTICES RELATIVE TO RECOMMENDATIONS TO THE GENERAL ASSEMBLY
REGARDING THE ADMISSION OF NEW MEMBERS**

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INTRODUCTORY NOTE

The material covered in this chapter is dealt with on lines similar to those followed in the previous supplements to the *Repertoire*. Part I sets forth in tabular form the applications considered and the decisions taken by the Council during the period under review. The only case histories appearing in part V of this chapter concern procedures employed by the Council in the consideration of applications.

The proceedings of the Council in respect of admission of new Members during the period under review have not involved any constitutional or procedural questions. Consequently, no case histories have been entered under a number of headings in this chapter.

Part I

TABLE OF APPLICATIONS, 1964-1965, AND OF ACTIONS TAKEN THEREON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY

NOTE

The following table is a continuation of the one in the previous volumes of the *Repertoire*, which should be consulted for an explanation of its organization. The modifications in the table introduced in the *Supplement 1959-1963*, have been maintained. The additional modification introduced in that volume relative to the material of part III, and designed to avoid duplication, has also been maintained. A slight modification has been introduced in part I, section G, of this supplement due to the fact that while no draft resolutions on admission of new Members were submitted at the nineteenth session of the General Assembly, three new Members (Malawi, Malta and Zambia) were admitted by decisions adopted without objection.¹

A. APPLICATIONS RECOMMENDED BY THE SECURITY COUNCIL

In the period 1 January 1964 - 31 December 1965, the Security Council recommended the following States for admission to membership in the United Nations:

- (i) At the 1160th meeting on 9 October 1964, Malawi was unanimously recommended.
- (ii) At the 1161st meeting on 30 October 1964, Malta and Zambia were unanimously recommended.

¹ GAOR, *Nineteenth Session*, 1268th meeting (PV): paras. 39-45; and GAOR, *Suppl. No. 15* (S/5815), p. 9.

(iii) At the 1190th meeting on 15 March 1965, the Gambia was unanimously recommended.

(iv) At the 1243rd meeting on 20 September 1965, the Maldives Islands and Singapore were unanimously recommended.

B. APPLICATIONS WHICH FAILED TO OBTAIN A RECOMMENDATION

During the period under review no application for membership in the United Nations considered by the Council failed to obtain its recommendation.

C. DISCUSSION OF THE QUESTION IN THE COUNCIL FROM 1964-1965

[As in the *Supplement 1956-1958*, and in the *Supplement 1959-1963*, the system of grouping the discussion under "debates", used for the sake of convenience in the earlier volumes, is not followed in the present chapter as it is unsuited to the nature of the proceedings of the Council during the period under review.]

The Council has held a total of four meetings² on questions of admission during this period of two years. In all cases, the discussion involved applications of newly independent States.

² 1160th (9 October 1964), 1161st (30 October 1964), 1190th (15 March 1965) and 1243rd (20 September 1965).

D. APPLICATIONS PENDING ON 1 JANUARY 1964

<i>Applicant</i>	<i>Date of Application</i>	<i>Document</i>
Republic of Korea	19 January 1949	<i>O.R.</i> , <i>Suppl. Feb. 1949</i> , 4th yr., p. 5 (S/1238)
Democratic People's Republic of Korea	9 February 1949	<i>O.R.</i> , 12, 4th yr., p. 18 (S/1247)
Viet-Nam	17 December 1951	<i>O.R.</i> , 7th yr., <i>Suppl. for Jan.-Mar. 1952</i> , p. 1 (S/2446)
Democratic Republic of Viet-Nam	(i) 22 November 1948*	<i>O.R.</i> , 7th yr., <i>Suppl. for July-Sept. 1952</i> , pp. 57-58 (S/2780)
	(ii) 29 December 1951	<i>O.R.</i> , 7th yr., <i>Suppl. for Jan.-Mar. 1952</i> , pp. 3-4 (S/2466)

* Circulated on 17 September 1952 as S/2780. (See *Repertoire, Suppl. 1952-1955*, p. 91, Case 1.)

**E. APPLICATIONS SUBMITTED BETWEEN 1 JANUARY 1964
AND 31 DECEMBER 1965 ^a**

<i>Applicant</i>	<i>Date of application</i>	<i>Document ^b</i>
(XVII) in 1964		
Malawi	6 August 1964	<i>O.R., 19th yr., Suppl. for July-Sept. 1964,</i> p. 203 (S/5908)
Malta	29 September 1964	<i>O.R., 19th yr., Suppl. for Oct.-Dec. 1964,</i> p. 18 (S/6004)
Zambia	26 October 1964	<i>Ibid., p. 38 (S/6025)</i>
(XVIII) in 1965		
The Gambia	18 February 1965	<i>O.R., 20th yr., Suppl. for Jan.-Mar. 1965,</i> p. 69 (S/6197)
Maldiv Islands	26 August 1965	<i>O.R., 20th yr., Suppl. for July-Sept. 1965,</i> pp. 227-228 (S/6645)
Singapore	2 September 1965	<i>Ibid., pp. 234-235 (S/6648)</i>

^a The material set forth in this table is a continuation, for the period covered by this *Supplement*, of the historical data included in part III of earlier volumes concerning presentation of applications.

^b Includes the formal declaration in each case.

F. VOTES IN THE SECURITY COUNCIL (1964-1965) ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

<i>Draft resolution</i>	<i>Subject of vote</i>	<i>Vote</i>	<i>Meeting and date</i>	<i>Result of vote ^a</i>
<i>Malawi, Ivory Coast-Morocco-United Kingdom d.r. (S/6001)</i>	Same	Unanimous	1160th, 9.10.64	Adopted
<i>Malta, Morocco-Norway-United Kingdom d.r. (S/6028)</i>	Same	Unanimous	1161st, 30.10.64	Adopted
<i>Zambia, Ivory Coast-Morocco-United Kingdom d.r. (S/6029)</i>	Same	Unanimous	1161st, 30.10.64	Adopted
<i>The Gambia, Ivory Coast-Jordan-Malaysia-United Kingdom d.r. (S/6226)</i>	Same	Unanimous	1190th, 15.3.65	Adopted
<i>Maldiv Islands, Jordan-Malaysia-United Kingdom d.r. (S/6695)</i>	Same	Unanimous	1243rd, 20.9.65	Adopted
<i>Singapore, Ivory Coast-Jordan-Malaysia-United Kingdom d.r. (S/6696)</i>	Same	Unanimous	1243rd, 20.9.65	Adopted

^a Both the subject and the result of the vote are usually given in the form announced by the President.

G. VOTES IN THE GENERAL ASSEMBLY (1964-1965) ON DRAFT RESOLUTIONS CONCERNING SECURITY COUNCIL RECOMMENDATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

<i>Applications and G.A. resolutions</i>	<i>Plenary meeting and date</i>	<i>Vote</i>	<i>Result of proceedings</i>
1964			
Malawi ^a	1286th plen. mtg., 1.12	Decision without objection	Admitted
Malta ^b	1286th plen. mtg., 1.12	Decision without objection	Admitted
Zambia ^c	1286th plen. mtg., 1.12	Decision without objection	Admitted
1965			
The Gambia ^d	1332nd plen. mtg., 21.9	Acclamation	Admitted
Maldiv Islands ^e	1332nd plen. mtg., 21.9	Acclamation	Admitted
Singapore ^f	1332nd plen. mtg., 21.9	Acclamation	Admitted

^a G.A. decision of 1 December 1964 (no draft resolution was submitted).

^b G.A. decision of 1 December 1964 (no draft resolution was submitted).

^c G.A. decision of 1 December 1964 (no draft resolution was submitted).

^d G.A. res. 2008 (XX).

^e G.A. res. 2009 (XX).

^f G.A. res. 2010 (XX).

Part II

**** CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 58, 59 AND 60 OF THE PROVISIONAL RULES OF PROCEDURE**

Part III

PRESENTATION OF APPLICATIONS

NOTE

The material concerning the presentation of applications is substantially the same, for the period under review, as the list of applications submitted between 1 January 1964 and 31 December 1965 which appears in part I, section E of the Table of Applications. Therefore, to avoid duplication, the historical data relating to the presentation of applications which appeared in part III of the original volume and the first two supplements of the *Repertoire* may be found here in section E of the above Table.

Part IV

REFERENCE OF APPLICATIONS TO THE COMMITTEE ON THE ADMISSION OF NEW MEMBERS

NOTE

During the period covered by this volume, the Security Council did not refer any application to its Committee on the Admission of New Members; nor was any proposal to refer applications to the Committee made during this period. However, on one occasion³ references were made to rule 59 of the provisional rules of procedure, and the suggestion was made that in examining certain membership applications the Council may in the future avail itself of the procedure provided in that rule.

A. BEFORE A RECOMMENDATION HAS BEEN FORWARDED OR A REPORT SUBMITTED TO THE GENERAL ASSEMBLY

- ** 1. Applications referred to the Committee by the President**
- ** 2. Applications referred to the Committee by decisions of the Security Council**
- 3. Applications considered by the Security Council without reference to the Committee**

CASE I

At the 1243rd meeting on 20 September 1965, in connexion with the application of the Maldives Islands, the representative of France after expressing the favourable attitude of his delegation toward the request for admission, stated:

"However... the French delegation wishes to point out that in view of the responsibilities that are incumbent upon us under rule 60 of the provisional rules of procedure, the Security Council should not lose sight of the provisions of rule 59. That rule lays down an examination procedure offering further opportunities for reflection and judgement, which, it would seem, must be put to good use henceforth if we do not wish to risk seeing the effectiveness of the organization diminished in the future."

³ Case I.

At the same meeting, the President speaking in his capacity as representative of the United States stated:

"... while supporting the admission of the Maldives Islands to the United Nations, we cannot help but note in this connexion a basic problem which will confront the United Nations in the future. There are many small entities in the world today moving steadily towards some form of independence. We are in sympathy with their aspirations and applaud this development. However, the Charter provides that applicants for United Nations membership must be not only willing but also 'able' to carry out their Charter obligations. The drafters of the Charter were not unmindful of the existence then of some very small States whose resources would simply not permit them to contribute to the work of the Organization, however much they might wish to do so. Today, many of the small emerging entities, however willing, probably do not have the human or economic resources at this stage to meet the second criterion. We would therefore urge that Council members and other United Nations Members give early and careful consideration to this problem in an effort to arrive at some agreed standards, some lower limits, to be applied in the case of future applicants for United Nations membership. The original members of the Security Council evidently had this complex of problems in mind when they provided, in rule 59 of the provisional rules of procedure, for a Special Committee of the Council to examine membership applications and to report its conclusions to the Council. The Council may wish, as the representative of France has suggested, to avail itself of this procedure both in reviewing general problems and in examining future applications for membership concerning which some of these considerations might arise. We do not for a moment suggest the exclusion of small new States from the family of nations. On the contrary, we believe we must develop for them some accommodation that will permit their close association

with the United Nations and its broad range of activities. This is another facet of the problem that we think demands early and careful consideration.”⁴

⁴ 1243rd meeting: France, para. 76; President (United States), paras. 89-91.

**** 4. Applications reconsidered by the Security Council after reference to the Committee**

**** B. AFTER AN APPLICATION HAS BEEN SENT BACK BY THE GENERAL ASSEMBLY TO THE SECURITY COUNCIL FOR RECONSIDERATION**

Part V

PROCEDURES IN THE CONSIDERATION OF APPLICATIONS WITHIN THE SECURITY COUNCIL

NOTE

During the period under review, the Council voted upon applications in the chronological order of their submission. Votes on applications were taken separately in the order in which the applications appeared on the agenda. In two instances⁵ applications were discussed simultaneously. In all cases submission of a draft resolution preceded the vote on the pending application.

There was no procedural discussion in connexion with the Council's consideration of draft resolutions concerning applications for membership in the United Nations during the period covered by this *Supplement*.

A. DISCUSSION OF APPLICATIONS

1. Order of the discussion of applications

CASE 2

At the 1161st meeting on 30 October 1964, the Council adopted the following agenda:

“Admission of new Members to the United Nations

“(a) Letter dated 29 September 1964 from the Prime Minister of Malta addressed to the Secretary-General (S/6004);

“(b) Telegram dated 26 October 1964 from the President of the Republic of Zambia addressed to the Secretary-General (S/6025).”

The President (United Kingdom) noted that in connexion with the application for membership submitted by Malta, the Council had before it a draft resolution (S/6028) jointly sponsored by Morocco, Norway and the United Kingdom; and in connexion with the application for membership submitted by Zambia, a draft resolution (S/6029) jointly sponsored by the Ivory Coast, Morocco and the United Kingdom.

The President further noted that in his statement opening the debate he would refer to both applications pending before the Council on the understanding that the two draft resolutions would be put to the

vote separately. He added that it was open to any member of the Council to treat the two applications separately, if so desired.

No objection to this procedure having been expressed, the Council proceeded accordingly to consider the two applications and to vote on them separately in the order in which they appeared on the agenda.⁶

CASE 3

At the 1243rd meeting on 20 September 1965, the Council adopted the following agenda:

“Admission of new Members to the United Nations

“(a) Letter dated 26 August 1965 from the Prime Minister of the Government of the Maldives addressed to the Secretary-General (S/6645);

“(b) Cable dated 2 September 1965 from the Minister for Foreign Affairs of Singapore addressed to the Secretary-General (S/6648).”

The President (United States) noted that two draft resolutions had been submitted jointly by Jordan, Malaysia and the United Kingdom (S/6695) and by the Ivory Coast, Jordan, Malaysia and the United Kingdom (S/6696) recommending the admission of two applicants, the Maldives Islands and Singapore, respectively, to membership in the United Nations, and suggested that, if so desired, both the pending applications be considered simultaneously but that the two draft resolutions be put to the vote separately. Having adopted this procedure, the Council concluded at the same meeting its consideration of both applications and voted on them separately in the order in which they appeared on the agenda.⁷

**** 2. Documentation submitted to the Security Council**

**** B. VOTING ON APPLICATIONS**

⁶ 1161st meeting: President (United Kingdom), paras. 1-5, 132-133.

⁷ 1243rd meeting: President (United States), paras. 2-3, 93-94.

⁵ Cases 2 and 3.

Part VI

**** THE ROLE OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL**

Chapter VIII

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

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INTRODUCTORY NOTE

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

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

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

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

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

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

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

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

⁵ *Ibid.*, pp. 217-219.

⁶ *Ibid.*, pp. 209-213.

⁷ *Ibid.*, pp. 219-220.

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

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

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

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

Part I

ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL

NOTE

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

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

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

I. Preliminary measures for the elucidation of fact

- A. Hearing of interested Governments and authorities (For invitations extended to interested Governments and authorities, see chapter III).
- ** B. Request to parties for information relating to question under consideration.
Complaint by the United States (Tonkin Gulf incident):
Decision: President's statement of 7 August 1964.

II. Determination of the nature of the question

- A. Determination of the existence of a dispute or situation the continuance of which is likely to endanger the maintenance of international peace and security.
- (i) Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), preamble.
- (ii) The question of race conflict in South Africa:
Decision of 18 June 1964 (S/RES/191 (1964)), preamble.
- (iii) Situation in Southern Rhodesia:
Decision of 20 November 1965 (S/RES/217 (1965)), para. 1.
- (iv) Situation in Territories in Africa under Portuguese administration:
Decision of 23 November 1965 (S/RES/218 (1965)), para. 1.

III. Injunctions to Governments and authorities involved in hostilities

A. Precautionary action.

Complaint by Senegal:
Decision of 19 May 1965 (S/RES/204 (1965)), para. 3.

B. Cessation of hostilities.

- (i) Complaint by Panama:
Decision: Appeal by the President of 10 January 1964.
- (ii) Complaint by the Government of Cyprus:
Decision: Appeal by the President of 9 August 1964.
Decision of 9 August 1964 (S/RES/193 (1964)), para. 2.
- (iii) Situation in the Democratic Republic of the Congo:
Decision of 30 December 1964 (S/RES/199 (1964)), para. 2.
- (iv) Situation in the Dominican Republic:
Decision of 14 May 1965 (S/RES/203 (1965)), para. 1.
Decision of 22 May 1965 (S/RES/205 (1965)), para. 1.
- (v) The India-Pakistan question:
Decision of 4 September 1965 (S/RES/209 (1965)), paras. 1 and 2 (first part).
Decision of 6 September 1965 (S/RES/210 (1965)), para. 1 (first part).
Decision of 20 September 1965 (S/RES/211 (1965)), preamble and para. 1.
Decision: President's statement of 22 September 1965.

Decision of 27 September 1965 (S/RES/214 (1965)), operative para.

Decision of 5 November 1965 (S/RES/215 (1965)), para. 2.

C. Taking of measures to stop violence and bloodshed, for restoration of law and order.

Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), paras. 2 and 3.

IV. Measures in connexion with injunctions to be taken by the Governments and authorities directly involved in hostilities

A. Withdrawal of fighting personnel.

The India-Pakistan question:
Decision of 4 September 1965 (S/RES/209 (1965)), para. 2 (second part).
Decision of 6 September 1965 (S/RES/210 (1965)), para. 1 (second part).
Decision of 20 September 1965 (S/RES/211 (1965)), para. 1 (second part).
Decision of 27 September 1965 (S/RES/214 (1965)), operative para. (second part).
Decision of 5 November 1965 (S/RES/215 (1965)), para. 3.

B. Co-operation of the parties and other measures to prevent recurrence of incidents.

- (i) Complaint by Panama:
Decision: Appeal by the President of 10 January 1964.
- (ii) Complaint by Cambodia:
Decision of 4 June 1964 (S/RES/189 (1964)), preamble and para. 3.
- (iii) Complaint by Yemen:
Decision of 9 April 1964 (S/RES/188 (1964)), para. 4.

C. Cessation of flights over the territory of another State in violation of its sovereignty.

Complaint by the Government of Cyprus:
Decision: President's statement of 11 August 1964.

D. Co-operation of parties with Secretary-General in drawing up an agreement on withdrawal of armed personnel.

The India-Pakistan question:
Decision of 5 November 1965 (S/RES/215 (1965)), para. 3.

V. Measures in connexion with injunctions to be taken by other Governments and authorities

A. Prevention of supply of war materials or means for their manufacture.

Situation in Territories in Africa under Portuguese administration:
Decision of 23 November 1965 (S/RES/218 (1965)), para. 6.

B. Avoidance of actions impeding the exercise of governmental authority and undermining the territorial integrity and political independence of a State.

- (i) Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), preamble and para. 1.
- (ii) Situation in the Democratic Republic of the Congo:
Decision of 30 December 1964 (S/RES/199 (1964)), para. 1.

⁸ See p. 93 above.

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

G. Expression of concern over aggravation of situation.

- (i) Situation in the Democratic Republic of the Congo:
Decision of 30 December 1964 (S/RES/199 (1964)), preamble.
- (ii) Situation in Southern Rhodesia:
Decision of 6 May 1965 (S/RES/202 (1965)), preamble.
- (iii) Situation in the Dominican Republic:
Decision of 22 May 1965 (S/RES/205 (1965)), preamble.
- (iv) The India-Pakistan question:
Decision of 4 September 1965 (S/RES/209 (1965)), preamble.

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

- Situation in Southern Rhodesia:
Decision of 12 November 1965 (S/RES/216 (1965)), para. 1.
Decision of 20 November 1965 (S/RES/217 (1965)), preamble and para. 3.

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

- Complaint by Cambodia:
Decision of 4 June 1964 (S/RES/189 (1964)), para. 4.

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

- (i) Complaint by Yemen:
Decision of 9 April, 1964 (S/RES/188 (1964)), preamble and para. 1.
- (ii) The question of race conflict in South Africa:
Decision of 18 June 1964 (S/RES/191 (1964)), preamble and para. 1.

K. Deprecation of events affecting a situation.

- (i) Situation in the Democratic Republic of the Congo:
Decision of 30 December 1964 (S/RES/199 (1964)), preamble.
- (ii) Situation in the Dominican Republic:
Decision of 14 May 1965 (S/RES/203 (1965)), preamble.

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

A. Establishment or employment of subsidiary organs.

1. For prevention of recurrence of hostilities and contribution to the maintenance and restoration of law and order.
Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), paras. 4 and 5.
2. For mediation between the parties to promote a peaceful solution and an agreed settlement.
Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), para. 7.
3. For observation or supervision in connexion with the ending of hostilities.
 - (i) Complaint by the Government of Cyprus:
Decision: President's statement of 11 August 1964.
 - (ii) The India-Pakistan question:

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

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

Complaint by Cambodia:

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

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

The question of race conflict in South Africa:
Decision of 18 June 1964 (S/RES/191 (1964)), paras. 8, 9 and 10.

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

Situation in the Dominican Republic:

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

B. Endorsement of decisions of subsidiary organs:

The question of race conflict in South Africa:
Decision of 18 June 1964 (S/RES/191 (1964)), preamble, paras. 3 and 5.

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

- (i) Complaint by the Government of Cyprus:
Decision of 9 August 1964 (S/RES/193 (1964)), para. 3.
Decision of 19 March 1965 (S/RES/201 (1965)), para. 3 (second part).
Decision of 15 June 1965 (S/RES/206 (1965)), para. 3 (second part).
Decision: President's statement of 11 August 1964 (second part).
- (ii) Situation in the Dominican Republic:
Decision of 14 May 1965 (S/RES/203 (1965)), para. 3.
- (iii) The India-Pakistan question:
Decision of 4 September 1965 (S/RES/209 (1965)), para. 3.

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

1. Duration of stationing of the Force.

Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), para. 6 (first part).

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

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

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

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

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

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

2. Financing of United Nations Force.

Complaint by the Government of Cyprus:
Decision of 4 March 1964 (S/RES/186 (1964)), para. 6 (second part).

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

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

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

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

Part II

COMPLAINT BY PANAMA

INITIAL PROCEEDINGS

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

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

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

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

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

¹¹ 1086th meeting: para. 19.

¹² 1086th meeting: para. 20.

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

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

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

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

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

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

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

THE INDIA-PAKISTAN QUESTION

STATEMENT BY THE PRESIDENT (1117TH MEETING)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹⁹ 1087th meeting: para. 2.

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

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

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

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

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

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

Decision of 4 September 1965 (1237th meeting):

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

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

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

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

²² 1089th meeting: paras. 26, 115.

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

²⁴ 1090th meeting: paras. 90-91.

²⁵ 1117th meeting: paras. 2-6.

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

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

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

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

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

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

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

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

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

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

³⁰ 1237th meeting: para. 75.

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

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

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

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

The resolution³⁵ read:

"The Security Council,

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

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

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

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

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

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

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

Decision of 6 September 1965 (1238th meeting):

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

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

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

³² 1237th meeting: paras. 125-127.

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

³⁴ 1237th meeting: para. 218.

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

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

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

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

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

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

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

"The Security Council,

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

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

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

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

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

³⁸ 1238th meeting: paras. 7-34.

³⁹ S/6673, 1238th meeting: para. 37.

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

⁴¹ 1238th meeting: para. 69.

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

Decision of 20 September 1965 (1242nd meeting):

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

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

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

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

⁴⁴ 1239th meeting: para. 3.

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

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

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

"The Security Council,

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

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

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

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

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

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

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

the cease-fire and withdrawal of all armed personnel;

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

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

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

Decision of 22 September 1965 (1244th meeting):

Statement by the President

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

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

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

Decision of 27 September 1965 (1245th meeting):

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

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

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

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

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

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

⁴⁷ 1242nd meeting: para. 69.

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

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

⁵⁰ See also chapter V, Case 6.

⁵¹ 1244th meeting (PV): paras. 49-50.

⁵² 1245th meeting (PV): p. 2.

servance of the cease-fire under Security Council resolution 211 of 20 September 1965 (S/6710 and Add.1-2).⁵³ The Council also had before it an additional report⁵⁴ by the Secretary-General on compliance with the withdrawal provision in Security Council resolution 211 (1965) of 20 September 1965.

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

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

"The Security Council,

"Noting the reports of the Secretary-General,

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

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

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

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

Decision of 5 November 1965 (1251st meeting):

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

At the 1247th meeting on 25 October 1965, the

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

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

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

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

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

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

"The Security Council,

"Regretting the delay in the full achievement of

⁵⁷ 1247th meeting: para. 17.

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

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

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

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

⁶² 1251st meeting: para. 80.

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

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

⁵⁴ S/6720, 1245th meeting: para. 6.

⁵⁵ 1245th meeting: para. 6.

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

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

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

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

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

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

COMPLAINT BY THE GOVERNMENT OF CYPRUS

Decision of 4 March 1964 (1102nd meeting):

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

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

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

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

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

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

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

⁶⁶ S/5545, *ibid.*, pp. 69-70.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁷⁷ 1095th meeting: paras. 97-145.

⁶⁸ 1094th meeting: p. 1.

⁶⁹ These fell under the item:

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

⁷⁰ 1094th meeting, para. 1.

⁷¹ 1094th meeting: paras. 4-5.

⁷² 1095th meeting: paras. 4-12.

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

⁷⁴ 1095th meeting: para. 32.

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

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

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

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

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

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

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

⁸¹ 1095th meeting: paras. 236-242.

⁸² 1095th meeting: para. 259.

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

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

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

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

⁸⁷ 1097th meeting: para. 8.

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

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

⁸⁰ 1095th meeting: paras. 157-221.

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

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

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

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

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

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

⁸⁸ 1097th meeting: paras. 39-45.

⁸⁹ 1097th meeting: paras. 62-81.

⁹⁰ 1097th meeting: para. 135.

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

⁹² 1098th meeting: paras. 3-6.

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

⁹⁴ 1098th meeting: para. 61.

⁹⁵ 1099th meeting: paras. 15-22.

⁹⁶ See chapter III, Case 6.

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

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

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

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

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

"The Security Council,

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

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

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

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations,"

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

⁹⁸ 1100th meeting: para. 4.

⁹⁹ 1100th meeting: paras. 5-19.

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

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

¹⁰² 1102nd meeting: para. 27.

¹⁰³ 1102nd meeting: para. 28.

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

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

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

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

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

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

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

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

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

Decision of 13 March 1964 (1103rd meeting):

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

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

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

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

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

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

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

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

¹⁰⁷ 1103rd meeting: para. 1.

¹⁰⁸ 1103rd meeting: para. 1.

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

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

¹¹¹ S/5600, *ibid.*, pp. 141-142.

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

¹¹³ 1103rd meeting: paras. 7-51.

¹¹⁴ 1103rd meeting: paras. 53-70.

¹¹⁵ 1103rd meeting: paras. 153-155.

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

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

"The Security Council,

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

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

"Being deeply concerned over developments in the area,

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

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

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

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

Decision of 20 June 1964 (1139th meeting):

- (i) *Reaffirming its resolutions 186 (1964) and 187 (1964);*
- (ii) *Extending the stationing in Cyprus of the United Nations Peace-keeping Force for an additional period of three months ending 26 September 1964*

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

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

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

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

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

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

¹¹⁶ 1103rd meeting: paras. 95-96.

¹¹⁷ 1103rd meeting: para. 95.

¹¹⁸ 1103rd meeting: para. 156.

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

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

¹²¹ 1136th meeting: para. 1.

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

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

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

¹²⁵ S/5776, 1137th meeting: para. 2.

¹²⁶ 1137th meeting: para. 2.

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

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

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

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

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

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

¹²⁷ 1137th meeting: paras. 41 and 45.

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

¹²⁹ 1137th meeting: paras. 58-60.

¹³⁰ 1137th meeting: para. 77.

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

¹³² 1138th meeting: paras. 3 and 4.

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

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

¹³⁵ 1139th meeting: para. 13.

¹³⁶ 1139th meeting: para. 21.

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

"The Security Council,

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

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

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

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

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

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

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

Decision of 9 August 1964 (1143rd meeting):

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

Decision of 9 August 1964 (1143rd meeting):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹⁴⁰ S/RES/186 (1964).

¹⁴¹ S/RES/187 (1964).

¹⁴² S/RES/192 (1964).

¹⁴³ 1142nd meeting: para. 3.

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

¹⁴⁵ 1142nd meeting: paras. 4-6.

¹⁴⁶ 1142nd meeting: para. 7.

¹⁴⁷ See chapter II, Case 1.

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

¹⁴⁹ 1142nd meeting: para. 46.

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

¹⁵¹ 1142nd meeting: para. 54.

¹⁵² 1142nd meeting: para. 82.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹⁵⁵ 1142nd meeting: paras. 129-131.

¹⁵⁶ 1142nd meeting: paras. 174-175.

¹⁵⁷ 1142nd meeting: para. 177.

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

¹⁵⁹ 1143rd meeting: paras. 7-12.

¹⁶⁰ 1143rd meeting: para. 14.

¹⁶¹ 1143rd meeting: para. 13.

¹⁶² 1143rd meeting: paras. 23-25.

¹⁶³ S/5866, 1143rd meeting: para. 44.

¹⁶⁴ 1143rd meeting: paras. 42-45.

¹⁶⁵ 1143rd meeting: paras. 58-62.

¹⁶⁶ 1143rd meeting: paras. 83-87.

¹⁶⁷ 1143rd meeting: paras. 89-90.

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

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

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

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

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

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

"The Security Council,

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

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

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

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

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

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

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

"4. Calls upon all States to refrain from any

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

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

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

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

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

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

In his statement before the Council the Secretary-

168 1143rd meeting: para. 94.

169 1143rd meeting: paras. 104-106.

170 1143rd meeting: paras. 110-113.

171 1143rd meeting: para. 159.

172 1143rd meeting: para. 171.

173 1143rd meeting: para. 178.

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

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

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

177 1143rd meeting: para. 183.

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

179 1143rd meeting: paras. 201-223.

180 1143rd meeting: paras. 226-233.

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

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

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

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

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

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

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

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

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

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

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

Decision of 25 September 1964 (1159th meeting):

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

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

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

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

¹⁸³ 1143rd meeting: paras. 267-269.

¹⁸⁴ 1143rd meeting: para. 277.

¹⁸⁵ 1143rd meeting: para. 280.

¹⁸⁶ 1143rd meeting: paras. 272-273.

¹⁸⁷ 1143rd meeting: paras. 282-283.

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

¹⁸⁸ 1143rd meeting: paras. 293-299.

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

¹⁹⁰ 1143rd meeting: paras. 314-319.

¹⁹¹ 1143rd meeting: paras. 349-351.

¹⁹² 1143rd meeting: para. 346.

¹⁹³ 1143rd meeting: para. 358.

¹⁹⁴ 1143rd meeting: para. 358.

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

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

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

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

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

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

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

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

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

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

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

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

²⁰¹ 1153rd meeting: paras. 40-48.

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

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

²⁰⁴ 1159th meeting: paras. 3-8.

¹⁹⁶ 1151st meeting: para. 1.

¹⁹⁷ 1151st meeting: paras. 5 and 6.

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

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

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

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

"The Security Council,

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

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

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

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

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

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

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

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

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

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

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

Decision of 18 December 1964 (1180th meeting):

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

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

²⁰⁶ 1159th meeting: paras. 17-19.

²⁰⁷ 1159th meeting: paras. 20-23.

²⁰⁸ 1159th meeting: para. 24.

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

²¹⁰ 1159th meeting: paras. 26-44.

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

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

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

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

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

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

²¹² 1180th meeting: para. 1.

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

²¹⁴ 1180th meeting: para. 2.

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

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

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

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

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

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

"The Security Council,

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

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

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

²¹⁶ 1180th meeting: paras. 81-93.

²¹⁷ 1180th meeting: paras. 99-113.

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

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

²²⁰ 1180th meeting: para. 176.

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

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

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

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

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

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

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

Decision of 19 March 1965 (1193rd meeting):

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

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

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

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

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

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

²²³ 1191st meeting, para. 1.

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

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

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

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

formed of the reason for such an irregular procedure.²²⁷

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

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

"The Security Council,

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

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

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

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

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

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

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

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

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

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

²²⁷ 1192nd meeting: para. 2.

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

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

²³⁰ 1193rd meeting: para. 153.

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

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

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

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

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

Decision of 15 June 1965 (1224th meeting):

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

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

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

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

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

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

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

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

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

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

“The Security Council,

“Noting that the report of the Secretary-General

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

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

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

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

²⁴⁰ 1224th meeting: para. 142.

²⁴¹ 1224th meeting: para. 145.

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

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

²³³ 1224th meeting: para. 1.

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

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

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

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

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

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

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

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

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

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

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

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

Decision of 10 August 1965 (1236th meeting):

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

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

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

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

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

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

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

²⁴⁴ S/6581, *ibid.*, p. 144.

²⁴⁵ 1234th meeting: p. 1.

²⁴⁶ 1234th meeting: para. 5.

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

²⁴⁸ 1234th meeting: paras. 8-26.

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

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

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

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

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

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

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

"The Security Council,

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

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

"Having heard the statements of the parties concerned,

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

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

Decision of 5 November 1965 (1252nd meeting):

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

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

²⁴⁹ 1234th meeting: paras. 29-55, 62.

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

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

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

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

²⁵⁴ 1235th meeting: paras. 5, 10-13.

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

²⁵⁶ 1236th meeting: para. 5.

²⁵⁷ 1236th meeting: paras. 2-6.

²⁵⁸ 1236th meeting: para. 8.

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

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

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

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

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

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

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

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

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

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

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

Decision of 17 December 1965 (1270th meeting):

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

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

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

²⁶¹ 1252nd meeting, para. 2.

²⁶² 1252nd meeting, para. 3.

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

²⁶⁴ 1252nd meeting, para. 4.

²⁶⁵ 1252nd meeting, paras. 10-27.

²⁶⁶ 1252nd meeting, para. 28.

²⁶⁷ 1252nd meeting, para. 30.

²⁶⁸ 1252nd meeting, paras. 33-67.

²⁶⁹ 1252nd meeting, para. 80.

²⁷⁰ 1252nd meeting, para. 129.

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

²⁷² 1270th meeting, para. 1.

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

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

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

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

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

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

"The Security Council,

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

²⁷⁴ 1270th meeting: paras. 9-33.

²⁷⁵ 1270th meeting: paras. 35-66.

²⁷⁶ 1270th meeting: paras. 68-77.

²⁷⁷ 1270th meeting: paras. 79-82.

²⁷⁸ S/7024.

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

²⁸⁰ 1270th meeting: para. 115.

²⁸¹ 1270th meeting: para. 154.

²⁸² 1270th meeting: para. 162.

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

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

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

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

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

COMPLAINT BY YEMEN

INITIAL PROCEEDINGS

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

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

Decision of 9 April 1964 (1111th meeting):

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

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

²⁸⁵ 1106th meeting: preceding para. 1.

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

²⁸⁷ 1107th meeting: para. 2.

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

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

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

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

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

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

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

The resolution²⁹⁴ read as follows:

"The Security Council,

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

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

²⁸⁹ For texts of relevant statements, see:

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

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

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

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

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

²⁹² S/5649, 1110th meeting: para. 39.

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

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

²⁸⁸ 1106th meeting: para. 27.

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

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

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

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

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

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

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

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

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

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

COMPLAINT BY CAMBODIA

INITIAL PROCEEDINGS

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

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

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

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

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

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

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

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

^{294a} 1111th meeting: para. 60.
²⁹⁵ S/5697, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 130-132.

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

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

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

south-western Tay Ninh Province of Viet-Nam on 7 and 8 May, he had not been in the group which had crossed into Cambodian territory. An American advisor had accompanied a unit which inadvertently crossed the Cambodian border at Chantrea on 19 March. The United States Secretary of State had in that connexion, written⁸⁰⁰ to the Cambodian Government setting forth the circumstances, expressing regret, and undertaking to seek all reasonable precautions against a recurrence. There was no basis for a charge of aggression against the United States as the events in question in no way suggested hostility against Cambodia. He denied the Cambodian assertion that the United States had steadily refused to consider a proposal for the inspection of Cambodian territory, especially in the regions bordering the Republic of Viet-Nam. The United States was prepared to consider any reasonable proposal for new and effective machinery under the United Nations to help stabilize the situation along the Cambodian—Viet-Nameese frontier, and hoped that the Council could act definitively to that end.

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

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

⁸⁰⁰ S/5666, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 74.

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

Decision of 4 June 1964 (1126th meeting):

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

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

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

"The Security Council,

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

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

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

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

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

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

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

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

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

³⁰³ See chapter V, Case 3.

³⁰⁴ 1126th meeting: paras. 33 and 48.

³⁰⁵ 1126th meeting: para. 49.

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

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

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

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

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

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

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

THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA

Decision of 9 June 1964 (1128th meeting):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

³¹⁶ 1127th meeting: para. 3.

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

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

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

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

The resolution³²² read:

"The Security Council,

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

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

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

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

"1. Urges the Government of South Africa:

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

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

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

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

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

Decision of 18 June 1964 (1135th meeting):

- (i) *Condemning the apartheid policies of the Government of the Republic of South Africa and the legislation supporting these policies, such as the General Law Amendment Act, and in particular its ninety-day detention clause;*
- (ii) *Urgently reiterating its appeal to the Government of the Republic of South Africa to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policies of apartheid;*
- (iii) *Urgently appealing to the Government of the Republic of South Africa:*
 - (a) *To renounce the execution of any persons sentenced to death for their opposition to the policy of apartheid;*
 - (b) *To grant immediate amnesty to all persons detained or on trial, as well as clemency to all persons sentenced for their opposition to the Government's racial policies;*
 - (c) *To abolish the practice of imprisonment without charges, without access to counsel or without the right of prompt trial;*
- (iv) *Endorsing and subscribing in particular to the main conclusion of the Group of Experts that "all the people of South Africa should be brought into consultation and should thus*

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

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

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

³²⁰ 1128th meeting: paras. 11-15.

³²¹ 1128th meeting: para. 34.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The resolution³²⁸ read:

"The Security Council,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

³²⁷ 1135th meeting: para. 43.

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

³²⁵ S/5769, 1133rd meeting: para. 3.

³²⁶ For texts of relevant statements, see:

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPLAINT BY THE UNITED STATES (TONKIN GULF INCIDENT)

INITIAL PROCEEDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMPLAINT BY MALAYSIA

INITIAL PROCEEDINGS

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

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

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

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

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

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

³⁴⁰ 1144th meeting: para. 8.

³⁴¹ 1144th meeting: para. 11.

³⁴² 1145th meeting: para. 2.

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

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

³³³ 1140th meeting: para. 89-91.

³³⁴ 1140th meeting: para. 95.

³³⁵ 1140th meeting: paras. 106-107.

³³⁶ 1141st meeting: paras. 22, 23.

³³⁷ 1141st meeting: para. 28.

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

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

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

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

Decision of 17 September 1964 (1152nd meeting):

Rejection of the Norwegian draft resolution

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

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

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

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

QUESTION OF RELATIONS BETWEEN GREECE AND TURKEY

INITIAL PROCEEDINGS

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

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

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

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

³⁴⁷ 1152nd meeting: para. 64.

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

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

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

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

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

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

³⁴⁴ 1144th meeting: paras. 68-114.

³⁴⁵ 1145th meeting: paras. 4-14.

³⁴⁶ 1150th meeting: para. 72.

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

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

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

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

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

Decision of 11 September 1964 (1147th meeting):

Adjournment

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

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

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

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

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

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

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

³⁵⁸ 1147th meeting: paras. 23 and 24.

³⁵⁹ 1147th meeting: paras. 5 and 8.

³⁶⁰ 1147th meeting: paras. 18 and 19.

³⁶¹ 1147th meeting: para. 25.

³⁵² See chapter V, part I (Note).

³⁵³ 1146th meeting: p. 1.

³⁵⁴ 1146th meeting: para. 1.

³⁵⁵ 1147th meeting: para. 16.

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

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

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

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

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

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

THE PALESTINE QUESTION

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

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

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

³⁶² 1147th meeting: para. 43.

³⁶³ 1147th meeting: paras. 44-47.

³⁶⁴ 1147th meeting: paras. 55-61.

³⁶⁵ 1147th meeting: paras. 64-66.

³⁶⁶ 1147th meeting: paras. 67-68.

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

³⁶⁸ 1147th meeting: paras. 32-34.

³⁶⁹ 1147th meeting: para. 72.

³⁷⁰ 1147th meeting: paras. 86-90, 95.

³⁷¹ 1147th meeting: paras. 115-117.

³⁷² 1147th meeting: para. 134.

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

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

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

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

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

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

³⁷⁴ S/6045, *ibid.*, pp. 55-59.

³⁷⁵ S/6046, *ibid.*, p. 60.

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

³⁷⁷ 1162nd meeting: para. 4.

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

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

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

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

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

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

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

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

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

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

At the 1182nd meeting on 21 December 1964, the Council proceeded to vote on the joint draft resolution, together with the amendments submitted by Morocco. The first, second and fourth Moroccan amendments were not adopted, while the third and fifth amendments were adopted. The joint draft resolution, as amended, received 8 votes in favour and 3 against, but failed of adoption owing to the negative vote of a permanent member.³⁸⁴

³⁸¹ S/6113, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 318.

³⁸² 1179th meeting: para. 28.

³⁸³ S/6116, 1179th meeting: para. 37.

³⁸⁴ 1182nd meeting: paras. 21-41.

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

INITIAL PROCEEDINGS

By letter³⁸⁵ dated 1 December 1964, the representatives of Afghanistan, Algeria, Burundi, Cambodia, Central African Republic, Congo (Brazzaville), Dahomey, Ethiopia, Ghana, Guinea, Indonesia, Kenya, Malawi, Mali, Mauritania, Somalia, Sudan, Uganda, United Arab Republic, United Republic of Tanzania, Yugoslavia and Zambia requested an urgent meeting of the Security Council to consider the situation in the Democratic Republic of the Congo. In the explanatory memorandum, they drew attention to various attempts made by the Organization of African Unity with a view to the peaceful adjustment of the situation. Those attempts included the establishment of an *ad hoc* commission to help the Government of the Democratic Republic of the Congo bring about national reconciliation in the country and normal relations with its neighbours. They also stated that in complete defiance of Article 52 of the Charter of the United Nations, and as a deliberate affront to the authority of the Organization of African Unity, the Governments of Belgium and the United States, with the concurrence of the United Kingdom Government, had launched military operations in Stanleyville and in other parts of the Congo. They considered the military operations as constituting "an intervention in African affairs, a flagrant violation of the Charter of the United Nations and a threat to the peace and security of the African continent".

By letter³⁸⁶ dated 9 December 1964, the representative of the Democratic Republic of the Congo transmitted to the President of the Council a message from his Government also requesting an urgent meeting of the Security Council to consider "foreign interference in the domestic affairs of the Congo". It was alleged in the message that there were indications to the effect that Algeria, Ghana, Sudan, the United Arab Republic, the "Chinese communist régime" and the USSR were assisting the rebel groups in the eastern part of the Congo. If allowed to continue, those acts of interference would "constitute a grave threat to peace in Africa".

At the 1170th meeting on 9 December 1964, the Council included in its agenda the letter from the representatives of the twenty-two Member States without objection, and the letter from the representative of the Democratic Republic of the Congo by 7 votes in favour to 4 against.³⁸⁷

At the same meeting, the representatives of Algeria, Belgium, Republic of the Congo (Brazzaville), Democratic Republic of the Congo, Ghana, Guinea, Mali, Nigeria, Sudan, and the United Arab Republic were invited to participate, in the discussion.³⁸⁸ At subsequent meetings, the Council also invited the representatives of Burundi,³⁸⁹ Kenya,³⁹⁰ Central African

Republic,³⁹¹ Uganda,³⁹² and the United Republic of Tanzania,³⁹³ to participate in the debate.

The Council considered the question at the 1170th to 1178th meetings held between 9 and 17 December 1964, at the 1181st meeting on 21 December 1964, and at the 1183rd to 1189th meetings held between 21 and 30 December 1964.

The representatives of Algeria, * Burundi, * Central African Republic, * Congo (Brazzaville), * Ghana, * Guinea, * Kenya, * Mali, * Sudan, * Uganda, * United Arab Republic, * United Republic of Tanzania, * speaking at the 1170th, 1171st, 1172nd, 1174th, 1175th, 1177th, 1181st, 1183rd and 1184th meetings,³⁹⁴ indicated that the alleged humanitarian mission undertaken by Belgium, the United States and the United Kingdom, far from being humanitarian, was a "premeditated military aggression" which had resulted in the "massacre" of thousands of innocent Africans and had threatened the security of African countries.

It was undertaken while efforts at peaceful adjustment of the situation in the Congo were being made by an *ad hoc* commission of the Organization of African Unity. Had it not been for this armed intervention, the Organization of African Unity, which had in the past dealt effectively with some other African problems and which had, in particular, dealt with the Congolese problem with the active participation of the Congolese Prime Minister, would have had a good chance of bringing about a satisfactory solution.

The military operation was furthermore a grave violation of Security Council resolutions of 14 July 1961³⁹⁵ which called for withdrawal of all Belgian forces from the Democratic Republic of the Congo, and General Assembly resolution of 20 September 1960,³⁹⁶ which called on all States to refrain from any action which might tend to impede the restoration of law and order in the Congo. The real purpose of the aggression was to consolidate the colonial interests of Belgium, by supporting the régime, headed by a person, who, in the recent history of the Congo had been the very target of censure of the United Nations.

In the light of those developments, the Security Council was in duty bound to pronounce itself against foreign intervention in the Congo and support the efforts of the Organization of African Unity to bring peace and stability to that country.

The representatives of Algeria, * Ghana, * Sudan, * and the United Arab Republic * further noted that the charges of interference in the domestic affairs of the Congo through assistance to the Congolese rebels

³⁹¹ 1172nd meeting: para. 2.

³⁹² 1177th meeting: para. 2.

³⁹³ 1178th meeting: para. 2.

³⁹⁴ For texts of relevant statements, see 1170th meeting: Congo (Brazzaville), * paras. 84, 86, 89, 90-91, 96; Ghana, * paras. 113-114, 137, 144-145; Sudan, * paras. 155-156, 162-163, 172, 175; 1171st meeting: Guinea, * paras. 11-14, 19-20; Mali, * paras. 26-30, 39-41, 50, 55; 1172nd meeting: Algeria, * paras. 13, 20-26, 40-42, 46-47; 1174th meeting: United Arab Republic, * paras. 15, 18-19, 27, 29, 41; 1175th meeting: Central African Republic, * paras. 82, 86; Kenya, * paras. 32-36, 37-38, 41-42, 58; 1177th meeting: Burundi, * paras. 14-15, 29; Uganda, * paras. 109-110, 116; 1181st meeting: Ghana, * paras. 58-59, 74; Sudan, * paras. 36-37, 45; 1183rd meeting: Algeria, * paras. 7-10, 15, 26, 44-46; 1184th meeting: Kenya, * paras. 24-25.

³⁹⁵ S/4387, O.R., 15th yr., Suppl. for July-Sept. 1960, p. 16.

³⁹⁶ RES/1474 (ES-IV).

³⁸⁵ S/6076 and Add.1-5, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 198-200.

³⁸⁶ S/6096, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 217-218.

³⁸⁷ 1170th meeting: paras. 62-63. For reference to the adoption of the agenda, see chapter II, part III, foot-note 1 to introductory note.

³⁸⁸ 1170th meeting: para. 75.

³⁸⁹ 1171st meeting: paras. 2 and 3.

³⁹⁰ 1171st meeting: paras. 2 and 3.

were unfounded and designed to distract the Council's attention from the true issue before it, which was aggression launched by Belgium making use of United States aircraft with the assistance of the British Government.

The representative of Belgium, * the United States and the United Kingdom, speaking at the 1173rd, 1174th and 1175th meetings, denied the charges levelled by the twenty-two Member States that they had embarked on a premeditated military intervention in the Congo.³⁹⁷ The dropping of Belgian paratroops by United States aircraft on 24 November 1964 was designed as a rescue mission to save the lives of between 1,500 and 2,000 persons of various nationalities who had been maltreated when held as hostages by the rebels, and whose lives had been endangered. The decision to undertake the rescue mission was made only after continued threat against their lives had been made known by the rebels and after various appeals for their lives had not met with favourable response. By 29 November the rescue operation had been completed and all Belgian troops involved had been withdrawn from Congolese soil.

The representative of the Democratic Republic of the Congo, *³⁹⁸ speaking at the 1173rd meeting, stated that the idea of a rescue operation had been born in the face of the attitude of the Congolese rebels, who preferred to "barter human lives for political advantages such as recognition of the rebel Government". The operation, which had been undertaken with the consent of the Congolese Government, had been carried out in specified zones and for a specific purpose, with the least damage possible. In contrast, some African countries had, by assisting the Congolese rebels, taken it upon themselves "to intervene unilaterally in the domestic affairs of a sovereign country, in violation of the United Nations Charter and of the Charter of the OAU". The Security Council should examine the real threat and make the necessary recommendation thereon.

Decision of 30 December 1964 (1189th meeting):

- (i) *Requesting all States to refrain or desist from intervening in the domestic affairs of the Congo;*
- (ii) *Appealing for a cease-fire in the Congo;*
- (iii) *Considering that the mercenaries should as a matter of urgency be withdrawn from the Congo;*
- (iv) *Encouraging the Organization of African Unity to pursue its efforts to help the Government of the Democratic Republic of the Congo achieve national reconciliation;*

and to keep the Council informed of any action it might take in this regard

At the 1186th meeting on 28 December 1964, the representative of Ivory Coast introduced a draft reso-

lution³⁹⁹ jointly sponsored by his country and Morocco.

At the 1187th meeting on 29 December 1964, the representative of Guinea * on behalf of eighteen African Member States, submitted an amendment⁴⁰⁰ which was subsequently incorporated in the text of the joint draft resolution by its sponsors as operative paragraph 6.⁴⁰¹

At the 1189th meeting on 30 December 1964, at the request of the representative of France, the Council voted separately on the first operative paragraph of the draft resolution, which it adopted unanimously.⁴⁰² At the same meeting the Council adopted the draft resolution as a whole, as amended, by 10 votes to none, with 1 abstention.⁴⁰³ The resolution read:⁴⁰⁴

"The Security Council,

"Noting with concern the aggravation of the situation in the Democratic Republic of the Congo,

"Deploring the recent events in that country,

"Convinced that the solution of the Congolese problem depends on national reconciliation and the restoration of public order,

"Recalling the pertinent resolutions of the General Assembly and the Security Council,

"Reaffirming the sovereignty and territorial integrity of the Democratic Republic of the Congo,

"Taking into consideration the resolution of the Organization of African Unity dated 10 September 1964, in particular paragraph 1 relating to the mercenaries,

"Convinced that the Organization of African Unity should be able, in the context of Article 52 of the Charter of the United Nations, to help find a peaceful solution to all the problems and disputes affecting peace and security in the continent of Africa,

"Having in mind the efforts of the Organization of African Unity to help the Government of the Democratic Republic of the Congo and the other political factions in the Congo to find a peaceful solution to their dispute,

"1. Requests all States to refrain or desist from intervening in the domestic affairs of the Congo;

"2. Appeals for a cease-fire in the Congo in accordance with the resolution of the Organization of African Unity dated 10 September 1964;

"3. Considers, in accordance with that same resolution, that the mercenaries should as a matter of urgency be withdrawn from the Congo;

"4. Encourages the Organization of African Unity to pursue its efforts to help the Government of the Democratic Republic of the Congo to achieve national reconciliation in accordance with the above-

³⁹⁹ S/6123/Rev.1, 1186th meeting: para. 9. See also chapter X, Case 9.

⁴⁰⁰ The amendment was submitted jointly by Algeria, Burundi, Central African Republic, Congo (Brazzaville), Dahomey, Ethiopia, Ghana, Guinea, Kenya, Malawi, Mali, Mauritania, Somalia, Sudan, Uganda, United Arab Republic, United Republic of Tanzania and Zambia. S/6128, 1187th meeting, para. 12. See also chapter III, Case 13.

⁴⁰¹ 1189th meeting: para. 6.

⁴⁰² 1189th meeting: para. 30.

⁴⁰³ 1189th meeting, para. 34.

⁴⁰⁴ S/RES/199 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 18-19.

³⁹⁷ For text of relevant statements, see 1173rd meeting: Belgium, * paras. 9-10, 19, 37, 40; 1174th meeting: United States, paras. 58-59, 65, 70-81, 96; 1175th meeting: United Kingdom, paras. 12-15; 1183rd meeting: United States, paras. 47-49. The following communications, which had been submitted before the Security Council began consideration of the question, have been referred to: S/6055, 21 November 1964; S/6062, 24 November 1964 and S/6063, 24 November 1964. O.R., 19th yr., Suppl. for Oct.-Dec. 1964, pp. 64-66, 186-189, 189-192.

³⁹⁸ For text of relevant statements, see 1173rd meeting: paras. 113-115, 158, 171.

mentioned resolution of the Organization of African Unity;

"5. *Requests* all States to assist the Organization of African Unity in the attainment of this objective;

"6. *Requests* the Organization of African Unity, in accordance with Article 54 of the Charter of the United Nations, to keep the Security Council fully informed of any action it may take under the present resolution;

"7. *Requests* the Secretary-General of the United Nations to follow the situation in the Congo and to report to the Security Council at the appropriate time."

The question remained on the list of matters with which the Security Council is seized.⁴⁰⁵

SITUATION IN SOUTHERN RHODESIA

Decision of 6 May 1965 (1202nd meeting):

- (i) *Requesting the United Kingdom Government and all Member States not to accept a unilateral declaration of independence for Southern Rhodesia by the minority government;*
- (ii) *Requesting the United Kingdom to take all necessary action to prevent a unilateral declaration of independence;*
- (iii) *Requesting the United Kingdom Government not to transfer under any circumstances to the colony of Southern Rhodesia, as at present governed, any of the powers or attributes of sovereignty, but to promote the country's attainment of independence by a democratic system of government in accordance with the aspirations of the majority of the population;*
- (iv) *Further requesting the United Kingdom Government to enter into consultations with all concerned with a view to convening a conference of all political parties in order to adopt new constitutional provisions acceptable to the majority of the people of Rhodesia, so that the earliest possible date may be set for independence;*
- (v) *Deciding to keep the question of Southern Rhodesia on its agenda*

By letter ⁴⁰⁶ dated 21 April 1965 the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia, requested the President of the Security Council to convene an urgent meeting of the Council to examine "the very serious situation" existing in Southern Rhodesia.

In the explanatory memorandum attached to the letter it was stated that the situation in Southern Rhodesia was such as to endanger international peace and security in Africa and throughout the world, and that

it was necessary that the Council should consider the situation as a matter of urgency. It further stated that despite resolutions 1747 (XVI), 1760 (XVII), 1883 (XVIII) and 1889 (XVIII) of the General Assembly, the efforts of the Special Committee established under resolution 1654 (XVI) and of the United Nations Secretary-General, and the repeated appeals made by the African Heads of State and Government, the United Kingdom had done nothing to apply resolution 1514 (XV) to "its colony of Southern Rhodesia". Moreover, the intensification of repressive measures against the African nationalist leaders, the decision to hold elections on the basis of the Constitution of 1961, and the threats of "the so-called Prime Minister of the Territory to proclaim the independence" of Southern Rhodesia without regard for the opinion of the African inhabitants, had resulted in a deterioration of the situation, and had been characterized as constituting "a threat to international peace and security".

At the 1194th meeting on 30 April 1965, after the representative of the United Kingdom had reaffirmed reservations made at the 1064th meeting regarding the lack of competence of the Council on the matter,⁴⁰⁷ the Council adopted⁴⁰⁸ its agenda and considered the question at the 1194th to 1202nd meetings, held between 30 April and 6 May 1965. The representatives of Senegal and Algeria were invited to take part in the discussion.⁴⁰⁹

Speaking on behalf of all the States members of the Organization of African Unity, the representatives of Senegal* and Algeria* stated at the 1194th and 1197th meetings that recent events and statements clearly indicated that Southern Rhodesia had proceeded along the path of illegality, injustice and outrageous repression and that the objective of the Government of Southern Rhodesia was to obtain a comfortable majority in the elections which were set for 7 May 1965, so that they would be able to proclaim independence. They accused the United Kingdom of strengthening the capabilities of the "racist" Government of Southern Rhodesia by putting at its disposal the air power of the Federation of Central Africa after the dissolution of that Federation in December 1963; and of placing the interests of the settlers over those of the African majority. As a result, a minority had been given the power to legislate and to decide the destiny of the African majority. Their adoption of certain "racist and repressive legislation" clearly indicated the policy that would be pursued.

The representatives saw the recent agreements that Southern Rhodesia had concluded with Portugal and South Africa as an attempt by Mr. Smith "to provide against all kinds of foreseeable difficulties". Recalling that by resolutions 1747 (XVI), 1760 (XVII), 1883 (XVIII) and 1889 (XVIII), the General Assembly had requested the Administering Authority of the Territory of Southern Rhodesia to take a certain number of measures to restore security in the interior of the country, they asserted that it was "high time" for the United Kingdom to take action in conformity with those resolutions. They further contended that since Southern Rhodesia was still a British colony and subject to the Crown, the United Kingdom could legally use force as it had done in the past; "to admit the contrary would be to recognize the right of accession for a colony which does not yet fulfil the conditions

⁴⁰⁷ 1194th meeting: para. 6.

⁴⁰⁸ 1194th meeting: para. 7.

⁴⁰⁹ 1194th meeting: para. 8.

⁴⁰⁵ The following were subsequent communications on this question received during the period covered by this Supplement: S/6138 of 5 January 1965 and S/6172 of 3 February 1965. O.R., 20th yr., Suppl. for Jan.-March 1965, pp. 6, 41-42.

⁴⁰⁶ S/6294 and Add.1, O.R., 20th yr., Suppl. for Apr.-June 1965, pp. 45-47.

for normal accession to independence". In suggesting measures that might be employed they recalled the proposals set forth in the draft resolution drawn up by the Special Committee (S/6300), namely that: (1) the elections of 7 May should be prevented from taking place; (2) all persons who had been arbitrarily arrested should be released and all discriminatory laws promulgated under the 1961 Constitution should be abolished; and (3) public freedoms and civil liberties should be restored and Southern Rhodesia should be prepared for independence by convening a constitutional conference. On the other hand, if the United Kingdom allowed Mr. Smith to set up a régime based on white supremacy, thereby creating a South Africa type situation with its inherent danger to international peace and security, then the United Kingdom should bear full responsibility for the serious consequences which would emerge.⁴¹⁰

At the 1194th and 1197th meetings held between 30 April-4 May 1965, the representative of the United Kingdom outlined the policy of his Government regarding Southern Rhodesia in the following terms: (1) the British Government must be satisfied that any basis on which it is proposed that independence should be granted was acceptable to the people of the country as a whole; (2) it was not by unconstitutional or illegal action that a way forward must be sought, but by negotiation; and (3) no one must be left in any doubt of the true constitutional position or of the political and economic consequences which would flow from an illegal declaration of independence. Those principles were reaffirmed in a statement on 27 October 1964, which concluded as follows:

"In short an illegal declaration of independence in Southern Rhodesia would bring to an end relationships between her and Britain, would cut her off from the rest of the Commonwealth, from most foreign governments and from international organizations, would inflict disastrous economic damage upon her, and would leave her isolated and virtually friendless in a largely hostile continent."⁴¹¹

He recalled the efforts of his Government to get negotiations started and suggested that so long as there was any prospect of negotiation aimed at avoiding or preventing disaster it should be pressed to the very end. He further stated "to abandon negotiation now would surely be an act of irresponsibility. To do anything in this Council or any where else to make negotiation more difficult, to wreck what hopes there are for peaceful progress, to take any action here which might contribute to the very disaster we most want to prevent—surely that would be a course to be universally condemned". Moreover, the British Government considered that while the responsibility for bringing Rhodesia forward to independence rested with the United Kingdom alone, Rhodesia was self-governing in its internal affairs. Consequently, the decision to hold elections on 7 May was a decision for the Rhodesian Government, and the United Kingdom Government had no responsibility and no authority over that matter. In conclusion, the representative of the United Kingdom warned "that no good but only harm

could come from calling for unconstitutional action", which his Government would not take.⁴¹²

At the 1199th meeting on 5 May 1965, the representative of the Ivory Coast introduced a draft resolution⁴¹³ jointly sponsored by Jordan and Malaysia. As revised on the same date⁴¹⁴ the draft resolution provided that the Council would *inter alia*, request the United Kingdom Government and all United Nations Members not to accept a unilateral declaration of independence for Southern Rhodesia by the minority Government, and would further request the United Kingdom Government to implement certain other measures.

At the 1201st meeting on 5 May 1965, the representative of the USSR introduced amendments⁴¹⁵ to the joint draft resolution. As revised⁴¹⁶ the amendments called for deletion of operative paragraphs 3 and 4 of the draft resolution, and their replacement by a request to the United Kingdom to cancel the elections set by the Government of Southern Rhodesia for 7 May on the basis of the Constitution of 1961; and for the deletion from paragraph 5 of the words "not to transfer under any circumstances to its colony of Southern Rhodesia, as at present governed, any of the powers or attributes of sovereignty, but to promote the country's attainment", and their replacement by the words "to take the necessary measures for the immediate granting to Southern Rhodesia . . ."

At the 1202nd meeting on 6 May 1965, the Council voted upon the draft resolution and the amendments before it. The USSR amendments were not adopted. There were one vote in favour, 2 against with 8 abstentions.⁴¹⁷

The joint draft resolution was adopted by 7 votes in favour to none against, with 4 abstentions.⁴¹⁸ It read as follows:⁴¹⁹

"The Security Council,

"Having examined the situation in Southern Rhodesia,

"Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 1747 (XVI) of 28 June 1962, 1760 (XVII) of 31 October 1962, 1883 (XVIII) of 14 October 1963 and 1889 (XVIII) of 6 November 1963, and the resolutions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, especially its resolution of 22 April 1965 (A/AC.109/112),

"Endorsing the requests which the General Assembly and the Special Committee have many times addressed to the United Kingdom of Great Britain and Northern Ireland to obtain:

"(a) The release of all political prisoners, detainees and restrictees,

"(b) The repeal of all repressive and discriminatory legislation, and in particular the Law and

⁴¹² 1194th meeting: paras. 91-103, 109, 110 and 117; 1197th meeting: paras. 39-43.

⁴¹³ S/6329, 1199th meeting: paras. 61-76.

⁴¹⁴ S/6329/Rev.1. Same text as S/RES/202 (1965), *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council*, 1965, pp. 6-7.

⁴¹⁵ S/6332, 1201st meeting: paras. 31-40.

⁴¹⁶ S/6332/Rev.1, 1202nd meeting: para. 85.

⁴¹⁷ 1202nd meeting: para. 86.

⁴¹⁸ 1202nd meeting: para. 87.

⁴¹⁹ S/RES/202 (1965), *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council*, 1965, pp. 6-7.

⁴¹⁰ For texts of relevant statements, see: 1194th meeting: Algeria,* paras. 51-88; Senegal,* paras. 14, 20-48; 1197th meeting: Algeria,* paras. 89-98; Senegal,* paras. 72-80.

⁴¹¹ A/AC.109/L.187, annex I, appendix I, para. 8.

Order (Maintenance) Act and the Land Apportionment Act,

“(c) The removal of all restrictions on political activity and the establishment of full democratic freedom and equality of political rights,

“Noting that the Special Committee has drawn the attention of the Security Council to the grave situation prevailing in Southern Rhodesia and, in particular, to the serious implications of the elections announced to take place on 7 May 1965 under a constitution which has been rejected by the majority of the people of Southern Rhodesia and the abrogation of which has repeatedly been called for by the General Assembly and the Special Committee since 1962,

“*Deeply disturbed* at the further worsening of the situation in the Territory due to the application of the aforementioned Constitution of 1961 and to recent events, especially the minority Government’s threats of a unilateral declaration of independence,

“1. *Notes* the United Kingdom Government’s statement of 27 October 1964 specifying the conditions under which Southern Rhodesia might attain independence;

“2. *Notes further and approves* the opinion of the majority of the population of Southern Rhodesia that the United Kingdom should convene a constitutional conference;

“3. *Requests* the United Kingdom Government and all States Members of the United Nations not to accept a unilateral declaration of independence for Southern Rhodesia by the minority Government;

“4. *Requests* the United Kingdom to take all necessary action to prevent a unilateral declaration of independence;

“5. *Requests* the United Kingdom Government not to transfer under any circumstances to its colony of Southern Rhodesia, as at present governed, any of the powers or attributes of sovereignty, but to promote the country’s attainment of independence by a democratic system of government in accordance with the aspirations of the majority of the population;

“6. *Further requests* the United Kingdom Government to enter into consultations with all concerned with a view to convening a conference of all political parties in order to adopt new constitutional provisions acceptable to the majority of the people of Rhodesia, so that the earliest possible date may be set for independence;

“7. *Decides* to keep the question of Southern Rhodesia on its agenda.”

Decision of 12 November 1965 (1258th meeting):

- (i) *Condemning the unilateral declaration of independence made by a racist minority in Southern Rhodesia;*
- (ii) *Deciding to call upon all States not to recognize this illegal racist minority régime in Southern Rhodesia and to refrain from rendering any assistance to this illegal régime*

By letter ⁴²⁰ dated 11 November 1965, the permanent representative of the United Kingdom informed the President of the Security Council that the authori-

⁴²⁰ S/6896. O.R., 20th yr., Suppl. for Oct.-Dec. 1965, p. 354.

ties in Rhodesia had made an announcement, purporting, illegally and unilaterally to declare independence for Rhodesia. The United Kingdom Government wished to inform the Security Council of the situation which had been created and of the steps which it was taking to meet the situation. Consequently, an urgent meeting of the Council was requested.

On 10 November 1965, the President of the General Assembly transmitted to the Security Council the texts of two resolutions (2012 (XX) and 2022 (XX)) adopted by the General Assembly on 12 October 1965 and on 5 November 1965 respectively, concerning the question of Southern Rhodesia. In his letter ⁴²¹ to the Council, the President of the General Assembly referred to paragraphs 12 and 13 of resolution 2022 (XX), in which the General Assembly “draws the attention of the Security Council to the threats made by the present authorities in Southern Rhodesia . . .” and “to the explosive situation in Southern Rhodesia which threatens international peace and security.”

By letter ⁴²² dated 11 November 1965, the representatives of Algeria, Burundi, Cameroon, the Central African Republic, Chad, Congo (Brazzaville), Dahomey, Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia, requested the President of the Security Council to convene an “emergency meeting of the Security Council to consider the situation created in Southern Rhodesia as a result of the unilateral declaration of independence” by the white minority Government there. The letter stated that the unilateral declaration of independence of Southern Rhodesia had created “a threat to international peace and security”.

By letter ⁴²³ dated 11 November 1965, the representatives of Afghanistan, Ceylon, Cyprus, Ghana, India, Iran, Iraq, Jordan, Kuwait, Libya, Madagascar, Mauritania, Morocco, Pakistan, Philippines, Sierra Leone, Somalia, Sudan, Syria, Thailand, Turkey and Uganda requested the President of the Security Council to consider the grave situation in Southern Rhodesia arising out of the unilateral declaration of independence by the “white minority Government”. The letter stated that the unilateral declaration of independence aggravated an already explosive situation and threatened international peace and security.

By letter ⁴²⁴ dated 11 November 1965, the President of the General Assembly transmitted to the Security Council the text of resolution 2024 (XX) of the General Assembly adopted on 11 November 1965, in which it was recommended that the Security Council consider the situation in Southern Rhodesia as a matter of urgency.

At the 1257th meeting on 12 November 1965, the Security Council decided to include the question on its agenda ⁴²⁵ and considered it at the 1257th to 1265th

⁴²¹ S/6897, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, p. 355.

⁴²² S/6902, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 357-358.

⁴²³ S/6903, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 358-359.

⁴²⁴ S/6908, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, p. 359.

⁴²⁵ 1257th meeting, para. 5. For discussion on participation, see chapter III, Case 3 and Case 18.

meetings held between 12 and 20 November 1965. The representatives of Algeria, India, Pakistan, Ghana, Zambia, Sierra Leone, Senegal, Mali, Nigeria, Portugal, South Africa, the United Republic of Tanzania, and later, the representatives of Guinea, Ethiopia, Mauritania, Gambia, Jamaica, Somalia and Sudan were invited to take part in the discussion.⁴²⁰ Portugal⁴²⁷ and South Africa⁴²⁸ declined the Security Council's invitation to participate in the discussion of the question.

In his initial statement before the Council at the 1257th meeting on 12 November 1965, the representative of the United Kingdom explained that the United Kingdom had asked for the immediate meeting of the Security Council in connexion with the situation in Southern Rhodesia resulting from the declaration of independence made by a racist minority. The British Government regarded that as illegal and invalid since only the British Parliament had the right and authority to accord independence to Southern Rhodesia. He pointed out that the attempt to establish in Africa an illegal régime based on minority rule was a matter of world concern. That was the main reason why the question had been brought before the Security Council. After describing the measures which the United Kingdom had taken to deal with the illegal declaration and restore the rule of law in Southern Rhodesia, he asked for the goodwill, co-operation and active support of all those who accepted the principles set out in the resolution adopted by the General Assembly. The representative made it clear that the British Government did not "believe the use of military force can solve this problem". He called on every State Member of the United Nations to refuse to recognize the illegal régime in Southern Rhodesia, to prohibit all export of arms to that country, to impose exchange control restrictions, to deny all the advantages in trade and to ban the import of Southern Rhodesian tobacco and sugar. He considered that "If all Members of the United Nations support us sincerely in applying these measures, the effect on the Southern Rhodesian economy will be severe indeed".⁴²⁹

At the same meeting, speaking on behalf of the African States, the representative of Ghana* reviewed the history of the problem and pointed out that by his unilateral declaration of independence, Mr. Ian Smith and his "racist accomplices" had precipitated a serious crisis which posed a threat of immense proportions to peace and security in the world. He observed that the act had not come as a surprise. The African States had warned the United Kingdom, as far back as 1963, of the dangerous consequences of transferring powerful armed forces to the "racist minority" Government of Southern Rhodesia. The African States had then requested the Security Council to call upon the Government of the United Kingdom not to transfer to its colony of Southern Rhodesia any powers or attributes of sovereignty until the establishment of a fully representative Government, and not to transfer to the colony of Southern Rhodesia the armed forces and aircraft, as envisaged by the Central African Conference of 1963. However, the Government of the

United Kingdom showed disregard for those apprehensions and warnings by vetoing the draft resolution then submitted by Morocco, Philippines and Ghana. He declared that the "unilateral declaration of independence would have serious repercussions in Africa" and further stated that at the recent African summit conference, held in Accra from 21 to 25 October, the Heads of State and Government adopted a resolution on Southern Rhodesia, operative paragraph 3 of which read:

"Calls upon the United Nations to regard any such unilateral declaration of independence as constituting a threat to international peace, and to take the steps that such a situation requires in accordance with the Charter and to help to establish a majority Government in Southern Rhodesia."

In pursuance of that resolution, the African States had come to the Security Council and called upon the Council to take appropriate action under Chapter VII⁴³⁰ of the Charter, since events in Southern Rhodesia definitely constituted a threat to international peace and security. The African representatives had not come to the Council to endorse half-hearted measures of doubtful efficacy which the United Kingdom Government intended to take. What were required were stronger and more and more effective measures to be taken to crush the rebellion.⁴³¹

At the same meeting the representative of Senegal* stated that the act perpetrated by the Government of Southern Rhodesia was a true act of international piracy. If the rebellion went unpunished it would damage the moral standing of the British Commonwealth; it would undermine the authority of the United Nations Charter and international peace and security in Africa. He observed that the steps the United Kingdom proposed were economic sanctions. He appealed to all Member States to support the actions of the United Kingdom but asserted that "the most vigorous measures, including resort to force" should be used.⁴³²

At the 1258th meeting on 12 November 1965, the representative of Jordan proposed that the Council adopt a preliminary resolution⁴³³ condemning the illegal action of the minority group in Salisbury. The Security Council adopted the draft resolution by 10 votes to none, with 1 abstention.⁴³⁴

The resolution read: ⁴³⁵

"The Security Council,

"1. *Decides to condemn* the unilateral declaration of independence made by a racist minority in Southern Rhodesia;

"2. *Decides to call upon* all States not to recognize this illegal racist minority régime in Southern Rhodesia and to refrain from rendering any assistance to the illegal régime."

Decision of 20 November 1965 (1265th meeting):

(i) *Determining that the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia is extremely grave, that the Government of the United Kingdom of Great Britain and Nor-*

⁴³⁰ For discussion concerning the applicability of Chapter VII of the Charter, see chapter XI, Cases 3 and 6.

⁴³¹ 1257th meeting, paras. 38-72.

⁴³² 1257th meeting, paras. 95-107.

⁴³³ 1258th meeting, paras. 4-8.

⁴³⁴ 1258th meeting, para. 29.

⁴³⁵ S/RES/216 (1965)/Rev.1, O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, p. 8.

⁴²⁰ 1257th meeting, paras. 6-7; 1258th meeting, paras. 1-2; 1259th meeting, paras. 1-2; 1261st meeting, paras. 1-2; 1263rd meeting, paras. 1-2.

⁴²⁷ S/6938, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 366-367.

⁴²⁸ S/6935, *ibid.*, p. 365.

⁴²⁹ 1257th meeting, paras. 10-36.

thern Ireland should put an end to it and that its continuance in time constitutes a threat to international peace and security;

- (ii) *Reaffirming its resolution 216 (1965) of 12 November 1965, and General Assembly resolution 1514 (XV) of 14 December 1960;*
- (iii) *Condemning the usurpation of power by a racist settler minority in Southern Rhodesia and regarding the declaration of independence by it as having no legal validity;*
- (iv) *Calling upon the Government of the United Kingdom to quell this rebellion of the racist minority;*
- (v) *Further calling upon the Government of the United Kingdom to take all other appropriate measures which would prove effective in eliminating the authority of the usurpers and in bringing the minority régime in Southern Rhodesia to an immediate end;*
- (vi) *Calling upon all States not to recognize this illegal authority and not to entertain any diplomatic or other relations with this illegal authority;*
- (vii) *Calling upon the Government of the United Kingdom, as the working of the Constitution of 1961 has broken down, to take immediate measures in order to allow the people of Southern Rhodesia to determine their own future consistent with the objectives of General Assembly resolution 1514 (XV);*
- (viii) *Calling upon all States to refrain from any action which would assist and encourage the illegal régime and, in particular, to desist from providing it with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products;*
- (ix) *Calling upon the Government of the United Kingdom to enforce urgently and with vigour all the measures it has announced, as well as those mentioned in the previous paragraph;*
- (x) *Calling upon the Organization of African Unity to do all in its power to assist in the implementation of the present resolution, in conformity with Chapter VIII of the Charter of the United Nations;*
- (xi) *Deciding to keep the question under review in order to examine what other measures it may deem necessary to take*

The representatives of Mali, * India, * Nigeria, * and the USSR, speaking at the 1258th meeting recalled resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII) of the General Assembly, and pointed out that the General Assembly reaffirmed the fact that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter, and that the United Kingdom was completely responsible for the Territory. They then enumerated the efforts deployed at the United Nations and by the Organization of African Unity, to lead the United Kingdom to change the course of the dangerous evolution of that situation in Southern Rhodesia.

Considering the situation in Southern Rhodesia as "a threat to international peace and security", they requested that the Council should examine it in the light of the provisions of Chapter VII of the Charter, and invite the United Kingdom to take effective measures, including recourse to force, to restore normal conditions in Southern Rhodesia so that the Zimbabwe people might benefit fully from the provisions of General Assembly resolution 1514 (XV). The measures taken by the United Kingdom were inadequate and inappropriate in the context of the Southern Rhodesian problem. Economic sanctions alone were not enough. The measures did not include a total embargo on British exports to Southern Rhodesia, including especially oil. The embargo on tobacco would not have any immediate effect on the economy of Southern Rhodesia inasmuch as the recent harvest of tobacco had already been sold. Moreover, it was pointed out, for economic sanctions to have any visible effect on Southern Rhodesia it would be necessary to ensure that both South Africa and Portugal would not undermine the whole undertaking. In conclusion it was declared that the fact that the matter had been before the Security Council should not be interpreted as an intention on the part of the African countries to abandon any initiative for taking action if the Security Council were to abdicate its responsibilities or if any action by the Council were to be blocked by a veto, as had happened in September 1963. At their various meetings, the African Heads of State or Government had taken decisions on the question of Southern Rhodesia, and it would be very wrong indeed to think that those decisions would not be carried out.⁴³⁶

The representatives of Pakistan, * Algeria, * the Ivory Coast, Sierra Leone, * Ethiopia, * the United Republic of Tanzania, * Zambia, * Malaysia, Mauritania, * Jamaica, * Sudan, * Somalia, * and Jordan at the 1259th to 1264th meetings, held between 13 and 19 November 1965, stated that the illegal unilateral declaration of independence made by the Southern Rhodesian authorities had threatened international peace and security. The developments and events in Southern Rhodesia had given cause for the serious concern which had been expressed in the resolution passed by the Heads of African States and Governments at their conference at Accra in October 1965, which had called upon the United Kingdom to regard any such unilateral declaration of independence as constituting a threat to international peace, and to take the steps that such a situation required in accordance with the Charter in order to help to establish a majority Government in Southern Rhodesia. They pointed out that the United Nations, in its Committee of Twenty-Four, in the General Assembly and in the Security Council, had been seized of the question of Southern Rhodesia for a considerable time. The present state of affairs in Southern Rhodesia was the responsibility of the United Kingdom, which did not comply with resolutions 1747 (XVI), 1760 (XVII) 1889 (XVII) and 2022 (XX) of the General Assembly. They stated that the Council should conduct its deliberations in the light of Chapter VII under the terms of Articles 39 to 51. Noting that the measures proposed by the United Kingdom for dealing with crises were inadequate, they advocated "the most vigorous measures", including resort to force, to counter "the

⁴³⁶ 1258th meeting: paras. 31-136.

act of international piracy committed by the Government of Mr. Ian Smith".⁴³⁷

At the 1259th meeting on 13 November 1965, the representative of the United Kingdom introduced a draft resolution⁴³⁸ under the operative paragraphs of which the Security Council would: (1) refuse to recognize the unilateral declaration of independence by the former régime in Southern Rhodesia as having any legal validity; (2) reiterate its call to all States to refuse to recognize the illegal régime and unconstitutional régime in Southern Rhodesia; (3) call upon all States to refrain from any action which could give aid and comfort to that régime; and (4) call upon all States to lend all necessary assistance and support to the United Kingdom Government in making effective the measures, taken by that Government, including the financial and economic measures, to bring the rebellion in Southern Rhodesia to an end.

At the same meeting on behalf of the African delegations the representative of the Ivory Coast introduced a draft resolution⁴³⁹ under the operative paragraphs of which the Security Council would: (1) determine that the situation resulting from the declaration of independence constitutes a threat to international peace and security; (2) declare illegal the seizure of power by the racist minority settler régime in Southern Rhodesia; (3) call upon the United Kingdom and all other States to take immediate steps to protect the lives of the 4 million Africans and other inhabitants of the Territory who oppose this rebellion; (4) further call upon the United Kingdom Government, in addition to the measures it had proposed to take with regard to the situation in Southern Rhodesia, to suspend the 1961 Constitution; (5) call upon all States not to recognize the racist minority settler régime and to withdraw recognition of any State recognizing that régime; (6) demand that the rebellion by the racist minority settler régime be immediately crushed and law and order established in that African Territory; (7) demand further that majority rule be established in the Territory on the basis of the principle "one man, one vote"; (8) call upon all States to enforce on the illegal régime in Southern Rhodesia a complete interruption of economic relations, including an embargo on supplies of oil and petroleum products, and of rail, sea, air, postal, telegraphic, radio and other means of communication and severance of diplomatic and consular relations, in accordance with Article 41 of the Charter; (9) decide to take all the enforcement measures provided for under Articles 42 and 43 of the Charter against the racist minority settler régime; and (10) authorize the Secretary-General to ensure the immediate implementation of that resolution and to report as soon as possible.

At the 1264th meeting on 19 November 1965, the representative of Uruguay introduced a draft resolution⁴⁴⁰ jointly sponsored by Bolivia and Uruguay.

The Council agreed that it should be given priority of consideration.⁴⁴¹

At the 1265th meeting on 20 November 1965, the President (Bolivia) informed the Council that Bolivia and Uruguay had modified operative paragraph 1 of their draft resolution.⁴⁴²

At the same meeting the Council voted upon the joint draft resolution before it. The joint draft resolution was adopted by 10 votes in favour to none against with 1 abstention.⁴⁴³ The resolution⁴⁴⁴ read as follows:

"The Security Council,

"Deeply concerned about the situation in Southern Rhodesia,

"Considering that the illegal authorities in Southern Rhodesia have proclaimed independence and that the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, looks upon this as an act of rebellion,

"Noting that the Government of the United Kingdom has taken certain measures to meet the situation and that to be effective these measures should correspond to the gravity of the situation,

"1. Determines that the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia is extremely grave, that the Government of the United Kingdom of Great Britain and Northern Ireland should put an end to it and that its continuance in time constitutes a threat to international peace and security;

"2. Reaffirms its resolution 216 (1965) of 12 November 1965 and General Assembly resolution 1514 (XV) of 14 December 1960;

"3. Condemns the usurpation of power by a racist settler minority in Southern Rhodesia and regards the declaration of independence by it as having no legal validity;

"4. Calls upon the Government of the United Kingdom to quell this rebellion of the racist minority;

"5. Further calls upon the Government of the United Kingdom to take all other appropriate measures which would prove effective in eliminating the authority of the usurpers and in bringing the minority régime in Southern Rhodesia to an immediate end;

"6. Calls upon all States not to recognize this illegal authority and not to entertain any diplomatic or other relations with it;

"7. Calls upon the Government of the United Kingdom, as the working of the Constitution of 1961 has broken down, to take immediate measures in order to allow the people of Southern Rhodesia to determine their own future consistent with the objectives of General Assembly resolution 1514 (XV);

"8. Calls upon all States to refrain from any action which would assist and encourage the illegal régime and, in particular, to desist from providing it with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia, in-

⁴³⁷ For texts of relevant statements see:

1259th meeting: Pakistan,* paras. 1-14; Algeria,* paras. 34-46; Ivory Coast, paras. 44-71; Sierra Leone,* paras. 73-88.

1260th meeting: Ethiopia,* paras. 3-28; the United Republic of Tanzania,* paras. 30-64; Zambia,* paras. 66-86, Malaysia, paras. 87-107; Guinea, paras. 109-125.

1261st meeting: Mauritania,* paras. 4-31.

1262nd meeting: Jamaica,* paras. 9-34.

1263rd meeting: Sudan,* paras. 25-41; Somalia,* paras. 43-58.

1264th meeting: Jordan, paras. 10-18.

⁴³⁸ S/6928, 1259th meeting, para. 31.

⁴³⁹ S/6929, 1259th meeting, para. 70.

⁴⁴⁰ S/6955, 1264th meeting, paras. 8-9.

⁴⁴¹ 1264th meeting, para. 3.

⁴⁴² 1265th meeting, para. 3.

⁴⁴³ 1265th meeting, para. 4.

⁴⁴⁴ S/RES/217 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 8-9.

cluding an embargo on oil and petroleum products;

"9. *Calls upon* the Government of the United Kingdom to enforce urgently and with vigour all the measures it has announced, as well as those mentioned in paragraph 8 above;

"10. *Calls upon* the Organization of African Unity to do all in its power to assist in the implementation of the present resolution, in conformity with Chapter VIII of the Charter of the United Nations;

"11. *Decides* to keep the question under review in order to examine what other measures it may deem it necessary to take."

In view of the adoption of the draft resolution of Bolivia and Uruguay, the representatives of the Ivory Coast⁴⁴⁵ and the United Kingdom⁴⁴⁶ stated that they would not press for a vote on the draft resolutions which they had respectively introduced.

SITUATION IN THE DOMINICAN REPUBLIC

INITIAL PROCEEDINGS

By letter⁴⁴⁷ dated 1 May 1965, the permanent representative of the USSR requested the President of the Security Council to convene an urgent meeting in order "to consider the question of the armed interference by the United States in the internal affairs of the Dominican Republic."

At the 1196th meeting on 3 May 1965, the Council decided⁴⁴⁸ to include the question in the agenda. The representative of Cuba was invited to participate in the discussion.⁴⁴⁹

The Council considered the question at its 1196th, 1198th, 1200th, 1202nd to 1204th, 1207th to 1209th, 1212th to 1223rd, 1225th to 1233rd meetings held between 3 May and 26 July 1965.

Decision of 14 May 1965 (1208th meeting):

- (i) *Calling for a strict cease-fire;*
- (ii) *Inviting the Secretary-General to send, as an urgent measure, a representative to the Dominican Republic for the purpose of reporting to the Council on the situation;*
- (iii) *Calling upon all concerned in the Dominican Republic to co-operate with the representative of the Secretary-General in the carrying out of that task.*

At the 1196th meeting on 3 May 1965, the representative of the USSR stated that the Council had been convened to deal with an armed intervention of the United States in the internal affairs of the Dominican Republic. Under the "false pretext of protecting American lives" fourteen thousand United States troops had already been landed on the territory of the Dominican Republic, and the city of Santo Domingo had actually been taken over by the United States forces. On 28 April, over 405 United States marines landed on Dominican territory and even if the United States version of its actions was to be accepted those troops would have been more than sufficient to evacuate United States citizens whereupon they would have been removed from that country. But even after the

question of convening the Security Council to consider the matter had been raised, 1700 more marines and 2,500 paratroopers were sent to the Dominican Republic. Moreover heavy armaments and even tanks had been utilized by the United States units in engagements with "patriotic" Dominican forces. It was thus clear that what was intended to be saved was a "reactionary dictatorship of the militarists" against which the Dominican people had taken up arms. Besides, no longer was a secret being made of plans to keep United States troops in the Dominican Republic even after order had been re-established in that country.

Furthermore, the representative of the USSR maintained that in sending troops to the Dominican Republic, the United States had not ascertained beforehand the view of the members of the Organization of American States (OAS), but had put before it a *fait accompli* as it had only been convened after their landing in Santo Domingo. Under those circumstances the concern and apprehension with which the other countries of the Americas viewed the interference by the United States troops was understandable.

The "aggression" committed by the United States against the Dominican Republic was fraught with the most serious consequences for the maintenance of international peace and security. The Security Council should therefore condemn the armed intervention of the United States in the internal affairs of the Dominican Republic as a violation of international peace and as an action incompatible with the obligations assumed by the United States under the United Nations Charter. The Council should further call upon the Government of the United States immediately to withdraw its troops from the territory of the Dominican Republic.⁴⁵⁰

At the same meeting the representative of the United States explained that despite the efforts of his Government and the Organization of American States to build a stable and free society capable of economic, social and political development, the people of the Dominican Republic had suffered from constant turmoil and political conflict since the overthrow of the Trujillo dictatorship. During the previous week that instability "erupted" and officials who had governed that country for a year and a half were violently forced out. As rival groups strove to capture power fighting broke out between and among them and the Dominican Republic was left without effective government for some days. As the situation deteriorated certain of the contending forces indiscriminately distributed weapons to civilians and as armed bands began to roam the streets of Santo Domingo, looting, burning and sniping, law and order completely broke down, and several foreign embassies were violated.

In the face of uncontrollable violence, the Government which had replaced the Reid Cabral Government also quickly crumbled in a few days. In the absence of any governmental authority, Dominican law enforcement and military officials informed the United States Embassy that the situation was completely "out of control", that the police and other authorities could no longer give any guarantee concerning the safety of citizens of the United States or of some thirty other countries. Faced with that emergency, the United States on 28 April had dispatched the first of its security forces sent to Dominican territory. Since their arrival, nearly 3,000 foreign nationals from thirty

⁴⁴⁵ 1265th meeting, para. 38.

⁴⁴⁶ 1265th meeting, para. 63.

⁴⁴⁷ S/6316, O.R., 20th year, Suppl. for April-June 1965, p. 70.

⁴⁴⁸ 1196th meeting: preceding para. 1.

⁴⁴⁹ 1196th meeting: para. 1.

⁴⁵⁰ 1196th meeting, paras. 11-30, 44, 51, 52.

countries had been evacuated without loss, although a number of United States military personnel had been killed or wounded. The United States had made a full report on the subject to the Organization of American States. It had also supported the dispatch by the OAS of an Inter-American Peace Committee which was already in Santo Domingo, and a proposal had been submitted to the OAS for other American States to make military forces available to assist in carrying out the mission of the Committee and of the OAS. Such a proposal was currently under consideration by the OAS Council.

The United States Government had also notified⁴⁵¹ the President of the Security Council of the action it had taken to evacuate citizens of foreign nationality, and to set in motion the machinery of the OAS. The Council of the OAS had met on 29 April and, as a first step, had called for an immediate cease-fire on all sides. Other urgent actions had also been taken by the OAS, which in accordance with Article 54 of the Charter of the United Nations, had been duly communicated to the Security Council.

After giving an account of the attempts at arriving at a cease-fire by the OAS and the Papal Nuncio in Santo Domingo and the reasons why lawlessness and disorder continued to persist although a cease-fire had been agreed upon by the two contending forces, the representative of the United States welcomed the discussion of the Dominican situation in the Security Council, but pointed out at the same time that Article 33 of the Charter provided that efforts should be made to find solutions to disputes by peaceful means including "resort to regional agencies or arrangements". In the light of the actions already taken, it would thus be in keeping with the precedents established by the Security Council to permit the regional organization to continue to deal with that regional problem.⁴⁵²

At the same meeting the representative of the USSR disputed the argument that protection of the lives of United States citizens was the real motive for the United States intervention in the Dominican Republic, and observed that the United States had subsequently resorted to the argument that "the principal purpose for the intervention of the armed forces of the United States in the Dominican Republic was the fear of an emergence there of a second Cuba".

Recalling the record of United States intervention in Latin America he maintained that only the "excuse" had changed but the "essence" of United States interventionist policy remained the same.

In conclusion he maintained that the attempt to crush the struggle of that small country for freedom and independence could only be qualified as an act of direct aggression. Consequently, the Security Council was duty-bound to consider urgently, under Article 39 of the Charter, the question of the armed interference of the United States in the internal affairs of the Dominican Republic. Claims that the situation in the Dominican Republic was currently the subject of consideration by the OAS was simply a United States attempt to evade its responsibility and to divert the Council from carrying out its duty as called for by the United States aggression.⁴⁵³

At the 1198th meeting on 4 May 1965, the representative of the USSR introduced a draft resolution⁴⁵⁴ under which the Security Council would condemn the armed intervention of the United States in the internal affairs of the Dominican Republic as a gross violation of the Charter of the United Nations, and demand the immediate withdrawal of the armed forces of the United States from the territory of the Dominican Republic.

At the same meeting, the representative of the United States disputed the contention of the USSR representative that the United States had violated Article 2 (7) since in his view that Article dealt only with limitations on the authority of the United Nations itself⁴⁵⁵ and was therefore in no way relevant to the situation before the Council. Neither had there been any violations by the United States of Article 2 (4), since it was not employing force against the territorial integrity or against the political independence of the Dominican Republic.⁴⁵⁶ Moreover, American security forces, he asserted, had been dispatched to that "troubled country", not against the will of the Dominican authorities, but only when law enforcement and military officials, in circumstances where there was no government authority, had informed the United States Government that the situation was completely out of control.⁴⁵⁷

At the 1202nd meeting on 6 May 1965, the representative of the United States read before the Council the text of a resolution adopted on that date by the Organization of American States, whereby the Tenth Meeting of Consultation of Ministers of Foreign Affairs resolved: (1) to request the Governments of Member States to make contingents of their armed forces available to the OAS to form an Inter-American Force due to operate under the authority of the Tenth Meeting of Consultation; and (2) that that force would have as its sole purpose, in a spirit of democratic impartiality, that of co-operating in the restoration of normal conditions in the Dominican Republic, in maintaining the security of its inhabitants and the inviolability of human rights, and in the establishment of an atmosphere of peace and conciliation that would permit the functioning of democratic institutions.

The representative of the United States further referred to a declaration of his Government according to which the United States forces would be withdrawn from the Dominican Republic when the Unified Command of the OAS determined that the Inter-American Force was adequate for the purpose contemplated by the resolution adopted by the OAS on 1 May, and that they would not be needed as part of the Inter-American Force.⁴⁵⁸

At the 1204th meeting on 11 May 1965, the representative of Uruguay introduced a draft resolution⁴⁵⁹ whereby the Security Council, after taking note of several communications from the OAS and having regard to certain provisions of the United Nations Charter and the Charter of the OAS, would: (1) express deep concern at recent developments in the Dominican Republic; (2) reaffirm the right of the people

⁴⁵¹ S/6310, O.R., 20th yr., Suppl. for April-June 1965, p. 65.

⁴⁵² 1196th meeting: paras. 61-63, 66-88.

⁴⁵³ 1196th meeting: paras. 191-210. For discussion on the respective responsibilities of the Security Council and the OAS concerning this question, see chapter XII, Case 9.

⁴⁵⁴ S/6328, 1198th meeting: para. 3.

⁴⁵⁵ For discussion of this question, see chapter XII, Case 6.

⁴⁵⁶ For discussion relating to Article 2(4) see chapter XII, Case 4.

⁴⁵⁷ 1198th meeting: paras. 152-158.

⁴⁵⁸ 1202nd meeting: paras. 36-37; also see S/6333, 6 May 1965 for text of OAS resolution.

⁴⁵⁹ S/6346, 1204th meeting: paras. 3-4.

freely to exercise, without coercion of any kind, their sovereign right of self-determination; (3) urgently appeal to all contending factions in the Dominican Republic to cease hostilities and make every possible effort to achieve a peaceful and democratic settlement of their differences (4) invite the Secretary-General to follow events closely and take such measures as he might deem appropriate for the purpose of reporting to the Council on all aspects of the situation; (5) invite the Organization of American States (OAS) to keep the Council promptly and fully informed of its action with respect to the situation; and (6) invite the OAS to co-operate with the Secretary-General of the United Nations in the implementation of the resolution. In support of his draft resolution, the representative of Uruguay stated that at that stage of the debate the only road open to the Council was to try to reach an agreement on a draft resolution which, without pronouncing itself on the substance of the question, would nevertheless allow the Council to exercise its competence and, at the same time, unequivocally assert its authority. The draft resolution which had been submitted was, therefore, an attempt to obtain agreement on what might be an acceptable minimum.

On 13 May 1965, the representative of the USSR submitted amendments⁴⁶⁰ to the draft resolution of Uruguay, which provided *inter alia* for deletion of the reference to the OAS reports in the preamble; the addition in operative paragraph 1 of the words "and condemns the armed intervention of the United States of America in the internal affairs of the Dominican Republic as a gross violation of the Charter of the United Nations"; and the replacement of operative paragraph 5 by the provision "Calls upon the Government of the United States immediately to withdraw its armed forces from the territory of the Dominican Republic".

At the 1207th and 1209th meetings, held on 13 and 14 May 1965, after considering a procedural question⁴⁶¹ relating to participation in the discussion of the question before it, the Council decided⁴⁶² at the latter meeting to take note of the relevant Secretary-General's report⁴⁶³ and, under rule 39 of the provisional rules of procedure, to invite the representatives of both contending Dominican authorities mentioned in that report to address the Council at an appropriate time in order to supply it with whatever information they had.⁴⁶⁴

At the 1208th meeting on 14 May 1965, the representative of Jordan introduced a draft resolution⁴⁶⁵ jointly submitted by Ivory Coast, Jordan and Malaysia. He stated that it was intended as an urgent measure on the part of the Security Council with regard to the current developments in the Dominican Republic and to enable the Council to obtain a clear report from the appropriate organs of the United Nations on the situation in the Dominican Republic.

⁴⁶⁰ S/6352.

⁴⁶¹ For discussion on participation, see chapter III, Case 1.

⁴⁶² 1209th meeting: paras. 47, 51.

⁴⁶³ S/6353, O.R., 20th yr., Suppl. for April-June 1965, pp. 118-122.

⁴⁶⁴ Pursuant to this decision, the Council invited Mr. Rubén Brache and Mr. Guaroa Velásquez to make statements before it at the 1212th meeting on 19 May 1965. After similar agreements of the Council, both representatives also made statements at the 1225th meeting on 16 June 1965, at the 1230th meeting on 20 July 1965, and at the 1232nd meeting on 26 July 1965. Mr. Brache also spoke before the Council at the 1231st meeting on 22 July 1965.

⁴⁶⁵ S/6355, 1208th meeting: para. 6.

At the same meeting, the joint draft resolution was unanimously adopted.⁴⁶⁶

The resolution⁴⁶⁷ read:

"The Security Council,

"Deeply concerned at the grave events in the Dominican Republic,

"1. Calls for a strict cease-fire;

"2. Invites the Secretary-General to send, as an urgent measure, a representative to the Dominican Republic for the purpose of reporting to the Security Council on the present situation;

"3. Calls upon all concerned in the Dominican Republic to co-operate with the Representative of the Secretary-General in the carrying out of this task."

At the 1209th meeting, held on the same day, the Secretary-General reported⁴⁶⁸ that in implementation of the Council's resolution an advance party of Secretariat members led by his Military Adviser was leaving that night for the Dominican Republic, and on 15 May 1965, he reported⁴⁶⁹ the appointment of Mr. José Antonio Mayobre as his representative in the Dominican Republic. At the 1212th meeting on 19 May 1965, the Secretary-General further reported⁴⁷⁰ that his representative had arrived at Santo Domingo on 18 May.

Decision of 19 May 1965 (1212th meeting); *Statement by the President*

At the 1212th meeting on 19 May 1965, upon the suggestion of the representative of France, the President (Malaysia) made a statement expressing the unanimous desire of the members of the Council to request the Secretary-General to communicate to his representative in Santo Domingo its wish that his urgent efforts should be devoted to the immediate securing of a suspension of hostilities so that the humanitarian work of the Red Cross to search for the dead and wounded might be facilitated.⁴⁷¹

Decision of 21 May 1965 (1214th meeting): *Rejection of the USSR draft resolution*

At the 1214th meeting on 21 May 1965, the representative of the United States introduced a draft resolution⁴⁷² whereby the Security Council, after taking note of the OAS reports, and of the reports of the Secretary-General, would: (1) note with satisfaction the temporary suspension of hostilities agreed to for humanitarian purposes; (2) call for observance of a strict cessation of hostilities; (3) note that the Tenth Meeting of Consultation of the Ministers of Foreign Affairs of the American States had appointed its Sec-

⁴⁶⁶ 1208th meeting: para. 8.

⁴⁶⁷ S/RES/203 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, p. 10.

⁴⁶⁸ 1209th meeting: paras. 56-57.

⁴⁶⁹ S/6358, O.R., 20th yr., Suppl. for April-June, 1965, p. 127.

⁴⁷⁰ 1212th meeting: para. 78. From 18 May to 19 June 1965, the Secretary-General submitted the following reports to the Security Council on the situation in the Dominican Republic: S/6365, 18 May 1965; S/6369, 19 May 1965; S/6371 and Add.1-2, 20 May 1965; S/6378, 23 May 1965; S/6380, 24 May 1965; S/6386, 27 May 1965; S/6408, 3 June 1965; S/6420, 7 June 1965; S/6447 and Add.1, 16 June 1965; and S/6459, 19 June 1965.

⁴⁷¹ 1212th meeting: paras. 127-128. In his report (S/6371/Add.1) of 21 May 1965, O.R., 20th yr., Suppl. for April-June 1965, p. 171, the Secretary-General informed the Council that the negotiations for a temporary suspension of hostilities in the Dominican Republic had been successfully concluded on 20 May 1965.

⁴⁷² S/6373, 1214th meeting: paras. 21-25.

retary-General to represent it in the Dominican Republic and had entrusted him with carrying out the objectives established by the OAS; (4) urge the OAS to intensify its efforts to establish the basis for the functioning of democratic institutions in the Dominican Republic and in particular to assure observance of the cease-fire agreed upon in the Act of Santo Domingo; (5) request the representative appointed by the Secretary-General, in carrying out the responsibilities assigned to him by the Security Council, to coordinate with the Secretary General of the OAS in the light of the OAS resolution of 20 May 1965.

At the same meeting, the representative of Uruguay introduced a revised text⁴⁷³ of his draft resolution submitted on 11 May 1965.

At the same meeting, the draft resolution submitted by the USSR on 4 May 1965, was voted upon and not adopted.⁴⁷⁴

Decision of 22 May 1965 (1217th meeting): *Requesting that the truce at Santo Domingo be transformed into a permanent cease-fire*

At the 1216th meeting on 22 May 1965, the representative of the USSR submitted a revised text⁴⁷⁵ of the amendments to the revised draft resolution submitted by Uruguay. The six USSR revised amendments were rejected⁴⁷⁶ in separate votes. The revised draft resolution of Uruguay was voted upon as a whole, and was not adopted,⁴⁷⁷ having obtained 5 votes in favour, 1 against, and 5 abstentions.

At the same meeting, the representative of the United Kingdom introduced a draft resolution⁴⁷⁸ whereby the Council would call for a continued and complete cessation of hostilities, and would call on all concerned to intensify their efforts to that end and to do nothing to prejudice the achievement of that immediate and urgent aim.

Also at the same meeting, the representative of France submitted a draft resolution⁴⁷⁹ to request that the suspension of hostilities in Santo Domingo be transformed into a permanent cease-fire.

At the 1217th meeting on 22 May 1965, after the representatives of the United Kingdom and the United States had indicated⁴⁸⁰ that they would not object to precedence being given to the French draft resolution over their own, the French draft resolution was adopted⁴⁸¹ by 10 votes to none, with 1 abstention.

The resolution⁴⁸² read:

"The Security Council,

"Deeply concerned at the situation in the Dominican Republic,

"Recalling its resolution of 14 May 1965,

"1. Requests that the suspension of hostilities in Santo Domingo be transformed into a permanent cease-fire;

"2. Invites the Secretary-General to submit a report on the implementation of the present resolution."

⁴⁷³ S/6346/Rev.1, 1214th meeting: paras. 50-60.

⁴⁷⁴ S/6328, 1214th meeting: paras. 123-125.

⁴⁷⁵ S/6352/Rev.2, 1216th meeting: para. 40.

⁴⁷⁶ 1216th meeting: paras. 44-49.

⁴⁷⁷ 1216th meeting: para. 69.

⁴⁷⁸ S/6375, 1216th meeting: para. 107.

⁴⁷⁹ S/6375, 1216th meeting: para. 123.

⁴⁸⁰ 1217th meeting: paras. 22, 33-35.

⁴⁸¹ 1217th meeting: para. 46.

⁴⁸² SEC/RES/205 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 10-11.

At the 1218th meeting on 24 May 1965, the representative of the United States, after reporting to the Council that the Act establishing the Inter-American Force had been signed on 23 May, and that all United States forces in the Dominican Republic were consequently assigned to that Force, together with contingents from Brazil, Costa Rica, Honduras and Nicaragua, stated that in the light of actions taken by the Security Council and by the OAS, he withdrew⁴⁸³ his draft resolution from the Council's further consideration.

Decision of 25 May 1965 (1219th meeting): *Adjournment*

At the 1219th meeting on 25 May 1965, the President (Malaysia) made a statement noting that a *de facto* cessation of hostilities had continued to prevail in Santo Domingo, that the Secretary-General had informed him that there had been no new developments concerning its observance since his last report, and that he would promptly make available to the members of the Council information sent to him by his representative as and when it was received. He therefore proposed that the Council should adjourn on the understanding that should any particular situation demand it, he might call it into immediate session. There being no objections to that statement, the President adjourned the meeting.⁴⁸⁴

Decision of 21 June 1965 (1228th meeting): *Adjournment*

At the 1228th meeting on 21 June 1965, the President (Netherlands) after recalling the informal consultations he had undertaken with members of the Council with the aim of finding a formula for a statement agreeable to all, stated that he would adjourn the Council meeting in order to continue the informal consultations in the hope of being able to present a generally agreed formula. There being no objections, the President adjourned the meeting.⁴⁸⁵

Decision of 26 July 1965 (1233rd meeting): *Statement by the President*

At the 1229th meeting on 20 July 1965, the Council had before it a report⁴⁸⁶ by the Secretary-General covering the period 19 June to 15 July 1965, and reports from the OAS and several other communications from the OAS and the "Constitutional Government" of the Dominican Republic.

At the 1233rd meeting on 26 July 1965, the President (USSR) stated⁴⁸⁷ that after consultations held among the members of the Council, he had been authorized to present the following summing up of the discussion held during the past few meetings of the Council on the Dominican situation:

"The information received and the reports of the Secretary-General, dated 16 July and 21 July 1965, on the situation in the Dominican Republic testify to the fact that in spite of the Security Council's resolutions of 14 May and 22 May 1965 violations of the Council's call for a strict cease-fire have taken place. There have been brought to the attention of the Council acts of repression against the civilian population and other violations of human rights, as

⁴⁸³ 1218th meeting: paras. 5-8, 21.

⁴⁸⁴ 1219th meeting: paras. 36, 37, 44.

⁴⁸⁵ 1228th meeting: paras. 6, 7.

⁴⁸⁶ S/6530, and Corr.1, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 86-95.

⁴⁸⁷ 1233rd meeting: para. 2.

well as data on the deterioration of the economic situation in the Dominican Republic.

"The interventions made by the members of the Council have condemned gross violations of human rights in the Dominican Republic, have expressed the desire that such violations should cease, and have indicated again the need for the strict observance of the cease-fire in accordance with the resolutions of the Security Council.

"At the same time it has become apparent that the members of the Council consider it necessary that the Council continue to watch closely the situation in the Dominican Republic and that therefore the Secretary-General, in accordance with the previous decision of the Council, will continue to submit reports to the Council on the situation in the Dominican Republic."⁴⁸⁸

The President further stated⁴⁸⁹ that he would convene the Council should a request to that effect be made by a member of the Council or if the President deemed it necessary to do so.

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

COMPLAINT BY SENEGAL

Decision of 19 May 1965 (1212th meeting): *Deeply deploring any incursion by Portuguese military forces into Senegalese territory, reaffirming the Council resolution 178 (1963) on a previous complaint, and requesting once again the Government of Portugal to take all effective and necessary action to prevent any violation of Senegal's sovereignty and territorial integrity*

By letter⁴⁹⁰ dated 7 May 1965 to the President of the Security Council, the representative of Senegal requested that the Council be convened as soon as possible to consider "the repeated violations of Senegalese air space and territory by the Portuguese authorities". In the letter it was stated that despite the Council's resolution⁴⁹¹ of 24 April 1963, in which Portugal was requested to take whatever action was necessary to prevent any violation of Senegal's sovereignty and territorial integrity, violations of Senegal's air space and territorial integrity continued on a growing scale, and villages and crops were being set on fire. Since the adoption of the aforementioned Council resolution, the Government of Senegal had noted thirteen violations of its territory by Portugal, some of which⁴⁹² had already been brought to the attention of the Security Council. In view of the acts committed by the Portuguese authorities, the Government of Senegal considered that the Council should again request Por-

tugal to cease the violation of Senegalese territory. In any case, the letter added, "the Government of Senegal cannot for long remain inactive when its frontier villages are constantly being attacked and burned and its air space and national territory violated".

At the 1205th meeting on 12 May 1965, the Council included the item on its agenda.⁴⁹³ The question was considered by the Council at the 1205th, 1206th and 1210th to 1212th meetings between 12 and 19 May 1965. At the 1205th meeting on 12 May 1965, the representatives of Senegal and Portugal⁴⁹⁴ and at the 1210th meeting on 18 May 1965 the representative of Congo (Brazzaville)⁴⁹⁵ were invited to participate in the discussion.

At the 1205th meeting on 12 May 1965, the representative of Senegal* in his initial statement referred to the previous consideration by the Security Council of a violation of Senegalese air space at the village of Bouniak, and to the resolution then adopted by the Council in which Portugal was requested to take whatever action might be necessary to prevent any further violations of Senegalese territory. However, during the past two years since the adoption of that resolution, Portugal had committed sixteen new violations of Senegalese territory and air space. Senegal had not wished to draw the attention of the Council at the time of each of those violations, but during the past three months, in view of their increasing seriousness, it had been obliged to bring those incidents to the attention of the Council. In the course of the new violations, Portuguese troops had invaded the Senegalese villages of Thiamoulé (on 18 April 1964), Sara Coube (on 14 June 1964), Salikegne (on 6-8 January 1965), N'Gobry (on 15 February 1965), Bambatoding (on 11-12 April 1965), Sambalounda (on 14 April 1965) and Bambato (18-20 April 1965), opening fire on the villagers and causing considerable material damage. Portuguese soldiers had also crossed the frontier in the neighbourhood of the villages of Coumbacara (on 10 July 1963), Bambato (on 14 August 1964) and N'Gore (on 27 February 1965), and had also participated in incidents occurring in Senegalese territory on 29 September 1964 and on the night of 28 February-1 March 1965. There had been overflights by Portuguese planes at the villages of Tanaff (on 4 April 1964), Djidadji Balante (on 5 July 1964), Dofia (23 January 1965) and Saré Koubé (8 March 1965). Bullets, cartridge shells, tear-gas bombs and a hand-grenade had been found at the sites where the incidents had taken place. In addition to that evidence, two soldiers of the regular Portuguese Army and a Portuguese intelligence agent had been arrested by the Senegalese authorities. In answer to all the charges of Senegal, the only allegation made by Portugal was that each of its actions had been in the nature of a counter-attack, since they had been preceded by a Senegalese attack. However, Portugal could not submit any evidence in support of its allegation. As a precautionary measure, to avoid incidents, Senegal had no military force stationed along the frontier of more than 350 kilometres, but only a few guards patrolling it on bicycles. The representative of Senegal requested the Security Council to ask Portugal to take all measures to end incursions by its armed forces into Senegalese territory, and to abide by its decla-

⁴⁸⁸ The following were subsequent reports on the situation in the Dominican Republic submitted by the Secretary-General to the Security Council during the period covered by this Supplement: S/6542, 21 July 1965; S/6553, 22 July 1965; S/6615, 17 August 1965; S/6649 and Corr.1, 2 September 1965; S/6822, 23 October 1965 and Add.1-3, 26-30 October 1965; S/6975, 25 November 1965; S/6991 and Add.1, 3 December 1965; S/7025, 17 December 1965; S/7032, 20 December 1965 and Add.1-34, 22 December 1965 - 31 May 1966. For communications from the Secretary General of the OAS concerning the situation in the Dominican Republic see chapter XII, part V, pp. 209-213.

⁴⁸⁹ 1233rd meeting: para. 3.

⁴⁹⁰ S/6338, O.R., 20th yr., Suppl. for Apr.-June 1965, p. 105.

⁴⁹¹ S/RES/178 (1963), O.R., 18th yr., Resolutions and Decisions of the Security Council, 1963, pp. 1-2.

⁴⁹² S/6177 and S/6196 of 8 and 24 February 1965, O.R., 20th yr., Suppl. for Jan.-Mar. 1965, pp. 47, 68.

⁴⁹³ 1205th meeting: para. 1.

⁴⁹⁴ 1205th meeting: para. 2.

⁴⁹⁵ 1210th meeting: paras. 2-4.

ration of intention made two years earlier, during the debate of the Council that resulted from the first incident at Bouniak. Moreover, the Council should strongly condemn Portugal for the violations of Senegalese territory and air space, which had been committed despite the solemn warning issued to Portugal by the Security Council in its resolution 178 (1963).⁴⁹⁸

At the 1206th meeting on 13 May 1965, the representative of Portugal * stated in reply that the allegations by Senegal were "too vague and unidentifiable". Those which were included in the notes sent by the Senegalese representative to the Security Council and subsequently issued as documents S/6177 of 8 February and S/6196 of 24 February 1965, could not be held to substantiate the Senegalese request for a Council meeting, since they had already been refuted by the notes of the Government of Portugal contained in documents S/6192 of 17 February and S/6240 of 16 March 1965. Moreover, the charges were unsubstantiated and did not correspond to the facts. Portugal was most scrupulous in respecting the inviolability of the territory of its neighbours, whether it was Senegal or any other State. At the outset, the Government of Portugal wished to reiterate that the first duty of parties to a dispute, under Article 33 of the Charter, was to seek a solution by peaceful bilateral arrangements, before submitting any charges to the Security Council. If the Government of Senegal felt itself in any way aggrieved by Portugal it had at its disposal ways and means to approach Portugal for a bilateral peaceful settlement. There were thus no *prima facie* grounds for the Council's debate on the Senegalese allegations. Apart from one instance when, on 18 October 1963, due to a navigation error in bad weather, a Portuguese aircraft had strayed into Senegalese air space, for which the Portuguese Government had conveyed its regrets and explanation to the Government of Senegal, there had been no violations of Senegalese air space by Portuguese aircraft. Neither had there been any violations of Senegalese territory by Portuguese security forces or military personnel, which scrupulously obeyed orders to respect Senegalese territory. Moreover although armed raiders from Senegal constantly attacked Portuguese Guinea, the Portuguese security forces had rigorous orders to respect the frontier of Senegal, and the Council could be certain that these orders were being obeyed. The representative of Portugal further maintained that investigations by the Portuguese authorities had led to the conclusion that not a single instance of violations of Senegalese territory or air space had been found to have taken place. In conclusion, he stated that the Government of Portugal wished once more to invite the Government of Senegal to set up an inquiry team to investigate the specific violations alleged by Senegal. The inquiry team could consist of three persons, one appointed by each Government and the third, the president, by either the Secretary-General of the United Nations or the President of the Security Council, in consultation with the two Governments concerned.⁴⁹⁷

At the same meeting the representative of Senegal, * in reply to the Portuguese representative, stated that his Government had made no recourse to Article 33 of the Charter since it could not have any confidence in a party showing such "obvious bad faith". He pointed out that Portugal, declaring its intention to

respect scrupulously the sovereignty and territorial integrity of Senegal, and in spite of the solemn warning given to it by the Security Council in resolution 178 (1963), had committed sixteen new violations of Senegalese territory in two years.⁴⁹⁸

At the 1210th meeting the representative of Ivory Coast introduced a draft resolution⁴⁹⁹ jointly sponsored by Ivory Coast, Jordan and Malaysia.

At the 1212th meeting on 19 May 1965, the joint draft resolution was adopted unanimously.⁵⁰⁰

The resolution⁵⁰¹ read:

"The Security Council,

"Taking note of the complaint by Senegal against Portugal contained in documents S/6177, S/6196 and S/6338,

"Having heard the statements of the representatives of Senegal and Portugal concerning violations of Senegalese territory by the Portuguese military forces,

"1. *Deeply deplores* any incursions by Portuguese military forces into Senegalese territory;

"2. *Reaffirms* its resolution 178 (1963) of 24 April 1963 (S/5293);

"3. *Requests once again* the Government of Portugal to take all effective and necessary action to prevent any violation of Senegal's sovereignty and territorial integrity;

"4. *Requests* the Secretary-General to follow the development of the situation."

The President (Malaysia) stated that the Council had concluded the debate on the item.^{501a}

SITUATION IN TERRITORIES IN AFRICA UNDER PORTUGUESE ADMINISTRATION

Decision of 23 November 1965 (1268th meeting):

- (i) *Deplores the failure of the Government of Portugal to comply with previous resolutions of the Security Council and the General Assembly and to recognize the right of the peoples under its administration to self-determination and independence;*
- (ii) *Calling upon Portugal to give immediate effect to the principles of self-determination as set forth in previous General Assembly and Security Council resolutions;*
- (iii) *Requesting all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the people of the African Territories under its administration, to take all necessary measures to prevent the sale and supply of arms and military equipment to the Portuguese Government for that purpose, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition to be used in the Territories under Portuguese administration, and to inform the Secretary-General on measures undertaken in implementation of this request of the Security Council;*

⁴⁹⁸ 1206th meeting: paras. 76-88. For discussion relating to the provisions of Chapter VI of the Charter, see chapter X, Cases 3 and 5.

⁴⁹⁹ 1210th meeting: paras. 84-94.

⁵⁰⁰ 1212th meeting: para. 37.

⁵⁰¹ S/RES/204 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 12-13.

^{501a} 1212th meeting: para. 72.

⁴⁹⁸ 1205th meeting: paras. 4-32.

⁴⁹⁷ 1206th meeting: paras. 3-46.

- (iv) *Requesting the Secretary-General to ensure the implementation of the resolution, to provide such assistance as he deemed necessary and to report to the Security Council by 30 June 1966*

By letter ⁵⁰² dated 2 August 1965, the permanent representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Dahomey, Democratic Republic of the Congo, Ethiopia, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia requested an early meeting of the Security Council to consider once again the situation in the Territories in Africa under Portuguese administration. The letter recalled the Security Council resolution 183 (1963) of 11 December 1963 deprecating the non-compliance of Portugal with its previous resolution 180 (1963) of 31 July 1963, in which it had determined the situation in the African Territories under Portuguese administration as seriously disturbing peace and security in Africa and called upon Portugal urgently to implement measures aimed at the immediate granting of independence to those Territories in accordance with the aspirations of the people.⁵⁰³ Since then, the letter further stated, Portugal had "not only persisted in its flagrant refusal to implement the measures called for in the resolutions of the Security Council and the General Assembly", but had also "intensified its repressive measures and military operations against the peoples of these Territories with a view to defeating their legitimate aspirations to self-determination and independence". In pursuing its policies, Portugal had continued to use the military and other assistance extended to it by a number of Governments, including some of its military allies. Furthermore, it had committed numerous violations of the territorial integrity of independent African countries adjacent to the Territories under its administration. Those developments had caused concern and anxiety at the meetings of the Heads of African States or Governments in Cairo in July 1964, at the meetings of Heads of State and Government of Non-Aligned Countries at Cairo in October the same year, and at the meetings of Ministers of the Organization of African Unity at Nairobi in February and March 1965. The Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, following its recent visit to Africa, had in its resolution of 10 June 1965, considered the attitude of the Portuguese Government as constituting a threat to peace and security in Africa. In the light of those developments, it seemed clear that "the obstinacy of Portugal in its desire to perpetuate its domination over the colonial Territories under its administration constitutes a serious threat to peace and security".

By letter ⁵⁰⁴ dated 15 October 1965, the representatives of Liberia, Madagascar, Sierra Leone and Tunisia informed the Security Council that they had been instructed by the Organization of African Unity to

bring before the Council the question of African Territories occupied by Portugal and the question of apartheid in South Africa. Accordingly, they requested an urgent meeting of the Security Council to discuss those questions.

At the 1250th meeting on 4 November 1965, the Council included the item in its agenda.⁵⁰⁵ It considered the question at the 1250th, 1253rd to 1256th, and 1266th to 1268th meetings held between 4 and 23 November 1965. In the course of those meetings, the Council invited the representatives of Liberia, Madagascar, Portugal, Sierra Leone and Tunisia to participate in the discussion. The Council also invited, at its 1255th meeting, the representative of the United Republic of Tanzania to participate in the discussion.⁵⁰⁶

The representatives of Liberia, * Madagascar, * Sierra Leone, * Tunisia, * speaking at the 1250th meeting, and the representative of the United Republic of Tanzania, * speaking at the 1255th meeting, called the Council's attention to the fact that Portugal had not as yet complied with Security Council resolution of 31 July 1963 which determined the situation in African Territories under Portuguese administration as seriously disturbing peace and security in Africa, and which called on Portugal to implement a number of measures, including the immediate recognition of the right of the peoples of the Territories to self-determination, and negotiations with authorized representatives of the people with a view to the granting of independence to those Territories in accordance with the aspirations of the people.⁵⁰⁷ They noted that exploratory talks initiated by the Secretary-General under that resolution between nine African states on the one hand and Portugal on the other, had failed because of the unacceptable interpretation which Portugal had placed on the word "self-determination". It was recalled in this connexion that non-compliance by Portugal with the provisions of that resolution had led the Council to adopt its resolution 183 (1963) of 11 December 1963, in which it reaffirmed the interpretation of self-determination contained in General Assembly resolution 1514 (XV) and deprecated Portugal's non-compliance. Despite those actions by the Council, the situation in the African Territories under Portuguese administration had since deteriorated, with the Portuguese Government stepping up its repressive measures against the popular movement for independence. In 1963, fighting against the Portuguese Government occurred only in Angola and Guinea but its scope was limited; following the rebellion of the people of Mozambique against Portuguese repression, the struggle for liberation had then been waged on three fronts. The extent of the fighting was illustrated by Portuguese military build-up in those territories. There were reportedly 60,000 armed forces in Angola, 40,000 in Mozambique and 20,000 in Portuguese Guinea. In Mozambique, owing to aid from the North Atlantic Treaty Organization (NATO), Portugal had been able to establish eight new military bases. The Portuguese colonial war efforts in African Territories

⁵⁰⁵ 1250th meeting: para. 7. See also chapter III, Case 15.

⁵⁰⁶ 1250th meeting: para. 9; 1255th meeting: para. 2.

⁵⁰⁷ For texts of relevant statements, see 1250th meeting: Liberia, * paras. 13-17, 20-26, 38-40, 47-52; Madagascar, * paras. 125-129, 135-136; Sierra Leone, * paras. 104-110, 115-117; Tunisia, * paras. 55-67, 74-80, 97-101; 1253rd meeting: Portugal, * paras. 3-7, 29, 38-50; 1255th meeting: United Republic of Tanzania, * paras. 82-84. For discussion concerning self-determination, see chapter XII, Case 1.

⁵⁰² S/6585, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 147-149.

⁵⁰³ For proceedings leading to the adoption of these resolutions, see *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, chapter VIII, pp. 209-213.

⁵⁰⁴ S/6791, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 197-198.

under its administration were reportedly costing Portugal some 350,000 dollars a day. At present Portugal maintained the largest foreign army on the African continent, and the cost of the war in terms of human lives to both Portugal and the nationalists was incalculable.

While it had been argued by NATO suppliers of aid in arms to Portugal that that aid had not been meant for use in Portuguese overseas Territories, it would be in the interests of all if the NATO powers concerned would seek to verify that those arms were not in fact used in the Portuguese colonial war against the population of Territories under its administration. In the absence of such verification, the best assurance that could be given would be that there should be no supply of arms to Portugal under any arrangements whatsoever. In calling attention to the fact that the embargo on weapons, munitions and war materials called for by the Security Council was not being fully applied the representatives maintained that Portugal had thus been able to intensify its colonial war. As the threat to peace and international security became, consequently, more precise at that time than it had been two years ago, the Security Council was expected, while reinforcing the measures already adopted, to decide on serious economic measures to make Portugal change its policy and implement the pertinent resolutions of the Security Council and the General Assembly.⁵⁰⁸

At the 1253rd meeting, on 8 November 1965, the representative of Portugal * stated in reply that the charges made by the African representatives did not bring out any new facts or developments of direct concern to the Council. The matter brought before the Council was more proper for consideration by the Fourth Committee or the two political committees of the General Assembly. He noted that the report on which the accusations had been based was not an independent document; it reflected the views of the same delegations on whose behalf the African representatives had addressed the Council. As for alleged NATO aid, he further stated, Portugal did not utilize and had no intention of utilizing it in Africa. Moreover, Portugal manufactured and supplied 95 per cent of its own military requirements and needs and had therefore no need for outside sources. The charges that Portugal had been threatening international peace and security, which had never been substantiated, were being repeated so as to "create the impression that our policy is actually a danger to someone". In answer to charges of incursions into the territory of Senegal, Portugal had in the past offered to have them investigated by a tripartite commission appointed by the United Nations, which offer had always been rejected by Senegal.

Far from being the aggressor, Portugal had been the victim of aggression. In 1965 alone, its air space over Portuguese Guinea had been violated 140 times.⁵⁰⁹ It could then no longer be denied that there existed a vast network of foreign interests, ranging from government and political parties to business enterprises and private foundations, which were

endeavouring to disturb the peace in Angola and in Mozambique. As had been reported by the Press, a number of African countries, including Ghana, Tunisia, United Republic of Tanzania and others, had provided training grounds for foreigners infiltrating into Portuguese Territories and had clandestinely shipped arms and equipment for them. It was therefore time for the Council to investigate the charges levelled against Portugal, and to accuse the real aggressors, to investigate the foreign training bases and military sanctuaries whence the infiltrators had been operating.

At the 1266th meeting on 22 November 1965, the representative of Tunisia introduced a draft resolution,⁵¹⁰ jointly sponsored by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone, Tunisia and, later, Madagascar.⁵¹¹

Speaking in connexion with the various provisions of the draft resolution, the representative of Portugal * noted, *inter alia*, that certain paragraphs tended to confuse the principle of self-determination with the modalities of implementation and were in effect an attempt to interfere in the internal administration of the territories.⁵¹² Furthermore, even if the allegations against his Government had been proved, operative paragraph 8, which called upon all states "to take all the necessary measures either separately or collectively to boycott all Portuguese imports and exports", dealt not only with matters falling under Chapter VII of the Charter, but was clearly out of proportion to the issues involved.⁵¹³

At the 1268th meeting on 23 November 1965, the representative of Uruguay submitted amendments⁵¹⁴ which would substitute the word "endangers" for the words "seriously disturbs" in operative paragraph 1 of the seven-Power draft resolution and replace operative paragraphs 6 and 7 of that draft resolution with a single paragraph requesting all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the people of the Territories under its administration, and take the necessary measures to prevent the sale and supply of arms and military equipment, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition. Those amendments were approved by the Council at the same meeting.⁵¹⁵ At the request of the representative of Uruguay, the Council voted separately on paragraph 8 of the seven-Power draft resolution, which called on all States "to take all the necessary measures either separately or collectively to boycott all Portuguese imports and exports". The Council rejected the paragraph by 4 votes in favour, none against, with 7 abstentions.⁵¹⁶ At the same meeting, the Council adopted the seven-Power draft resolution, as amended, by 7 votes in favour, none against, with 4 abstentions.⁵¹⁷ The resolution read:⁵¹⁸

"The Security Council,

"Having examined the question of the situation

⁵⁰⁸ S/6953/Rev.1, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 382-384.

⁵⁰⁹ S/6953/Add.1, replaced by S/6953 Rev.1.

⁵¹⁰ For discussion of this question see, chapter XII, Case 1.

⁵¹¹ 1266th meeting, para. 32.

⁵¹² S/6965.

⁵¹³ 1268th meeting, paras. 15-16.

⁵¹⁴ 1268th meeting, para. 19.

⁵¹⁵ 1268th meeting, para. 30.

⁵¹⁶ S/RES/218 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 18-19.

⁵⁰⁸ For discussions relating to the provisions of Chapter VII of the Charter, see chapter XI, Case 2.

⁵⁰⁹ On 8 November 1965, the representative of Portugal sent a letter to the Security Council listing the 140 violations of the air space of Portuguese Guinea, which it charged had taken place in 1965. S/6886, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 334-342.

in the Territories under Portuguese administration submitted by thirty-two African States,

"*Recalling* its resolutions 180 (1963) of 31 July 1963 and 183 (1963) of 11 December 1963,

"*Noting with deep concern* the continual refusal of Portugal to take the necessary steps to implement the aforementioned resolutions of the Security Council,

"*Considering* that in spite of the measures laid down by the Security Council in paragraph 5 of resolution 180 (1963), the Government of Portugal is intensifying its measures of repression and its military operations against the African population with a view to defeating their legitimate hopes of achieving self-determination and independence,

"*Convinced* that the implementation of the pertinent resolutions of the Security Council and the General Assembly, and in particular Council resolutions 180 (1963) and 183 (1963), is the only means to achieve a peaceful solution of the question of Portuguese Territories in accordance with the principles of the Charter of the United Nations,

"*Recalling* General Assembly resolution 1514 (XV) of 14 December 1960,

"1. *Affirms* that the situation resulting from the policies of Portugal both as regards the African population of its colonies and the neighbouring States seriously disturbs international peace and security;

"2. *Deplores* the failure of the Government of Portugal to comply with previous resolutions of the Security Council and the General Assembly and to recognize the right of the peoples under its administration to self-determination and independence;

"3. *Reaffirms* the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV) and in Security Council resolution 183 (1963);

"4. *Calls upon* Portugal to give immediate effect in the Territories under its administration to the principle of self-determination as referred to in paragraph 3 above;

"5. *Reaffirms* its urgent demand to Portugal for:

"(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence;

"(b) The immediate cessation of all acts of repression and the withdrawal of all military and other forces at present employed for that purpose;

"(c) The promulgation of an unconditional political amnesty and the establishment of conditions that will allow the free functioning of political parties;

"(d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with General Assembly resolution 1514 (XV);

"(e) The granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples;

"6. *Requests* all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the people of the Territories under its administration, and to take all the necessary measures to prevent the sale and supply of arms and military equipment to the Portuguese Government for this purpose, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition to be used in the Territories under Portuguese administration;

"7. *Requests* all States to inform the Secretary-General on whatever measures are undertaken towards implementation of paragraph 6 of the present resolution;

"8. *Requests* the Secretary-General to ensure the implementation of the provisions of the present resolution, to provide such assistance as he may deem necessary and to report to the Security Council not later than 30 June 1966.

The question remained on the list of matters of which the Security Council is seized.⁵¹⁹

⁵¹⁹ The following were subsequent communications on this question during the period covered by this *Supplement*: S/7011, 14 December 1965; S/7041, 22 December 1965, and S/7057, 29 December 1965.

Chapter IX

DECISIONS IN THE EXERCISE OF OTHER FUNCTIONS AND POWERS

NOTE

Decisions of the Security Council relative to recommendations to the General Assembly regarding the admission of new Members have been dealt with in chapter VII, and the decisions on questions considered under the Council's responsibility for the maintenance of international peace and security in chapter VIII. During the period under review, no decision has been taken by the Council in the exercise of other functions and powers under the Charter.¹

¹ With the exception of decisions concerning the relations of the Security Council with other organs of the United Nations, arising from Articles 12, 93 (2) and 97 of the Charter. For these decisions, see chapter VI.

Chapter X

CONSIDERATION OF THE PROVISIONS OF CHAPTER VI OF THE CHARTER

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INTRODUCTORY NOTE

As in the previous volumes of the *Repertoire*, the criterion for inclusion of material in the present chapter is the occurrence of discussion in the Council directed to the text of Articles 33-38 or Chapter VI of the Charter. Thus, chapter X does not cover all the activities of the Council in the pacific settlement of disputes, for the debates preceding the major decisions of the Council in this field have dealt almost exclusively with the actual issues before the Council and the relative merits of measures proposed without discussion regarding the juridical problem of their relation to the provisions of the Charter. For a guide to the decisions of the Council in the pacific settlement of disputes, the reader should turn to the appropriate subheadings of the Analytical Table of Measures adopted by the Security Council.¹

The material in this chapter constitutes only part of the material relevant to the examination of the operation of the Council under Chapter VI of the Charter, since the procedures of the Council reviewed in chapters I-VI, where they relate to the consideration of disputes and situations, would fall to be regarded as integral to the application of Chapter VI of the Charter. Chapter X is limited to presenting the instances of deliberate consideration by the Council of the relation of its proceedings or of measures proposed to the text of Chapter VI.

The case histories on each question require to be examined within the context of the chain of proceedings on the question presented in chapter VIII.

CHAPTER VI OF THE CHARTER. PACIFIC SETTLEMENT OF DISPUTES

"Article 33

"1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

"2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

"Article 34

"The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

"Article 35

"1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

"2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

"3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

"Article 36

"1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

"2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

"3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

"Article 37

"1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

"2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

"Article 38

"Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute."

¹ Chapter VIII, part I.

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLE 33 OF THE CHARTER

NOTE

During the period covered by this *Supplement*, prior efforts to seek a peaceful solution made by States submitting a dispute or a situation to the Security Council have in many instances been indicated in the initial communications, although Article 33 has not been expressly cited in any of them.²

In statements before the Council, the States concerned have generally drawn attention to the stage reached in efforts towards a peaceful settlement as evidence for the necessity of taking or not taking action under Chapter VI.³ The scope of the obligation imposed by Article 33, paragraph 1, has been the subject of consideration in connexion with the problem of the appropriate stage at which a dispute should become the proper concern of the Council. The principle has been restated that before bringing a dispute or situation to the Council, the means of pacific settlement in Article 33, paragraph 1, should be exhausted by the parties.⁴ On one occasion, failure to have recourse to direct negotiation has been adduced in support of the argument that there was no *prima facie* case for the Council to consider.⁵ On another occasion it was argued that inasmuch as the provision of Article 33, paragraph 1 establishes priority of procedures for peaceful settlement, and in the light of the fact that the matter was being dealt with by a regional organization, the Council should allow that organization to continue dealing with it.⁶ Such procedure, it was further argued on the same occasion, was in accord with the provision of Article 36, paragraph 2, which provided that the Council should take into consideration any procedures for the settlement of disputes which had already been adopted by the parties. It was argued on the other hand that the Security Council, being the principal organ responsible for the main-

tenance of international peace and security, should be fully cognizant of a particular dispute or situation even though some other procedure of pacific settlement set forth in Article 33, paragraph 1, of the Charter had been resorted to.

The significance of Article 33 in the pacific settlement of disputes in accordance with the Charter rests not only on the discharge by the parties themselves of their obligation under the Article, but also on the recourse by the Council to Article 33, or to the spirit of Article 33, in the discharge of its responsibilities for pacific settlement of disputes after submission to the Council. In this connexion, reference should be made to the entries in part IV of this chapter containing observations on the role of the Council to encourage negotiations between the parties, and to the entries under "Measures for settlement" in the Analytical Table of Measures adopted by the Security Council. Reference should also be made to the resolution adopted during consideration of the India-Pakistan question by which the Council, after demanding that a cease-fire should take place by a certain time, and deciding on certain other measures, called on the parties concerned to utilize all peaceful means, including those listed in Article 33, towards a settlement of the political problems underlying the conflict being considered by the Council.⁷

Similarly, the Council by a resolution adopted on the complaint by Yemen, after *inter alia* calling on Yemen and the United Kingdom to exercise maximum restraint to avoid further incidents and restore peace, requested the Secretary-General to use his good offices to settle outstanding issues, in agreement with the two parties.⁸

CASE 1.⁹ THE INDIA-PAKISTAN QUESTION: In connexion with the letter dated 16 January 1964 (S/5517)

[Note: In the course of the debate, views were ex-

² Pakistan in its letter dated 16 January 1964 (S/5517) in connexion with the India-Pakistan question [O.R., 19th yr., *Suppl. for Jan-Mar. 1964*, pp. 26-34]; Cyprus in its letter dated 15 February 1964 (S/5545), in connexion with its complaint against Turkey [*ibid.*, pp. 69-70]; Yemen in its letter dated 1 April 1964 (S/5635), in connexion with its complaint against the United Kingdom [O.R., 19th yr., *Suppl. for Apr.-June 1964*, pp. 1-2]; Cambodia in its letter dated 13 May 1964 (S/5697) in connexion with its complaint against the United States and the Republic of Viet-Nam [O.R., 19th yr., *Suppl. for Apr.-June 1964*, pp. 130-132]; Greece in its letter dated 5 September 1964 (S/5934) in connexion with its complaint against Turkey [O.R., 19th yr., *Suppl. for July-Sept. 1964*, p. 268]; Afghanistan, Algeria, Burundi, Cambodia, Central African Republic, Congo (Brazzaville), Dahomey, Ethiopia, Ghana, Guinea, Indonesia, Kenya, Malawi, Mali, Mauritania, Somalia, Sudan, United Republic of Tanzania, Uganda, United Arab Republic, Yugoslavia and Zambia in their letter dated 1 December 1964 (S/6076 and Add.1-5), in connexion with the situation in the Democratic Republic of the Congo [O.R., 19th yr., *Suppl. for Oct.-Dec. 1964*, pp. 198-200]; Algeria, Burundi, Cameroon, Central African Republic, Chad, Dahomey, Democratic Republic of the Congo, Ethiopia, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia in their letter dated 28 July 1965 (S/6585), in connexion with the situation in territories in Africa under Portuguese administration [O.R., 20th year, *Suppl. for July-Sept. 1965*, pp. 147-149].

³ See Cases 1 and 3.

⁴ For statement of the principle during earlier periods of the Council's activity, see *Repertoire of the Practice of the Security Council, 1946-1951*, chapter X, note, pp. 376-377.

⁵ See Case 3.

⁶ See Case 2.

⁷ See resolution 211 of 20 September 1965. In introducing this draft resolution, the representative of the Netherlands indicated that the main objectives of the draft resolution were to stop the fighting before it could spread to other areas and subsequently "to open up an avenue to the parties to renew negotiations about their underlying political problem from which the present fighting originated". See 1242nd meeting, para. 45.

⁸ Resolution 188 of 9 April 1964 (S/5650). Reference should also be made to the resolution adopted in the course of the consideration of the situation in Territories in Africa under Portuguese administration, by which the Security Council, having expressed its conviction that the implementation of the previous resolutions of the Security Council and the General Assembly with regard to the matter was the only means to "achieve a peaceful solution" of the question under consideration, reaffirmed its demand that Portugal should, *inter alia*, hold negotiations with the authorized representatives of the political parties within and outside the Territories concerned with a view to the transfer of power to political institutions freely elected and representative of the peoples. (Resolution 218 of 23 November 1965.)

⁹ For texts of relevant statements, see:

1087th meeting: Pakistan,* paras. 14, 86-90.

1088th meeting: India,* paras. 3-4, 61, 87.

1090th meeting: India,* para. 55.

1091st meeting: Bolivia, paras. 63-64; China, paras. 5, 7; Czechoslovakia, paras. 29, 30; Norway, paras. 12-13, 16-17; USSR, paras. 51, 54.

1104th meeting: Czechoslovakia, para. 62.

1115th meeting: Morocco, paras. 62-63.

1116th meeting: President (France), paras. 48, 56.

pressed on the primary obligation of the parties under the Charter to refrain from any resort to force or the threat of it and to settle their disputes by peaceful means.]

At the 1087th meeting on 3 February 1964, the representative of Pakistan, * explaining his Government's request for a meeting of the Council,¹⁰ drew attention to the worsening situation in Kashmir as well as to recent efforts to reach a peaceful solution of that and related problems outstanding between India and Pakistan. He noted that negotiations towards that end had failed due to India's "intransigent stand against any just and honourable settlement of the dispute and its refusal to move from its rigid position". In the light of those developments, he appealed to the Security Council to undertake steps which would carry that dispute towards a speedy and peaceful solution.

At the 1088th and 1090th meetings on 5 and 10 February 1964, the representative of India * contended that there was no reason for convening the Council meeting because no new situation had arisen to aggravate the situation in Jammu and Kashmir. He denied the charges made by Pakistan that recent negotiations had failed due to India's intransigent attitude, asserting that it was Pakistan that broke off the negotiations, in spite of India's willingness to keep them going. In the view of his Government, what was to be done at that stage of the development of the matter under consideration was for India and Pakistan to hold meetings to discuss ways and means to restore normal conditions in the disturbed areas of India and Pakistan and to bring about intercommunal unity and harmony in both countries, and jointly to decide that they would not resort to war and would settle their differences peacefully. Pakistan, he contended, had failed to substantiate its charges that India was trying to integrate Kashmir further into India and that there was a grave situation in the area that would call for some action by the Security Council; there was, therefore, nothing before the Council that would require action.

At the 1091st meeting on 14 February the representative of China stated that since both India and Pakistan had indicated willingness to settle their differences by peaceful means, it was the duty of the Security Council to explore the possibilities of bringing about such a peaceful settlement of the dispute. He pointed out in that connexion that the train of thought embodied in a draft resolution considered by the Security Council in June 1962¹¹ was still useful. The Council should therefore,

"once again urge the parties, possibly with the good offices of a third party, to enter into negotiations at the earliest possible date with a view to an ultimate settlement in accordance with the spirit of the Charter of the United Nations and with due regard to the interest of all concerned."

The representative of Norway, taking note of the assurances given by both parties to settle their disputes by further negotiations, expressed the hope that it would prove possible for the Security Council to encourage the two parties to meet anew at the confer-

¹⁰ S/5517, O.R., 19th yr., Suppl. for Jan.-March 1964, pp. 26-34.

¹¹ By this draft resolution, the Security Council would have, among other things, urged the Governments of India and Pakistan to enter into negotiations at the earliest convenient time, with a view to the settlement of their dispute in accordance with Article 33 and other relevant provisions of the Charter. S/5134, O.R., 17th yr., Suppl. for April-June 1962, p. 104.

ence table. He indicated that the form which such encouragement by the Council should take was less important than the political value in finding means to give expression to the desire of the Council to see negotiations resumed between the parties concerned.

The representative of Czechoslovakia stated that the role of the Council should be to help and encourage the two parties to embark on peaceful negotiations.¹² By so doing, the Council "would be respecting Article 33 of the Charter". Noting that the problem was complex and delicate, his delegation did not believe it appropriate for the Council to adopt a formal resolution to that extent. In appealing to the two parties to resume negotiations, the Council should not at that stage introduce controversial issues which would constitute obstacles to the holding of such negotiations.

The representative of the USSR, also expressing the view that the dispute should be settled by direct negotiations noted that its examination by the Council should be so conducted as to create the appropriate conditions that would enable the parties concerned to settle their disputes themselves by peaceful means.

The representative of Bolivia also expressed doubt whether the adoption of a new resolution on the question of Jammu and Kashmir could lead to the objective sought by the Council. He noted that one thing seemed certain:

"direct negotiations between both parties have not been exhausted, and nothing can officially be done under the peaceful procedures provided for by the United Nations Charter until it had been announced that the two countries have nothing more to say to each other."

What the Council should do in the circumstances, therefore, was to help to create a propitious atmosphere in which such direct negotiations could be continued.

The representative of the United States noted that, given the history of efforts to resolve the issues in the past, it was the view of his Government that the two countries should consider the possibility of recourse to the good offices of a country or a person of their choice to assist them in bringing about the resumption of negotiation and in mediating their differences. He added that the Secretary-General might be of assistance to the two countries in exploring the possibility of such third-party mediation.

At the 1115th meeting on 12 May 1964, the view was expressed by the representative of Morocco that in spite of the divergent positions of the parties concerned, the Council might still, with their collaboration, make a further effort towards peaceful settlement, as neither of them had closed the door to bilateral talks. Such talks would not *a priori* exclude either previous findings of the Council or the facts of the conflict. Likewise, they should not exclude the Council's responsibility or its interests in the progress of the talks or any results they might produce. He added:

"The principle of direct negotiations would thus be preserved without the Council's relinquishing its jurisdiction or washing its hands of a problem, for which it has assumed responsibilities for the past sixteen years and must continue to assume them until it is finally settled."

¹² This position was reaffirmed at the 1104th meeting on 17 March 1964.

At the 1116th meeting on 13 May 1964, the President, speaking as the representative of France, expressed the view that the United Nations, through the Secretary-General, should be requested to assist the party in the conduct of negotiations. He observed that

"it would be desirable for the Secretary-General to ensure that the Security Council is in a position to keep abreast of developments in a matter which is of concern to us all, that for this purpose he should be kept regularly informed by the two parties of the progress achieved or the difficulties encountered in the course of their bilateral negotiations, and that he should be able to offer them his assistance or advice if necessary, so as to prevent the talks, once started, from being broken off again."

The meeting was adjourned with a statement by the President that he would, in line with a suggestion made at that meeting, consult members with a view to identifying the conclusions reached in the debate.

CASE 2.¹³ SITUATION IN THE DOMINICAN REPUBLIC:

In connexion with the letter dated 1 May 1965¹⁴ from the representative of the USSR requesting an urgent meeting of the Council in order to consider "the armed interference by the United States in the internal affairs of the Dominican Republic"

[Note: In the course of the debate the question was raised whether the Security Council should consider the situation in the Dominican Republic in the light of the fact that the matter was being dealt with by the Organization of American States. The constitutional issue debated centered on the competence of the Council to deal with the matter in the light of the provisions of Articles 35 and 52, and in some measure, of Article 36.]

In his statement at the 1196th meeting on 3 May 1965, the representative of the USSR urged the Council to condemn the armed interference by the United States in the domestic affairs of the Dominican Republic as a breach of international peace and as an action incompatible with the obligations assumed by the United States under the United Nations Charter, and to call upon the United States Government to withdraw its forces from the territory of the Dominican Republic immediately. The Security Council thus "must fulfil its duty and the obligations placed upon it by the United Nations Charter".

The representative of the United States indicated that the matter had previously been considered by the Organization of American States, and that all actions taken by the latter had been reported to the Security Council, in accordance with the provisions of Article 54. While not opposed to the discussion of the matter in the Security Council, he drew attention to the provisions of Article 33, particularly to the procedure of resort to regional agencies as a means of peaceful settlement. He added:

"This, of course, does not derogate from the authority of this Council. It merely prescribes the procedures and priorities envisaged by the authors of the two charters, the Charter of the United Na-

tions and that of the OAS, for dealing with disputes of a local nature, procedures and priorities that have been followed consistently in analogous situations in the past."

He suggested that in the light of the actions already taken by the OAS, it would be prudent, constructive and "in keeping with precedents established by this Council" to permit the OAS to continue to deal with the matter.

At the 1198th meeting on 4 May 1965 the representative of Uruguay noted that his delegation had no doubt as to the competence of the Security Council to inquire at any time into a dispute or situation, the continuance of which was likely to endanger the maintenance of international peace and security, even though the dispute was being considered by a regional organization. He then stated:

"This authority, which the provisions of Article 52, paragraph 4, and Articles 34 and 35 of the Charter of the United Nations clearly confer upon the Security Council, is even more appropriate when the situation involved appears *prima facie* to contravene international law, and in particular, Article 2, paragraphs 4 and 7, of the Charter of the United Nations and articles 15 and 17 of the charter of the Organization of American States."

The representative of Cuba* referred to various Articles of the Charter¹⁵ in support of the view that the authority of the Security Council was not restricted by the fact that the dispute or situation was being considered by a regional organization. With regard to the provisions of Article 33, he observed:

"The reference in Article 33 of the Charter to the participation of regional agencies in the pacific settlement of international disputes has been quoted as proof of the wisdom of having recourse to such an agency and awaiting its settlements in the present case. Apart from the fact that this step is recommended as something to which the parties have recourse only if they think it advisable—it should be noted that the Article says 'shall . . . seek a solution'—this injunction is contained in the Chapter of the Charter which treats of the unrestricted powers of the Security Council to take cognizance of any situation or dispute which may endanger international peace and security and cannot therefore be considered as limiting the powers of the Council in this case, but rather as reaffirming its competence, if for one reason or another, resort to the regional agency has utterly failed to reduce existing tension or solve the problem of the aggression in question."

The representative of the United Kingdom, having referred to the provisions of Article 33, noted that under Article 36, paragraph 2, the Security Council should take into consideration the procedure of settlement already adopted by the parties. The Council would, in his view, best serve the cause of peace in the Dominican Republic if it endorsed the action by the OAS and appealed to all engaged in the fighting to submit to the mediation of the Special Committee which the OAS had appointed for that purpose.

The representative of the Netherlands, speaking at the 1203rd meeting on 7 May 1965, observed that from the provisions of Articles 33 and 52 it seemed

¹³ For texts of relevant statements, see:

1196th meeting: USSR, para. 52; United States, paras. 70, 75, 87-88.

1198th meeting: Cuba,* paras. 66-68, 70; United Kingdom, paras. 60-61; Uruguay, para. 23.

1203rd meeting: Netherlands, paras. 9-10.

¹⁴ S/6316, O.R., 20th year, Suppl. for Apr.-June 1965, p. 70.

¹⁵ Articles 33, 34, 35, 36, 39, 40, 41, 42, 43, 52 and 53. For discussion of some of these Articles, see chapter XII, Case 9.

clear that the first and normal way to try to solve a dispute in the Western hemisphere was through the OAS. That, however, did not mean that his delegation

"denies the competence of the Security Council to take cognizance of such a dispute and to make, if necessary, recommendations in respect thereof".

Following further debates on the complaint before the Council at that and other subsequent meetings, a draft resolution jointly submitted by Ivory Coast, Jordan and Malaysia was adopted at the 1208th meeting on 14 May 1965 which, *inter alia*, called for a strict cease-fire and invited the Secretary-General to send a representative to the Dominican Republic for the purpose of reporting to the Security Council on the situation then developing in that country.¹⁶

CASE 3.¹⁷ COMPLAINT BY SENEGAL: In connexion with the draft resolution jointly submitted by Ivory Coast, Jordan and Malaysia and voted upon and adopted on 19 May 1965

[Note: The argument was advanced on the one hand that before recommending a particular course of action, the Security Council should seek to encourage the parties concerned to enter into bilateral negotiations. It was contended, on the other hand, that given the past attitude of one of the parties to the dispute, further bilateral negotiation would serve no purpose.]

At the 1206th meeting on 13 May 1965, the representative of Portugal, * after noting that the complaint by Senegal fell within Chapter VI of the Charter, denied the charges of violations of Senegalese territory, and reaffirmed his Government's position stated before the Council in 1963,¹⁸ to the extent that the first duty of parties to a dispute under Article 33 was to seek a solution by peaceful bilateral arrangements before bringing charges to the Security Council. If the Gov-

¹⁶ 1208th meeting, para. 8; resolution 203 (1965). For discussion of the various measures proposed and acted upon in the course of the debate on the matter, see chapter VIII, pp. 208-216. See also chapter XII, Case 9.

¹⁷ For texts of relevant statements, see:

1206th meeting: France, para. 73; Portugal, * paras. 11-12, 16-17; Senegal, * para. 78.

1210th meeting: Congo (Brazzaville), * para. 23.

¹⁸ See *Repertoire Supplement 1959-1963*, chapter X, part I, Case 8.

ernment of Senegal felt "in any way aggrieved by Portugal, it has at its disposal ways and means to approach Portugal for the purpose of reaching a peaceful settlement through bilateral channels". He observed in that connexion that no effort whatsoever had been made by the Government of Senegal to talk matters over in accordance with Article 33.

In the light of that and other arguments his delegation had set forth, the representative of Portugal believed that there was no *prima facie* grounds for the Council to deal with the Senegalese complaints.

The representative of France recalled the preambular paragraph of resolution 178 (1963) which expressed the hope that tensions between the parties would be eliminated in accordance with the provisions of the United Nations Charter. He observed:

"In our understanding, the principal relevant provisions are those of Article 33, which sets out the procedures for the settlement of disputes. These are the possibilities which the Council could... once more invite the parties to explore."

The representative of Senegal, * at the same meeting, and the representative of Congo (Brazzaville), * at the 1210th meeting on 18 May 1965, stated in reply that direct negotiations were impossible due to bad faith displayed by the Government of Portugal, which, despite its pledge to respect the sovereignty and territorial integrity of Senegal, had committed sixteen violations of Senegalese territory in two years, and that it was therefore difficult to convince the African peoples that an arrangement could be made with Portugal through bilateral action.

At the 1212th meeting on 19 May 1965, a draft resolution jointly submitted by the Ivory Coast, Jordan and Malaysia was adopted, by which the Security Council *inter alia* deplored the incursions by Portuguese military forces into Senegalese territory; reaffirmed its resolution 178 (1963); requested the Government of Portugal to take all effective and necessary action to prevent any violation of Senegal's territory; and requested the Secretary-General to follow the development of the situation.¹⁹

¹⁹ 1212th meeting, para. 37; S/RES/204 (1965) O.R., 20th yr., *Resolutions and Decisions of the Security Council, 1965*, pp. 12-13.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER

NOTE

Article 34 has not, in the course of the period under review, been discussed in terms of its proper application or interpretation. In cases where it has been invoked in letters of submission,²⁰ no further views were expressed as to its bearing on the competence of the Security Council to investigate matters within the scope of the Article. In some instances in which the Article has been invoked during debates, members have referred to it along with references to other Articles of the Charter in support of the competence of

²⁰ See part III, note.

the Security Council to deal with the matter under consideration.²¹

The two case histories entered in part II of this chapter are those in which issues have arisen concerning the competence of the Security Council to investigate matters brought to its attention. In the proceedings relating to the complaint by Cambodia, the question was raised as to the appropriateness of the Security Council examining the charges made by one party in the light of the fact that similar charges had been investigated by the International Commis-

²¹ See part I, Case 2, note 3. See also chapter XII, Case 9.

sion for Supervision and Control established by the Geneva Conference.²² In connexion with the complaint by Senegal, the problem was posed as to whether or not a request to the Secretary-General to keep the situation under review should not be preceded by an impartial investigation conducted by the Security Council.²³

For fuller appreciation of the scope of the application of Article 34 for the period under review, reference should also be made to constitutional discussions related to other provisions of procedures for pacific settlement of the Security Council, as reflected in entries in parts I and IV of this chapter, as well as in chapter XII.

ARTICLE 34

CASE 4.²⁴ **COMPLAINT BY CAMBODIA.** In connexion with the draft resolution submitted by the Ivory Coast and Morocco, voted upon and adopted on 4 June 1964²⁵

[*Note:* In the course of the discussion touching on future efforts of the United Nations to preserve peace and security in the areas bordering Cambodia and the Republic of Viet-Nam, the suggestion was made that the efforts of the International Commission for Supervision and Control might be supplemented by an investigation team established by the Security Council to report on the incidents alleged to have taken place in those areas. On the one hand, it was contended that the responsibility for controlling the border areas rested with the International Commission for Supervision and Control thus rendering unnecessary an intervention on the part of the Security Council. It was argued on the other hand, that the Security Council might establish a committee for the limited purpose of investigating the incidents and reporting them to the Security Council.]

At the 1118th meeting on 19 May 1964, the representative of Cambodia* recalled that his Government had proposed the dispatch of a United Nations commission to investigate charges made by the United States that "the Vietcong" had penetrated into South Viet-Nam through the territory of Cambodia. In that connexion, he indicated that his Government would renew this suggestion if the dispatch of a United Nations commission of inquiry to Cambodia would make it possible to investigate the charges. He specified, however, that the commission should have only a limited role of verifying the merit of the accusations made against Cambodia, for it could not serve as a substitute for the International Commission for Supervision and Control, the latter having been made the permanent body for the purpose of supervising frontiers, as agreed upon at the 1954 Geneva Conference.

The representative of the United States after denying the Cambodian charge that his Government had steadily refused a proposed inspection of the regions bordering Cambodia and South Viet-Nam indicated that his Government was prepared to consider any proposal for a new and effective machinery under the

United Nations to help stabilize the situation along the Cambodian-Viet-Name frontier.

The representative of France noted at the 1121st meeting on 25 May 1964, that it would be more advisable to utilize the two international control commissions in Cambodia and Viet-Nam created by the Geneva Conference rather than to establish a completely new organ to deal with matters which had essentially been the concern of the commissions. He suggested that for the purpose envisaged, the terms of reference of the two commissions would have to be made more explicit and their *modus operandi* would have to be modified so as to correspond with their new responsibilities. He further observed:

"It is, of course, not for the Security Council to define these terms of reference; but my delegation thinks the Council can make a recommendation to the Powers concerned which they would most certainly consider implementing, so that the terms of reference can be defined according to the procedure regarded by them as most suitable."

At the 1125th meeting on 3 June 1964, the representative of Morocco introduced a draft resolution jointly submitted with the Ivory Coast²⁶ paragraph 5 of which would have the Security Council decide

"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...".

With regard to this operative part of the draft resolution, the representative of Morocco noted at the same meeting and at the 1126th meeting on 4 June 1964, that after getting in touch with the Governments of the two countries directly concerned, and after visiting the scenes of the incidents, the Commission would report to the Council on "the facts, the causes and the course of events". He added:

"In requesting the commission to be appointed by the Council to go to the places where the most recent incidents occurred and to visit the two countries in question, we did not intend that the mission of those members of the Council should be confined to mere corroboration of the facts, which have been explained here in a concordant manner by all the parties concerned. But we felt that the broadest possible investigation, drawing upon information provided by the responsible authorities in the two countries, would enable the delegation sent by the Council to collect data which perhaps have not been set forth here, and which in a subsequent report might be useful for the Council's information or at all events help to guide it in any decision it might take."

At the 1126th meeting, after further discussion, the joint draft resolution was adopted unanimously.²⁷

CASE 5.²⁸ **COMPLAINT BY SENEGAL:** In connexion with the draft resolution jointly submitted by Jor-

²² S/5735, O.R., 19th yr., Suppl. for Apr.-June 1964, same text as S/5741, p. 190.

²³ See part IV, Case 5.

²⁴ For texts of relevant statements, see: 1118th meeting: Cambodia,* paras. 41-42, United States, para. 66.

1121st meeting: France, paras. 106-107.
1125th meeting: Morocco, para. 23.
1126th meeting: Morocco, para. 7.

²⁵ S/5735, O.R., 19th yr., Suppl. for April-June 1964, same text as S/5741, p. 190.

²⁶ S/5735, O.R., 19th yr., Suppl. for Apr.-June 1964, same text as S/5741, p. 190.

²⁷ 1126th meeting, paras. 48-49, S/RES/189 (1964) O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, p. 11.

²⁸ For texts of relevant statements, see: 1206th meeting: Portugal,* para. 44.
1210th meeting: Bolivia, paras. 100-101.
1211th meeting: Ivory Coast, paras. 43-45.
1212th meeting: Ivory Coast, para. 65; Netherlands, para. 23; United Kingdom, paras. 39-40.

dan, Malaysia and the Ivory Coast voted upon and adopted on 19 May 1965

[*Note:* In the course of the debate the suggestion was made to have the allegations of incursions investigated by either a joint commission composed of Portugal and Senegal or by the Security Council acting on its own initiative.]

At the 1206th meeting on 13 May 1965 the representative of Portugal,* after hearing the charges of violation of Senegalese territory proposed that the Governments of Senegal and Portugal agree to the setting up of an inquiry team to investigate the allegations of violation of said territory and air space made by the Government of Senegal. That team should comprise three persons, one appointed by the Government of Senegal, one by the Government of Portugal and a third member who should act as its president and who would be appointed either by the Secretary-General of the United Nations or the President of the Security Council in consultation with the two Governments concerned.

At the 1210th meeting on 18 May 1965, the representative of the Ivory Coast introduced a draft resolution jointly submitted by the Ivory Coast, Jordan and Malaysia,²⁹ operative paragraph 4 of which read as follows:

"4. Requests the Secretary-General to keep the development of the situation under review."

The representative of Bolivia, having noted that the parties concerned had not complied with the spirit of a previous Council resolution, observed that an investigation of the facts of the problem before the Council might be advisable, but in the view of his delegation, "such an investigation will have to be followed by decisions relating to more positive measures to preserve the freedom of the threatened nation and to avoid the occurrence of events which might have a much wider and more dramatic range and compass."

At the 1211th meeting on 18 May 1965, the repre-

²⁹ S/6366, 1210th meeting, para. 84.

sentative of the Ivory Coast announced that operative paragraph 4 of the draft resolution had been changed to read "4. Requests the Secretary-General to follow the development of the situation."³⁰

At the 1212th meeting on 19 May 1965, the representative of the Netherlands, commenting on the joint draft resolution before the Council, referred to the proposal for an inquiry team made by the representative of Portugal. He noted that since the proposal had been considered unacceptable by one side,

"the Council could itself have ordered an investigation of the facts of the dispute, in accordance with Article 34 of the Charter, for instance by inviting the Secretary-General to send a representative to the spot for the purpose of fact-finding."

After the adoption of the joint draft resolution at the same meeting,³¹ the representative of the United Kingdom noted, in explanation of his delegation's vote, that:

"We recognize that in paragraph 4 of the resolution, provision is made for the Secretary-General to follow developments and we welcome that. But we wish to emphasize that we believe that in all matters of this kind, the best basis for a solution can be found when it is preceded or accompanied by an impartial investigation."

At the same meeting the representative of the Ivory Coast explained the import of paragraph 4 of the resolution as follows:

"In paragraph 4 of the resolution, the Council requests the Secretary-General to follow the development of the situation. We hold that it is for the Secretary-General to determine the method by which he will keep the situation under review."

He further observed that the formula embodied in that paragraph was the only one that would satisfy the African States and that the investigation proposed by Portugal was unacceptable to them.

³⁰ S/6366/Rev.1, same text as resolution 204 (1965) of 19 May 1965. *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council, 1965*, pp. 12-13.

³¹ 1212th meeting, para. 37.

Part III

APPLICATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER

NOTE

During the period under review, fifteen questions relating to the maintenance of international peace and security were brought to the attention of the Security Council, all of which were submitted by Members of the United Nations. The relevant data regarding submission are summarized in the appended Tabulation. This part of chapter X, however, is concerned only with the application of Article 35 by Members as well as States not Members of the United Nations.

The Security Council has continued, at the request of the parties or other Members of the United Nations, to consider six questions which had previously been included in the agenda, namely, the India-Pakistan question,³² complaint by the Government of Cyprus,³³

the question of race conflict in South Africa,³⁴ complaint by Senegal,³⁵ situation in Territories in Africa under Portuguese administration³⁶ and the Palestine question.³⁷

SUBMISSION BY MEMBERS OF THE UNITED NATIONS

In submitting questions to the Security Council, Members of the United Nations have in most instances done so by means of a communication addressed to the President of the Security Council; in all fifteen instances covered for the period under review, communications were addressed to the President of the Council.

In their initial communications Members have usually indicated that they were acting in accordance with

³⁴ See Tabulation, section B, entry 5.

³⁵ See Tabulation, section B, entry 11.

³⁶ See Tabulation, section B, entry 12.

³⁷ See Tabulation, section C, entry 15.

³² See Tabulation, section B, entry 2.

³³ See Tabulation, section B, entry 3.

Article 35 of the Charter or that some Charter principle had been violated. In the period under review, only in three instances, namely, the complaint by Panama,³⁸ the complaint by Yemen,³⁹ and the complaint by Cambodia⁴⁰ was Article 35, paragraph 1 invoked as the basis of submission; in two instances, it was invoked along with Article 34,⁴¹ while in one instance Article 39 was invoked.⁴²

In the other communications submitting questions for consideration by the Security Council, no reference was made to a particular Article of the Charter. However, these complaints generally charged acts of provocation or aggression or that a situation existed which either had threatened international peace and security or, if allowed to continue, was likely to threaten international peace and security. In their initial communication, States have generally indicated the action requested of the Security Council as well as the nature of the question involved.

In no instance have Members submitted a question to the Council as a dispute. In ten instances,⁴³ the questions submitted were described as a "situation", in three instances as acts of aggression, and in one instance, the question was described as "the armed interference"⁴⁴ by a Member State in the internal affairs of another State. In another instance the question was

described as a "violation" of a territory of a Member State.⁴⁵

STATES NOT MEMBERS OF THE UNITED NATIONS

During the period under review there has been no instance of submission of a question by a non-member.

PROCEDURAL CONSEQUENCES OF SUBMISSION UNDER ARTICLE 35

As was noted above, all questions submitted during the period under review were effected through the submission of a communication to the President of the Security Council requesting either a meeting of the Security Council or specifying the particular actions requested. Communications submitting questions for consideration by the Council have been dealt with in accordance with rules 6-9 of the provisional rules of procedure and material relating to the application of these rules is contained in chapter II of the *Supplement*. In no instances in the communications addressed to the President of the Security Council requesting inclusion of a matter in the provisional agenda, was a draft resolution enclosed. Material on the practice of the Security Council in the implementation of Article 35 of the Charter at the stage of the adoption of the agenda will be found in chapter II, part III of the *Supplement*.

The Council has not, in respect of any new questions submitted for its consideration during the period under review, considered whether to accept the designation of a question in the initial communication. Nor was any question raised as to the appropriate designation for a question included in the agenda at an earlier period.

⁴⁵ See Tabulation, section B, entry 11.

³⁸ See Tabulation, section B, entry 1.

³⁹ See Tabulation, section B, entry 4.

⁴⁰ See Tabulation, section C, entry 13.

⁴¹ See Tabulation, section B, entries 1 and 4.

⁴² See Tabulation, section C, entry 14.

⁴³ See Tabulation, section B, entries 1, 2, 3, 4, 5, 6, 7, 8, 9 and 12.

⁴⁴ See Tabulation, section B, entry 10.

Tabulation of questions submitted to the Security Council (1964-1965)

** SECTION A. QUESTIONS SUBMITTED BY MEMBERS AS DISPUTES

SECTION B. QUESTIONS SUBMITTED BY MEMBERS AS SITUATIONS

Question	Submitted by	Other parties	Articles invoked as basis for submission	Description of question in letter of submission	Action requested of the Security Council	Reference
1. Complaint by Panama (letter of 10 January 1964)	Panama	United States	34, 35 (1)	"... grave situation that exists between Panama and the United States of America because of the Canal enclave in our territory," which "has been brought about by the repeated threats and acts of aggression committed by the Government of the United States of America in the Republic of Panama."	"... should intervene, so that these acts of aggression may be considered by the Security Council ..."	S/5509, O.R., 19th yr., Suppl. for Jan.-March 1964, pp. 18-19
2. The India-Pakistan question (letter of 16 January 1964)	Pakistan	India	None	"... grave situation that has arisen in the State of Jammu and Kashmir."	"... to consider the grave turn that the situation in India-occupied Jammu and Kashmir has taken and the danger that it poses to peace in the region."	S/5517, O.R., 19th yr., Suppl. for Jan.-March 1964, pp. 26-34
3. Complaint by the Government of Cyprus (letter of 15 February 1964) *	Cyprus	Turkey	None	Present situation resulting from "the increasing threat from war preparations on the coast of Turkey opposite Cyprus coupled with the declared intentions of the Turkish Government to interfere by force in Cyprus has made the danger of the invasion of the island both obvious and imminent".	"... to convene urgently an emergency meeting of the Security Council under rule 3 of its provisional rules of procedure in order to consider the matter and take appropriate measures under the relevant Articles of the Charter."	S/5545, O.R., 19th yr., Suppl. for Jan.-March 1964, pp. 69-70
4. Complaint by Yemen (letter of 1 April 1964)	Yemen	United Kingdom	34, 35 (1)	"... deteriorated situation resulting from the British continuous acts of aggression against the peaceful Yemeni citizens ..."	To put an end to "this grave situation"	S/5635, O.R., 19th yr., Suppl. for April-June 1964, pp. 1-2
5. The question of race conflict in South Africa (letter of 27 April 1964)	58 Member States	South Africa	None	"... serious situation existing in South Africa in the light of the report [S/5658], drawn up by the Secretary-General... and the new developments in the Republic of South Africa."	"... positive and urgent action ... to prevent a conflict in South Africa of unforeseeable consequences for Africa and for the world."	S/5674, O.R., 19th yr., Suppl. for April-June 1964, pp. 96-98
6. Complaint by the United States (Tonkin Gulf Incident) (letter of 4 August 1964)	United States	Democratic Republic of Vietnam	None	"... serious situation created by deliberate attacks of the Hanoi régime on United States naval vessels in international waters."	"... to consider the serious situation ..."	S/5849, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 135

Tabulation of questions submitted to the Security Council (1964-1965) (continued)

SECTION B. QUESTIONS SUBMITTED BY MEMBERS AS SITUATIONS (continued)

Question	Submitted by	Other parties	Articles invoked as basis for submission	Description of question in letter of submission	Action requested of the Security Council	Reference
7. Question of relations between Greece and Turkey (letter of 5 September 1964)	Greece	Turkey	None	"... dangerous situation brought about by actions already taken by Turkey."	"... to consider the matter and take appropriate measures."	S/5934, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 268
8. Situation in the Democratic Republic of the Congo (letter of 1 December 1964)	22 Member States	Democratic Republic of the Congo	None	"... to consider the situation in the Democratic Republic of the Congo" ... brought about by actions which "constitute an intervention in African affairs, a flagrant violation of the Charter of the United Nations and a threat to the peace and security of the African continent."	"... to ensure that such violations of the Charter would not recur in the future."	S/6076 and Add.1-5 O.R., 19th yr., Suppl. for Oct.-Dec. 1964, pp. 198-200
9. Situation in Southern Rhodesia (letter of 21 April 1965)	35 Member States	Southern Rhodesia	None	"... very serious situation existing in Southern Rhodesia."	To take and put into effect "the measures required to put an end to the dangerous trend of the present situation ..."	S/6294 and Add.1, O.R., 20th yr., Suppl. for Apr.-June 1965, pp. 45-47
10. Situation in the Dominican Republic (letter of 1 May 1965)	USSR	United States	None	"... the question of the armed interference by the United States in the internal affairs of the Dominican Republic"	To "condemn the armed interference by the United States in the domestic affairs of the Dominican Republic as a breach of international peace" and "call upon the United States Government to withdraw its forces from the territory of the Dominican Republic immediately". ^b	S/6316, O.R., 20th yr., Suppl. for Apr.-June 1965, p. 70
11. Complaint by Senegal (letter of 7 May 1965)	Senegal	Portugal	None	"... repeated violations of Senegalese air space and territory by the Portuguese authorities."	To "ask Portugal to cease the violation of" Senegalese territory	S/6338, O.R., 20th yr., Suppl. for April-June 1965, pp. 105-106
12. Situation in Territories in Africa under Portuguese administration (letter of 28 July 1965)	32 Member States	Portugal		"the obstinacy of Portugal in its desire to perpetuate its domination over the colonial Territories under its administration," constituting "a serious threat to peace and security."	"... to take the appropriate measures envisaged in the Charter in order to give effect to its own resolutions on the question."	S/6585, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 147-149

SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACHES
OF THE PEACE OR ACTS OF AGGRESSION

Question	Submitted by	Other parties	Articles invoked as basis for submission	Description of question in letter of submission	Action requested of the Security Council	Reference
13. Complaint by Cambodia (letter of 13 May 1964)	Cambodia	United States South Viet-Nam (non-member)	35	"... repeated acts of aggression by United States—South Viet-Nameese forces against the territory and the civilian population of Cambodia."	"... to consider the situation resulting from these acts of aggression."	S/5697, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 130-132
14. Complaint by Malaysia (letter of 3 September 1964)	Malaysia	Indonesia	39	"blatant and inexcusable aggression against a peaceful neighbour, an act which is in itself a breach of the peace and involves a threat to international peace and security in the area."	"... adjudge Indonesia guilty of the gravest act of aggression," and "condemn such international brigandage." ^c	S/5930, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 263
15. The Palestine question: Complaint by Syria (letter of 14 November 1964)	Syria	Israel	None	"... aggression committed by Israel against the Syrian Arab Republic."	"... to condemn Israel in the strongest terms" and "to put an end to Israel's aggressive acts and policies." ^d	S/6044, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 55

^a A letter from the representative of the United Kingdom of the same date described the situation in Cyprus as having its origin "in a dispute between the two communities on the island, which dispute has led to a progressive deterioration in internal security". S/5543, O.R., 19th yr., Suppl. for Jan.-March 1964, pp. 66-67. When the Security Council resumed its consideration of the complaint by the Government of Cyprus at the 1094th meeting on 17 February 1964, the agenda contained, as subitems, the letters from the representative of the United Kingdom (S/5543) and from the representative of Cyprus (S/5545).

^b This quoted passage was part of the statement made by the representative of the USSR during the course of the debate on this item at the 1196th meeting on 3 May 1965. See 1196th meeting, para. 52.

^c This quoted passage was part of the statement made by the representative of Malaysia during the course of the debate on this item at the 1144th meeting on 9 September 1964. See 1144th meeting, para. 62.

^d This quoted passage was part of the statement made by the representative of Syria during the course of the debate on this item at the 1162nd meeting on 16 November 1964. See 1162nd meeting, para. 42.

Part IV

CONSIDERATION OF THE PROVISIONS OF ARTICLES 36-38 AND OF CHAPTER VI IN GENERAL

NOTE

The case histories in part IV of this chapter comprise those in which discussion has arisen regarding the responsibility of the Security Council for the settlement of the particular dispute or situation under consideration in the light of the provisions of Chapter VI of the Charter. Part IV does not cover all the activity of the Council in the pacific settlement of disputes, for the debates preceding the major decisions of the Council in this field have dealt almost exclusively with the actual issues before the Council and the relative merits of measures proposed without discussion regarding the juridical problem of their relation to the provisions of the Charter. As a guide to the decision of the Council in the pacific settlement of disputes, reference should be made to the appropriate headings of the Analytical Table of Measures adopted by the Security Council.⁴⁶ During the period under review, the relation of these decisions to the provisions of Articles 36-38 has not been the subject of deliberations within the Council; neither have the provisions of Articles 36-38 been invoked in resolutions, although in one instance, a preambular paragraph of a resolution invoked Article 2, paragraphs 3 and 4, the former, it will be noted, bearing on the duty of Members to settle their international disputes by peaceful means.⁴⁷

Moreover, by reason of the unity of the provisions of Chapter VI of the Charter, reference should be made to material in parts I and II of this chapter. Discussions bearing on procedures of pacific settlement were on occasion related to proposed measures to cope with situations which had been brought to the attention of the Council as threats to peace, breaches of the peace or acts of aggression; consequently, reference should also be made to relevant entries in chapter XI of this *Supplement*.

Constitutional discussions reflected in entries in this part, as was the case with entries in the same chapter of earlier volumes of the *Repertoire*, relate only in minor degree to the real import of the provisions of Articles 36-37 in the working of the Council. In the period under review, material throwing light on that relationship continued to be scant by reason not only of the absence of sustained discussion of the connexion between the appropriate measures to be adopted by the Council and the provisions under Articles 36-37, but also of the need for discussing immediate measures to meet the exigencies of the moment.

The competence of the Security Council has never been explicitly contested during the debate.⁴⁸ In cases in which a preference has been expressed for continued concern of a regional agency to deal with the

matter under consideration or for having the matter negotiated directly between parties concerned, Articles of the Charter have been invoked not so much to contest the competence of the Security Council, as to limit the measures to be adopted in terms of the requirements of the case.⁴⁹

On one occasion, the argument was put forward that while a regional organization should be allowed to continue to be concerned with a matter with a view to its peaceful settlement, a request to the Secretary-General to follow the developments of the case and inform the Council thereon was a privilege of the Council, which it must retain in the interest of international peace and security.⁵⁰

In two instances the Council was urged, in the light of procedures of settlement previously adopted by the parties concerned, to confine the discharge of its responsibility to encouraging the parties to continue with their bilateral efforts or to providing them with a mediator to facilitate reconciliations of their differences.⁵¹

CASE 6.⁵² COMPLAINT BY PANAMA (letter of 10 January 1964):⁵³ In connexion with the Council decision of 10 January 1964 authorizing the President to appeal to the parties concerned to cease firing and to end bloodshed.

[*Note:* It was argued in the course of the discussion that, since the Inter-American Peace Committee of the Organization of American States was about to be dispatched to Panama to ascertain the facts, the matter before the Security Council should, in accordance with the provisions of Articles 33 and 52, continue to be dealt with by the Organization of American States. On the other hand, the argument was advanced that, while the matter could be dealt with by the Organization of American States, the Security Council might still appeal to both parties to cease firing and to end the bloodshed, while keeping the matter under review.]

In the course of the consideration of the complaint by Panama at the 1086th meeting on 10 January 1964, the representative of the United States stated that in view of the fact that the Organization of American States had already met, at the request of Panama and the United States, to consider the matter now before the Council, and in view of its decision to dispatch the Inter-American Peace Committee to Panama to ascertain the facts involved, the matter should continue to be dealt with by the Organization of American States. He noted in this connexion that Articles 33 and 52 both provided for pacific settlement of local disputes through regional agencies.

The representative of Brazil noted that, notwithstanding the steps taken by the Organization of American States, the Security Council should be seized of the matter and adopt some emergency measures to

⁴⁶ Chapter VIII, part I.

⁴⁷ See resolution 188 (1964) of 9 April 1964 in connexion with the complaint by Yemen.

⁴⁸ Its competence was, however, questioned in one instance through a communication addressed to the President of the Council on the grounds that the Member State concerned had always considered the matter under consideration as being essentially within its domestic jurisdiction and, therefore, under Article 2 (7) excluding the competence of the Council to deal with it. See S/5723, O.R., 19th yr., *Suppl. or April-June 1964*, pp. 161-172. See also chapter XII, Case 5.

⁴⁹ See Cases 6, 7, 9. See also part I, Case 2.

⁵⁰ See Case 9.

⁵¹ See Cases 7 and 8.

⁵² For texts of relevant statements, see 1086th meeting: President (Bolivia), paras. 104-105, 108; Brazil, paras. 58-59; Ivory Coast, para. 91; Panama,* paras. 86-87; United States, paras. 50-51, 92-93.

⁵³ S/5509, O.R., 19th yr., *Suppl. for Jan.-March 1964*, pp. 18-19.

cope with the situation. He suggested that the Council should to that extent authorize its President to address an appeal to the Governments of the United States and Panama to bring to an end the exchange of fire and bloodshed occurring in Panama, and to request the two Governments to impose utmost restraint over military forces under their command and to protect the civilian population. He added that if his suggestion was approved there would, then, be no need for a formal resolution.

The representative of Panama * stated in support of the Brazilian proposal that there was nothing in it that was incompatible with the action being taken by the Organization of American States.

The representative of the United States thereupon stated that his delegation also welcomed the suggestion of the representative of Brazil for an appeal, and that the United States would comply in letter and spirit with such representation. He observed that he agreed with the representative of Brazil that no further action or resolution of the Security Council was necessary at that time.

The representative of the Ivory Coast, while agreeing to the Brazilian suggestion observed that:

"It remains understood that our Organization will nevertheless keep the matter under review and will be able to intervene should the situation deteriorate and again threaten to degenerate into a local struggle or war likely to cause loss of life."

In the absence of any objection, the President (Bolivia), declared the Brazilian suggestion adopted and noted that the issue raised by the representative of Panama would in the meantime remain on the agenda of the Council.

CASE 7.⁵⁴ THE INDIA-PAKISTAN QUESTION: In connexion with the letter dated 16 January 1964 from the representative of Pakistan.⁵⁵

[Note: After hearing the views of the representatives of Pakistan and India on the question before the Council,⁵⁶ discussion took place on the role that the Security Council should play in the light of the expressed willingness of both parties to solve their differences by peaceful means. It was contended by some members that in the circumstances of the case, the role of the Council should be confined to encouraging the parties to resume their talks, calling their attentions to the availability of the Secretary-General for assistance, if requested. The contention was made, on the other hand, that members should avoid hasty recourse to the Security Council lest the debates, which might become inflamed, should adversely affect the talks. It was also argued that third party intervention, unsolicited by both parties, would hamper negotiations.]

The representative of the United Kingdom indicated at the 1090th meeting on 10 February 1964 that the Security Council's attention should be directed to the searching for common ground between India and Pakistan. To that end the two States should, as a first

measure, restore normal conditions and intercommunal harmony in their respective territories and undertake talks on communal and related problems with a view to preventing further outbreaks. If they believed that the exercise of good offices would be helpful, the Council should stand ready to discuss it. In the second place, they should be prepared to resume negotiations on Kashmir and, as necessary, other related matters. He indicated in that connexion that the experience of negotiations conducted by the two countries in the course of 1962 and 1963 suggested that some degree of outside help would be necessary if satisfactory results were to be achieved. It was for that reason that his Government favoured mediation, as it had indicated to both parties from time to time. While realizing that the procedure of mediation could not be pressed if it were not acceptable to both India and Pakistan, his delegation would commend the procedure to the urgent attention of both parties and called on them to consider all possibilities in that regard, including that of engaging the assistance of the Secretary-General of the United Nations.

At the 1115th meeting on 12 May 1964, the representative of Ivory Coast, being of the opinion that recent statements by government and political leaders of India and Pakistan reflected a desire to seek a peaceful and just solution to the dispute through bilateral negotiations, and recognizing the difficulties that might arise in the resumption of, as well as, during the negotiations, observed that in that case:

"we should avoid hasty recourse to the Security Council, for the ensuing debate would become highly inflamed and would merely accelerate the breakdown of the talks or make it a certainty."

He suggested in that connexion, that the Security Council should, with a view to avoiding such an eventuality, request the assistance of the Secretary-General to "ease the way for the resumption of negotiations and their successful conclusion, if necessary".

The representative of Norway, after a survey of the development of the matter under consideration, noted that a solution to the Kashmir question would prove to be durable only if it was satisfactory to the population of Jammu and Kashmir, and its main features acceptable to India and Pakistan. He added:

"We do not believe, however, that the Security Council should proceed in any manner that could be interpreted by the parties as a prescription for a particular solution. It is our view that in the present improved circumstances the most constructive role for the Security Council would be to consider what encouragement and assistance it can render to the parties in order that they may utilize vigorously the more promising circumstances now prevailing."

The representative of China reminded the members that the Council had been consistent in all the sixteen years it had been dealing with the India-Pakistan question, by adopting the view that in the absence of an agreement between India and Pakistan, the question could not be solved without regard to the principle of self-determination. Consequently, the Council could not, while being obliged to uphold that principle, impose a solution which was not acceptable to either of the two parties. As to the modes of settlement, he observed that within the framework of previous Council resolutions and, above all, the principles of the Charter, the modalities by which the settlement might

⁵⁴ For texts of relevant statements, see:

1090th meeting: United Kingdom, paras. 112-113, 115.

1115th meeting: Brazil, paras. 108, 110; China, paras. 102-103; Ivory Coast, paras. 76-79; Norway, paras. 88-90.

1116th meeting, President (France), para. 56.

1117th meeting, President (France), para. 6; India, paras. 21-22, 26-27; Pakistan, para. 16.

⁵⁵ S/5517, O.R., 19th yr., Suppl. for Jan.-March 1964, pp. 26-34.

⁵⁶ See part I, Case I.

be effected could be discussed with a view to agreement between the parties and "adjustments could be made to meet the changes in the conditions throughout these years and to accommodate the different views of both parties". The Council should accordingly urge the two parties to take advantage of the recent favourable developments in the situation and make further efforts to improve their relations. The Council should also "call upon them 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 actions".

The representative of Brazil noted in support of further efforts to persuade the parties to solve their differences by peaceful means that the United Nations might in that connexion put some "friendly pressure" to bear on the two Member States in order that

"they may set aside . . . the emotional attitudes to which the long and protracted dispute has given rise and employ their statesmanship to explore all possible avenues of agreement . . ."

so as to bring an end to the dispute. After noting that recent developments demonstrated the emergence of a realistic approach to the problem, he stated:

"In spite of the fact that in my view, there is no substitute for direct talks in the present case, the parties should keep in mind the fact that the United Nations . . . has developed and polished the best available international machinery for the settlement of disputes. They should bear in mind that this . . . machinery is at their disposal at all times and can be set in motion at a moment's notice."

He drew attention in that connexion to the availability of the Secretary-General to assist the parties concerned whenever they requested such assistance, and suggested that the Council should authorize the President at the conclusion of the debate to recall some of the positive elements that had arisen since the Council last dealt with the matter, to express the Council's hope for a prompt and a fair settlement of the Jammu-Kashmir question, and to remind the parties of the availability of the Secretary-General's assistance.

At the 1116th meeting on 13 May 1964, the President announced that he would, in accordance with the suggestion made by the representative of Brazil and supported by the representative of Norway, consult with Council Members with a view to identifying the conclusions reached in the debate.

Consequently, upon the resumption of debate at the 1117th meeting on 18 May 1964, the President reported on the results of his consultations. In indicating the points of agreement among the members of the Council, the President declared *inter alia* that they

"expressed the hope that both parties would refrain from any act which might aggravate the situation and that they would take steps calculated to re-establish an atmosphere of moderation between the two countries and peace and harmony between the communities."

He further declared that the Council members

"expressed the hope that, in the light of our recent debates, the two countries concerned would resume their contacts in the near future with a view to settling their disputes, particularly that centring upon Jammu and Kashmir, by negotiation."

Following the President's statement, the representative of Pakistan expressed appreciation for the efforts at reconciliation made by the President, and noted:

"The summation by the President is neither a consensus nor a statement of agreed conclusions. As such, we consider it to be a purely descriptive and factual statement which the President of the Council has made, and not any kind of recommendation to the parties with any binding force. The question of our accepting or rejecting it, therefore, does not arise."

The representative of India expressed agreement with the representative of Pakistan that the President's statement was neither a consensus nor a resolution, and had therefore no binding effect on the parties. He indicated that the debate had shown that the matter could only be solved by bilateral negotiations, and that any intervention on the part of a third party would hinder rather than help these negotiations. With regard to the role of the Secretary-General, he pointed out that while India would welcome his visit as its guest, it did not wish him to come "in the context of the Kashmir debate, unless we both agree that he should so come". He added:

"I assure the Secretary-General and I assure the Council that any intervention on the part of the Secretary-General which is uninvited and without the consent of both parties will hinder and hamper the negotiations which we propose to carry on in the very near future."

Following this statement, the Council adjourned its meeting.

CASE 8.⁵⁷ COMPLAINT BY THE GOVERNMENT OF CYPRUS: In connexion with a joint draft resolution, voted upon and adopted on 4 March 1964

[*Note:* A suggestion was made in the course of the debate that along with the establishment of a United Nations force in Cyprus, the Security Council should appoint a mediator to help the parties concerned reach a peaceful settlement of their problems.]

In his opening statement at the 1095th meeting on 18 February 1964, the representative of the United Kingdom suggested after reviewing the developments in Cyprus that members of the Council must bring the influence of the Council to bear on the tense situation there, and exert a calming effect on all the parties concerned. The Council should, in the light of the agreement of all parties concerned to the establishment of an international force, point the way towards an agreed solution of the problems involved. It should, furthermore, point the way towards an acceptable form of mediation that might be required in the reaching of a solution.

The representative of the United States, speaking at the 1096th meeting on 19 February 1964, stated that strenuous efforts would be required to bring about agreement between the two parties on a political settlement which would permit them to live in peace with one another. He suggested in that connexion that the Security Council urge the Government of Cyprus and the Guarantor Powers in consultation with

⁵⁷ For texts of relevant statements, see:
1095th meeting: United Kingdom, paras. 90, 92.
1096th meeting: United States, para. 82.
1097th meeting: Czechoslovakia, para. 60; Ivory Coast, paras. 76-77; Norway, para. 45.
1098th meeting: Bolivia, para. 166.
1099th meeting: China, para. 108.

the Secretary-General to designate an impartial mediator to assist in achieving settlement.

At the 1097th meeting on 25 February 1964, the representative of Norway, supporting the proposal for the appointment of a mediator, expressed the hope that the parties would avail themselves of the assistance of the Secretary-General to work out the necessary arrangements in that respect. A mediator acting under the aegis of the United Nations would then be guided by the principles and purposes of the Charter which he could use as an important point of reference in the discharge of his function. While calling on the parties to enter into those arrangements, the Security Council should request the Secretary-General to keep it informed of further developments.

The representative of Czechoslovakia indicated that the Security Council should, in the light of the circumstances of the case, reaffirm the independence, sovereignty and territorial integrity of Cyprus and call on all States to refrain from any threat or use of force against Cyprus and should appeal to all Governments concerned "to reach a peaceful settlement based on the principles of the Charter".

The representative of Ivory Coast noted that the constitutional issues confronting the Greek and Turkish Cypriots were first and foremost domestic issues. Consequently, the Council should as a preliminary step merely propose a mediator acceptable to both parties who would be given the twofold function of helping the Cypriot communities in negotiating a reform of its Constitution and of helping the parties concerned to find a suitable way to reconcile their existing differences.

At the 1098th meeting on 27 February 1964, the representative of Bolivia stated that, together with the creation of an international United Nations force, it was essential to appoint a mediator to help bring about a final understanding which, while safeguarding the positions of the different parties, would be a step towards consolidation of the independence and territorial unity of Cyprus.

At the 1099th meeting on 28 February 1964, the representative of China indicated that while a peace-keeping force might meet the short-range problem, the Security Council should also consider what measures to take for the solution of the long-range problem by an equitable and just political settlement. The appointment of an impartial mediator could, in his delegation's view, do much to help bring about an equitable settlement of the dispute.

At the 1100th meeting on 2 March 1964, a draft resolution jointly sponsored by Bolivia, Brazil, Ivory Coast, Morocco and Norway,⁵⁸ was introduced by the representative of Brazil. The operative paragraphs of this draft resolution *inter alia* recommended for the creation, with the consent of the Government of Cyprus, of a United Nations peace-keeping force in Cyprus, and

"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."

The joint draft resolution was voted upon and adopted unanimously at the 1102nd meeting on 4 March 1964.⁵⁹

CASE 9.⁶⁰ SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO: In connexion with the draft resolution jointly submitted by Morocco and Ivory Coast voted upon and adopted on 30 December 1964

[Note: It was contended during the consideration of the draft resolution that its operative paragraph requesting the Secretary-General to follow the implementation of the resolution and requesting him to follow the situation in the Congo, and to report thereon to the Security Council was, in effect, casting doubt on the competence of the Organization of African Unity, which had dealt with the matter previously. It was argued on the other hand that the operative paragraph reflected a prerogative of the Council, which in the light of the circumstances of the case, it must retain with a view to the maintenance of international peace and security.]

At the 1186th meeting on 28 December 1964, a draft resolution jointly sponsored by Ivory Coast and Morocco was submitted, which read *inter alia*:⁶¹

"The Security Council,

"...

"Taking into consideration the resolution of the Organization of African Unity dated 10 September 1964, in particular paragraph 1 relating to the mercenaries,

"Convinced that the Organization of African Unity should be able, in the context of Article 52 of the Charter of the United Nations, to help find a peaceful solution to all the problems and disputes affecting peace and security in the continent of Africa,

"Having in mind the efforts of the Organization of African Unity to help the Government of the Democratic Republic of the Congo and the other political factions in the Congo to find a peaceful solution to their dispute,

"...

"2. Appeals for a cease-fire in the Congo in accordance with the Organization of African Unity's resolution dated 10 September 1964;

"3. Considers, in accordance with that same resolution, that the mercenaries should as a matter of urgency be withdrawn from the Congo;

"4. Encourages the Organization of African Unity to pursue its efforts to help the Government of the

⁵⁸ 1102nd meeting, paras. 26-28, S/RES/186 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 2-4.

⁶⁰ For texts of relevant statements, see:

1186th meeting: Guinea,* para. 46; Ivory Coast, para. 13.

1187th meeting: Guinea,* paras. 5, 6-10, 12; Morocco, paras. 45, 47, 48, 50.

⁶¹ For full text, see: S/6123/Rev.1, 1186th meeting, para. 9; with the revision announced at the same meeting, para. 66.

⁵⁸ S/5571, same text as S/5575, O.R., 19th yr., Suppl. for Jan.-March 1964, pp. 102-103.

Democratic Republic of the Congo to achieve national reconciliation in accordance with the above-mentioned resolution of the Organization of African Unity;

"5. Requests all States to assist the Organization of African Unity in the attainment of this objective;

"6. Requests the Secretary-General of the United Nations to follow the implementation of the present resolution, to follow the situation in the Congo, and to report to the Security Council at the appropriate time."

In introducing the joint draft resolution, the representative of the Ivory Coast stated that the Security Council should use all the means provided by the Charter to secure a peaceful settlement of the problem and that resort to regional agencies was one of the means provided in Article 52 of the Charter. He added that to the extent that the matter had already been laid before the Organization of African Unity, the Security Council "should encourage the OAU to continue its efforts within the framework accepted by the parties mainly concerned". That, he noted, was what operative paragraph 4 of the draft resolution envisaged. He then observed:

"Bearing in mind, however, that in the Congo there is not merely a threat to peace but a hot war which is assuming alarming proportions, the Security Council must, through the Secretary-General, the executive organ, follow the situation in the Congo, the implementation of this resolution, and be ready to take up the matter again should the situation continue to endanger peace in Africa and, consequently, peace throughout the world."

The representative of Guinea * noted that since all speakers had emphasized the special, if not exclusive, competence of the Organization of African Unity in so far as the efforts to find a solution to the problem were concerned, "it might perhaps not be absolutely necessary to bring the United Nations into the picture again...". He further stated:

"We, therefore, considered that if the efforts of the OAU were placed outside the specified framework of Articles 52 and 54 of the United Nations Charter, its competence, if not its effectiveness, would to some extent be called into question."

At the 1187th meeting on 29 December 1964, the representative of Guinea * submitted, on behalf of the eighteen African States that had brought the matter to the Security Council, an amendment to paragraph 6 of the joint draft resolution to read as follows:⁴²

"Requests the Organization of African Unity, in accordance with Article 54 of the United Nations

Charter, to keep the Security Council fully informed of any action it may take under the present resolution."

In explaining the amendment, the representative of Guinea stated that the wording of original operative paragraph 6 of the joint draft resolution suggested "something of a tendency to cast doubt on the competence of the OAU". Stressing the competence of the OAU to deal with the matter, he referred to various past efforts of the OAU, including its decision of 18 December 1963⁴³ which, *inter alia*, recommended to all the Governments concerned that they co-operate with the OAU in order to facilitate the solution of the Congolese problem. He observed:

"All members of the Security Council have recognized that the Organization of African Unity is both competent and pre-eminently qualified to seek, and to help in finding, a peaceful solution to the Congolese problem; all we have to do now is to request that Organization to inform the Security Council of the measures it takes and of the results it achieves."

Speaking at the same meeting, the representative of Morocco noted that paragraph 6 of the joint draft resolution reflected "a regular prerogative of the Security Council". If the Security Council decided to have information on a matter which had been the subject of discussion and decision, such a decision must in no way be interpreted as casting a doubt on the competence of the OAU. He pointed out that the paragraph defined a precise role entrusted to the Secretary-General, which was that of "informing the Security Council about a given situation", adding that there was no desire on the part of the sponsors of the joint draft resolution to have the United Nations intervene in a matter which "comes within the competence of the OAU". The OAU must be able by its own means to meet its responsibilities and it was not necessary that the Security Council delegate some of its prerogatives to it. The Security Council, he indicated, "must retain the prerogatives conferred upon it by the Charter in the interest of international peace and security".

The joint draft resolution, as adopted at the 1189th meeting on 30 December 1964 incorporated the amendment proposed by the representative of Guinea as operative paragraph 6 and deleted the phrase "follow the implementation of the present resolution" from the original operative paragraph 6 of the joint draft resolution, subsequently re-numbered as paragraph 7.⁴⁴

⁴³ Resolution ECM/RES.6 (IV) adopted by the Council of Ministers of the Organization of African Unity at its fourth extraordinary session.

⁴⁴ 1189th meeting, paras. 32-34, resolution 199 (1964). See also chapter VIII, pp. 142-143.

⁴² For text, see 1187th meeting, para. 12.

Chapter XI

CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER

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INTRODUCTORY NOTE

Chapter XI does not constitute a review of the action of the Security Council under Chapter VII of the Charter. In principle it presents the instances in the proceedings of the Council in which proposals placed before the Council have evoked discussion regarding the application of Chapter VII.¹ Appropriate cross references are given to chapter VIII to facilitate the consultation of the material in conjunction with the record of decisions contained in that chapter.

CHAPTER VII OF THE CHARTER: ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

Article 40

"In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures."

Article 41

"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."

Article 42

"Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations."

Article 43

"1. All Members of the United Nations, in order

¹ For observations on the method adopted in the compilation of this chapter, see: *Repertoire of the Practice of the Security Council 1946-1951*, Introductory Note to chapter VIII: II Arrangements of Chapters X-XII, p. 296.

to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

"2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

"3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes."

Article 44

"When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces."

Article 45

"In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee."

Article 46

"Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee."

Article 47

"1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

"2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently

represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

"3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

"4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees."

Article 48

"1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

"2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members."

Article 49

"The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council."

Article 50

"If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems."

Article 51

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLES 39 AND 40 OF THE CHARTER

NOTE

During the period under review, the Council has taken no decisions explicitly under Article 39 of the Charter, although on various occasions during this period the Council was requested to determine certain situations as constituting a threat to the peace² an act of aggression³ specifically in terms of that Article. The invocation of Article 39 in letters of submission and the employment of language derived from it in both of these letters⁴ and draft resolutions have given rise to discussions as to whether the situations under consideration by the Council were of the nature envisaged in Article 39. In several instances when this Article has been invoked, the Council has confined itself to expressing its grave concern over the prevailing situation, to urging the avoidance of activities that might aggravate an existing situation, and to encouraging the contending parties to settle their disputes by peaceful means.

As a guide to the decisions of the Council in this regard, reference should be made to the Analytical

Table of Measures adopted by the Council in chapter VIII, part I, and to chapter X of the present volume.

In two⁵ of the four cases presented below the Council's characterization of the situations under consideration as "seriously disturbing" rather than "endangering" international peace and security was interpreted as precluding the Council from acting within the framework of Chapter VII of the Charter.

In the third instance⁶ while there was general agreement on the extreme gravity of the situation, doubts were raised as to whether it could be said that an actual threat to international peace existed within the meaning of Article 39 of the Charter; the resolution adopted by the Council determined that the "continuance" of the situation "would" constitute a threat to international peace and security.

The employment of provisional measures under Article 40 of the Charter was recommended in one instance⁷ in the period under review. A resolution requesting both parties to desist from further hostile military action and to issue cease-fire orders to the military forces under their command as a first step toward a peaceful settlement of outstanding differences between the two countries was adopted by the Council.

During consideration of the complaint by Panama, a Member of the Council, while not mentioning Arti-

² See for example the India-Pakistan question (1113th meeting, paras. 10-13).

³ For discussions concerning allegations of aggression, see Complaint by Malaysia (1144th meeting, para. 62); Complaint by Cambodia (1121st meeting, paras. 60-64); Palestine question (1162nd meeting, paras. 10-16, 17, 42, 45).

⁴ The tabulation in part III of chapter X lists one instance of formulation of a question in which Article 39 was explicitly invoked, or in which the language derived from that Article was employed. See above, p. 175.

⁵ Cases 1 and 2.

⁶ Case 3.

⁷ Case 4.

cle 40 of the Charter, suggested that the Council adopt certain measures of an "emergency character" which might be applicable to the case at issue.⁸

CASE 1.⁹ THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA: In connexion with the Bolivian and Norwegian joint draft resolution: voted upon and adopted on 18 June 1964

[Note: During the discussion, the question was raised as to whether the situation in South Africa could be considered as constituting a threat to the peace within the meaning of Article 39 of the Charter. On the one hand, it was maintained that although the policies of apartheid had been universally condemned, it could still not be said with any certainty that the situation caused thereby constituted a threat to the peace. On the other hand, it was contended that any objective analysis of the situation would reveal that there was a threat to international peace and security. The Council adopted a draft resolution expressing its conviction that the situation was "continuing seriously to disturb international peace and security".]

At the 1129th meeting on 10 June 1964, the representative of Indonesia* noted that in the matter of the employment of economic sanctions against South Africa, only the Security Council had the power to authorize mandatory collective action of that kind and then only if it had first determined the existence of a "threat to the peace", a "breach of the peace", or an "act of aggression" according to the language of Article 39 of the Charter. However, as yet the situation in South Africa had not caused an actual breach of the peace, nor had any act of aggression been considered by the Council in that regard. Hence, a peaceful solution to the problem of inducing the Government of South Africa to abandon its apartheid policy hinged upon the Council's finding that the situation constituted a "threat" to the peace. However, when in August and December 1963 four African States had sought such a determination by the Council, three of the permanent members refused to concede that the situation in South Africa represented a threat to the peace within the meaning of Article 39 of the Charter. As a result, the Council resolutions of 7 August and 4 December 1963, instead of determining the situation a threat that was "seriously endangering international peace and security", declared it to be a situation that was "seriously disturbing international peace and security". In that connexion he pointed out that, in his view, the words chosen denoted an even graver situation than the words rejected, yet because Chapter VII of the Charter did not speak in terms of "disturbances to the peace", the resolutions were "powerless to unlock the Council's capacity for peace-keeping action under Articles 41 and 42". Noting that the situation had worsened since the December resolution, he wondered how far it should be allowed to deteriorate before it constituted a sufficient threat to the peace within the meaning of Article 39 to warrant Council action. The representative recalled that in previous debates¹⁰ certain members of the Council had sought

to distinguish the threat to the peace they admitted was inherent in the situation in South Africa from a threat to the peace that would, in their opinion, justify the Council's invoking measures provided for under Articles 41 and 42. Thus according to one permanent member, the phrase "disturbing the peace" referred to the underlying elements of a serious situation that, if continued, would be likely to endanger international peace and security. However, such a condition was quite different from "a fully matured threat to or breach of the peace". Implicit in that argument was the position that coercive measures could be invoked "only when the threat is so imminent as to require an emergency meeting of the Council in order to try to prevent bloodshed virtually the next day or even the next hour". Disputing that contention, he pointed out that the language of Article 39 clearly indicated that the terms of the Charter envisaged the definite time lag between a "threat" and a "breach" or else both words would not have been included. That being so, his delegation interpreted Article 39 as indicating that "the first duty of the Council is to safeguard the peace, to prevent the occurrence of an actual breach, rather than to restore the peace after a breach has taken place".

At the 1131st meeting on 15 June 1964, the representative of the United Kingdom recalling that the representative of Indonesia among others had recognized that "a pre-condition of the decision under Article 41 is the decision under Article 39 that there exists a threat to the peace, a breach of the peace or an act of aggression" maintained that in the prevailing situation in South Africa there was no question of a breach of the peace or an act of aggression nor could it be said that a threat to the peace existed at that time. Noting that the Government of South Africa had failed to heed the urgent request of the Council to desist from the policies of apartheid, he remarked that that in itself had not created the situation in which determination under Article 39 could be made. To make such a determination, it was necessary to look at the situation within South Africa itself, and although the racial policies of the Government there were the subject of world-wide condemnation it could not be said with any certainty that such policies endangered the maintenance of international peace and security. Consequently, at that stage of development, there were no elements discernible which would call for the kind of action appropriate in cases of threats to the peace, or breaches of the peace, under Chapter VII of the Charter.

At the 1133rd meeting on 16 June 1964, the representative of Norway introduced a draft resolution¹¹ jointly submitted by Bolivia and Norway in the preamble of which the Council would have recalled its resolutions of 7 August 1963 (S/5386), 4 December 1963 (S/5471) and 9 June 1964 (S/5761), and expressed the conviction that "the situation in South Africa is continuing seriously to disturb international peace and security".

At the 1135th meeting on 18 June 1964, the President, speaking as the representative of the Ivory Coast, observed that while the principles and intentions of the draft resolution were praiseworthy, they seemed to be paralysed by the form in which they were to be expressed and put in practice. In any event

⁸ See 1086th meeting, para. 58. See also chapter X, Case 6, and chapter XII, Case 7.

⁹ For texts of relevant statements, see: 1129th meeting: Indonesia,* paras. 19-26; 1131st meeting: United Kingdom, paras. 89-91; 1132nd meeting: Ivory Coast (President), paras. 3-4; 1133rd meeting: Norway, para. 3; 1135th meeting: Ivory Coast (President), paras. 3-5, 8.

¹⁰ See, *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, p. 266.

¹¹ S/5769, same text as S/5773, O.R., 19th yr., Suppl. for April-June 1964, pp. 249-251.

his delegation considered that the situation created by the policies of apartheid did not simply disturb the peace, but did in fact endanger international peace and security.

At the 1135th meeting on 18 June 1964, the draft resolution was adopted by 8 votes in favour, none against, and 3 abstentions.¹²

CASE 2.¹³ SITUATION IN TERRITORIES IN AFRICA UNDER PORTUGUESE ADMINISTRATION: In connexion with the joint draft resolution submitted by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone and Tunisia and the amendment by Uruguay voted upon and adopted on 23 November 1965

[*Note:* A draft resolution affirming the situation resulting from Portugal's policy in African territories under its administration and the neighbouring States to be a threat to international peace and security, was opposed on the grounds that such a formulation implied the application of Chapter VII of the Charter, and because it was felt that non-permanent members of the Council were not in a position to impose a declaration of the application of that Chapter. As amended, the draft resolution characterized the situation as seriously disturbing international peace and security.]

At the 1255th meeting on 10 November 1965, the representative of the United Republic of Tanzania * urged the Council to pronounce in "unambiguous terms" that Portugal's behaviour in Africa was contrary to the Charter of the United Nations and was in fact a threat to international peace and security within the meaning of Chapter VII of the Charter.

At the 1266th meeting on 22 November 1965, the representative of Tunisia * introduced a draft resolution¹⁴ jointly sponsored by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone and Tunisia under which the Security Council *inter alia*:

"1. *Affirms* that the situation resulting from the policies of Portugal both as regards the African population of its colonies and the neighbouring States endangers international peace and security".

At the same meeting, the representative of Portugal, * speaking in connexion with operative paragraph 1 of the draft resolution, noted that the policy of his Government in the territories under its administration was not directed against any outsider. Consequently, "if outsiders choose not to like our internal policy, and are seeking to force a change, it does not follow that it is Portugal that endangers international peace and security". On the contrary, the responsibility must be laid at the door of the outsiders. Moreover, when it was considered that Portugal had sought to maintain good relations with all its neighbours, if those States did not respond to its offer of friendship but chose instead to act in a manner hostile to Portugal aiding and encouraging violence against it, he wondered whether it could be said that it was Portugal which endangered international peace and security.

¹² 1135th meeting, para. 43; S/RES/191 (1964), *O.R.*, 19th yr., *Resolutions and Decisions of the Security Council, 1964*, pp. 13-15.

¹³ For texts of relevant statements, see: 1255th meeting: United Republic of Tanzania, para. 83. 1266th meeting: Portugal, * paras. 21-35; Tunisia, * paras. 4-19.

1267th meeting: Uruguay, paras. 70-71.

1268th meeting: Uruguay, paras. 3-4.

¹⁴ S/6953, 1266th meeting, paras. 4-19.

At the 1267th meeting on 22 November 1965, the representative of Uruguay, commenting on operative paragraph 1 of the draft resolution, observed that if the paragraph implied the application of Chapter VII of the Charter, his delegation was not ready to support it, since he did not believe that the non-permanent members of the Council could "impose a declaration or the application of Chapter VII of the Charter". Moreover, as he understood it, the three sponsors of the draft resolution that are members of the Security Council did not interpret operative paragraph 1 as implying the application of Chapter VII of the Charter.

At the 1268th meeting on 23 November 1965, the representative of Uruguay proposed an amendment whereby the wording in operative paragraph 1 would be changed from "endangers" to "seriously disturbs". The amendment was adopted by a vote of 10 in favour, none against, with 1 abstention,¹⁵ and the amended draft resolution was adopted by a vote of 7 in favour, none against, and 4 abstentions.¹⁶

CASE 3.¹⁷ SITUATION IN SOUTHERN RHODESIA: In connexion with the United Kingdom draft resolution: not put to the vote and with the Ivory Coast draft resolution: not put to the vote, and with the Bolivian and Uruguayan draft resolution voted upon and adopted on 20 November 1965

[*Note:* The contention that the unilateral declaration of independence of Southern Rhodesia had created a threat to international peace and security within the meaning of Article 39 of the Charter was disputed on the grounds that although developments there were serious, the most that could be said at that stage was that they had created a situation the continuance of which "could be" a menace to international peace and security. The resolution adopted by the Council determined that "the situation was extremely grave and that its continuance in time would constitute a threat to international peace and security".]

At the 1257th meeting on 12 November 1965, speaking on behalf of the African States, the representative of Ghana * observed that the unilateral declaration of independence of Southern Rhodesia had precipitated a serious crisis which posed a threat of immense proportions to the peace and security of the African continent and in fact of the world. Recalling that at a recent African summit conference a resolution was adopted calling upon the United Nations to regard the unilateral declaration of independence as constituting a threat to international peace, he explained that in pursuance of that resolution the African States had now come to the Security Council with the request that it take

"appropriate actions under Chapter VII of the Charter since events in Southern Rhodesia definitely

¹⁵ 1268th meeting, para. 15.

¹⁶ 1268th meeting, para. 30; S/RES/218 (1965), *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council, 1965*, pp. 18-19.

¹⁷ For texts of relevant statements, see: 1257th meeting: Ghana, * paras. 40, 61. 1259th meeting: Ivory Coast, paras. 49-50, 71; Pakistan, * paras. 9, 12; United Kingdom, para. 31.

1263rd meeting: United Kingdom, para. 8.

1264th meeting: Jordan, paras. 13-15; Uruguay, paras. 5-9.

1265th meeting: President (Bolivia), para. 3.

constitute a threat to international peace and security." 18

At the 1259th meeting on 13 November 1965, the representative of Pakistan * recalling that in its resolution 2022 (XX) of 5 November 1965 the General Assembly had characterized the situation in Southern Rhodesia as one which "threatens international peace and security" stated that in the view of his delegation the situation in that territory constituted one of the eventualities for which Chapter VII of the Charter was drafted, "and no considerations of expediency should be allowed to thwart the determination of the world community to put an end to this situation which is a threat to international peace and security as recognized by the General Assembly in its resolution 2022 (XX)".

At the same meeting the representative of the United Kingdom submitted a draft resolution 19 under which the Security Council, having expressed its grave concern over the rebellious actions of the former régime in Southern Rhodesia would determine "that the continuance of the resulting situation is likely to endanger the maintenance of international peace and security".

At the same meeting the representative of Ivory Coast pointed out that the Council should conduct its deliberations under the only chapter of the Charter providing for sanctions, economic sanctions, namely, Chapter VII and under the terms of Articles 39-51. In this connexion, he introduced a draft resolution 20 under which:

"The Security Council,

" . . .

"Convinced that this declaration of independence constitutes a threat to international peace and security,

" . . .

"1. Determines that the situation resulting from this declaration of independence constitutes a threat to international peace and security."

At the 1263rd meeting on 17 November 1965, commenting on the statements of the representatives of the African and Asian States, the representative of the United Kingdom maintained that the events in Southern Rhodesia could at that stage only be described as creating "a situation the continuance of which could be a menace to international peace and security". He added:

"It has not yet developed to a point where there is an actual breach of international peace—that is to say, where there is fighting between nations—and it is the intention of the United Kingdom Government to see to it that the rebellion is so dealt with that such a situation does not arise."

At the 1264th meeting on 19 November 1965, the representative of Uruguay, noting that the two draft

¹⁸ Similar views were expressed by a number of other representatives. For the text of their statements, see:

1258th meeting: Mali,* paras. 31-55; Nigeria,* paras. 77-91.

1259th meeting: Algeria,* paras. 34-46; Sierra Leone,* paras. 73-88.

1260th meeting: Ethiopia,* paras. 3-28; Malaysia, paras. 30-64; United Republic of Tanzania,* paras. 57-59; Zambia,* paras. 66-79.

1261st meeting: Mauritania,* paras. 4-31.

1262nd meeting: Jamaica,* paras. 9-34.

1263rd meeting: Somalia, paras. 43-58; Sudan, paras. 25-41.

¹⁹ S/6928, 1259th meeting, para. 31.

²⁰ S/6929, 1259th meeting, para. 70.

resolutions submitted by the United Kingdom and Ivory Coast, respectively, contained both formal and substantial differences which certain members of the Council had sought to reconcile to no avail, submitted a draft resolution²¹ jointly sponsored by Bolivia and Uruguay, under which the Security Council would express its deep concern about the situation in Southern Rhodesia and would determine that

"the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia is extremely grave, that the Government of the United Kingdom of Great Britain and Northern Ireland should put an end to it, and that its continuance in time would constitute a threat to international peace and security."

In explaining the objectives of this draft resolution, he noted that it did not mention whether Chapter VI or VII of the Charter was brought to bear on the situation nor did it seek to define the criteria that might imply the use of armed forces in the prevailing circumstances. In effect the draft resolution sought to generalize the measures adopted by the Government of the United Kingdom and imposed upon other Members of the Organization the need for co-operation in order to ensure the effectiveness of those measures.

At the same meeting the representative of Jordan stated that in order to invoke Chapter VII of the Charter, the Council first had to determine under Article 39 whether or not there was a breach of the peace within the meaning of the Charter. "This is a question of fact, it is not a question of law. The determination of the situation as one falling within the meaning of Article 39 is not a question of legal interpretation, it is a question of evidence, a question of proof, a question of fact." The facts related to the matter, however, were uncontroversial in that an attempt was made by the "Ian Smith group" to alter by force the constitutional structure of the country and as a result of that, in the words of the General Assembly, "an explosive situation was created in Southern Rhodesia". Those facts alone, he felt, were enough to justify the finding that the situation constituted a threat to the peace. After referring to other developments as evidence of a rapidly deteriorating situation, he maintained that unless effective measures were taken, the African States might find themselves compelled to intervene. All those developments, therefore, fully justified the finding that a threat to the peace existed and the Council was thus called upon to take legitimate measures to check that explosive situation. Furthermore, the Council was expected "to determine that a breach of the peace does exist within the meaning of the Charter", after which it might request the United Kingdom to take all adequate and appropriate measures to maintain the peace.

At the 1265th meeting on 20 November 1965, the President (Bolivia), before proceeding to the vote explained that the sponsors of the joint Bolivia-Uruguay draft resolution had modified operative paragraph 1 to read "determines that the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia is extremely grave, that the United Kingdom Government should put an end to it and that its continuance in time constitutes a threat to international peace and security".

The resolution as modified was adopted by 10 votes

²¹ S/6955, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 390-391.

in favour, none against and 1 abstention.²² In the light of the vote on the Bolivia-Uruguay draft resolution the representatives of the Ivory Coast²³ and the United Kingdom²⁴ did not press their respective draft resolutions to a vote.

CASE 4.²⁵ **INDIA-PAKISTAN QUESTION:** In connexion with the draft resolution submitted by the Netherlands, voted upon and adopted on 20 September 1965

[*Note:* Resort to Article 40 was suggested by the Secretary-General, who after reporting on his efforts to give effect to the Security Council resolutions calling for a cease-fire, noted that he had not succeeded in obtaining compliance. The representatives of India and Pakistan held differing views as to the relevance and applicability of that article under prevailing circumstances. However, it was felt that the Council should on the basis of this provision demand an immediate cease-fire as a first step, and a draft resolution to this effect was adopted.]

At the 1239th meeting on 17 September 1965, the Secretary-General in reporting on his efforts to give effect to the resolutions calling for the cessation of hostilities, noted that he had so far not succeeded in securing effective compliance by both sides. Thereupon he offered certain of his "own views" about the role of the Security Council in the crisis under consideration. He suggested that the Council

"might now do what it has done once before and successfully, in another dangerous conflict situation; it could order the two Governments concerned, pursuant to Article 40 of the Charter of the United Nations, to desist from further hostile military action and to this end, to issue cease-fire orders to their military forces. The Council might also declare that failure by the Governments concerned to comply with this order would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter."

With regard to the adoption of provisional measures under Article 40 the representative of India * felt that this proposal by the Secretary-General if adopted would place India and Pakistan "on the same footing": instead he suggested that the Council call upon Pakistan to desist from carrying out hostilities and to determine under Article 39 of the Charter the existence of an act of aggression by Pakistan.

²² 1265th meeting, para. 4; S/RES/214 (1965), *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council, 1965*, pp. 8-9.

²³ 1265th meeting: Ivory Coast, para. 38.

²⁴ 1265th meeting: United Kingdom, para. 63.

²⁵ For texts of relevant statements, see:

1239th meeting: Secretary-General, paras. 16-20, India,* paras. 105-107.

1240th meeting: Pakistan,* para. 65.

1241st meeting: China, para. 107; Netherlands, para. 79.

1242nd meeting: Netherlands, paras. 44-51.

At the 1240th meeting on 18 September 1965, the representative of Pakistan * expressed doubt as to the necessity for action under Chapter VII of the Charter as contemplated by the Secretary-General. He recalled that previously all actions had been taken under Chapter VI and he observed: "It would be the first time in the history of the Kashmir dispute that the Security Council would be contemplating action under Chapter VII of the Charter... Departure from past practice would be a momentous decision, and its implications would have to be carefully weighed before the Security Council proceeds further in this matter."

At the 1241st meeting on 18 September 1965, the representative of the Netherlands asserted that the Security Council should, on the basis of Article 40 of the Charter, decide on a specific moment "in the nearest future" at which hostilities should cease, and at the same time offer its assistance for assuring the observance of the cease-fire. In taking that step for a short range solution, however, the Council should not lose sight of its long range objectives which were the elimination of the underlying political conflict. While the Council could not impose a specific solution to the conflict, it could set in motion the process to that end.

The representative of China observed that the application of Articles 39 and 40 may turn out "to be quite unnecessary"; however, under the circumstances it appeared to be a logical step to take in order both to uphold the authority of the Council and more especially to put an effective stop to a war which though "as yet local in nature may well escalate to such a scale as to endanger world peace".

At the 1242nd meeting on 20 September 1965, the representative of the Netherlands introduced a draft resolution²⁶ under which the Security Council:

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

"...

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

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

At the same meeting the draft resolution was adopted by 10 votes in favour, none against, with 1 abstention.²⁷

²⁶ Same text as S/RES/211 (1965), *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council, 1965*, pp. 14-15.

²⁷ 1242nd meeting, para. 69.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 41 OF THE CHARTER

NOTE

During the period under review questions concerning the applicability of enforcement measures within the meaning of Chapter VII of the Charter were raised in two instances. In the first instance²⁸ discussion was

centred primarily on the question whether the Council could employ economic sanctions envisaged under Article 41 of the Charter in the absence of a specific determination by the Council that the situation in a Member State threatened international peace and security within the meaning of Article 39. The discussion

²⁸ Case 5.

in the second instance²⁹ concerned the question whether the Council should support the essentially non-military measures proposed by the Administering Authority or whether, in the light of the gravity of the situation, the Council should exercise its authority under Articles 41 and 42.

CASE 5.³⁰ THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA: In connexion with the Bolivian and Norwegian joint draft resolution voted upon and adopted on 18 June 1964

[Note: The view that whether, as a result of developments in South Africa, the Council could apply economic sanctions under Article 41 of the Charter was questioned by some delegations who were of the opinion that a determination under Article 39 of the existence of a threat to the peace or a breach of the peace was necessary before such action could be taken. Other delegations maintained that such a determination was implicit in previous Security Council resolutions, declaring the situation in South Africa as "seriously disturbing the peace" and therefore the Council could act under the aforementioned Article. The draft resolution adopted by the Council, after declaring the situation in South Africa as continuing seriously to disturb international peace and security, established an expert committee to undertake a technical and practical study of the feasibility, effectiveness and implications of measures which could be taken by the Council under the Charter and reaffirmed its call upon all States to cease the sale and shipment of all arms to South Africa.]

At the 1127th meeting on 8 June 1964, the representative of Liberia* asserted that the situation in South Africa represented a clear threat to international peace and security and in the words of previous Council resolutions was "seriously disturbing" to international peace. Noting that the Government of South Africa had rejected or otherwise failed to implement recommendations and decisions of the Council, he maintained that there was no other alternative than "to urge the Security Council to apply economic sanctions as the only peaceful recourse left open to resolve the issue and remove that threat to international peace and security".

The representative of Sierra Leone* recalling that in a resolution of 7 August 1963 the Council determined the situation in South Africa as "seriously disturbing international peace and security" maintained that the Council was consequently in a position to adopt measures in accordance with Articles 41 and 42 of the Charter of the United Nations. Such action was required if the trials and execution of certain national leaders were to be stopped. In the view of his delegation, the Council had the power under Article 41 of the Charter, to demand that the Government of South Africa relieve those national leaders sentenced to death, and if that were not heeded, then the Council under the same Article had the power to impose economic sanctions

against the Republic of South Africa, since a continuation of the situation there would result in a breach of international peace and security.

At the 1129th meeting on 10 June 1964, the representative of Indonesia* expressed the view that the Council should consider the question of South Africa's racial policies under Chapter VII of the Charter, and supported appeals that it authorize the United Nations to apply "coercive measures provided under Articles 41 and 42" of that Chapter. He noted that the coercive measures envisaged were primarily economic sanctions listed under Article 41, backed if necessary, by a blockade which was a measure falling under Article 42. Thus he saw those sanctions as a method of persuading the South African Government to abandon the system of apartheid before the situation exploded into a breach of the peace. In that connexion, however, only the Security Council had the power to authorize mandatory collective action of that kind, "and under the terms of the Charter, the Security Council itself is empowered to make such a decision only when it has first declared the situation a 'threat to the peace' a 'breach of the peace', or an 'act of aggression' according to the wording of Article 39". Not until then could the Security Council consider measures under Chapter VII. Because, however, the situation in South Africa had not caused an "actual breach of the peace" nor was there as yet an act of aggression to be considered, the peaceful solution of the problem of inducing the Government of South Africa to abandon its apartheid policy, inescapably hinged upon the Council finding that the situation constituted a "threat to the peace". But in August and December 1963 when such a determination had been sought of the Council, three permanent members refused to concede that the situation in South Africa represented a threat to the peace within the meaning of Article 39 of the Charter. As a result, because Chapter VII did not speak in terms of "disturbances" of the peace, the resolutions of 7 August and 4 December 1963 declaring the situation as seriously disturbing international peace and security, were "powerless to unlock the Council's capacity for peace-keeping action under Articles 41 and 42" of the Charter.³¹

The representative of Tunisia* noting that the Charter embodied various measures and provisions to deal with a situation which was a threat to international peace and security, asserted that "under Chapter VII (Article 41) economic measures should be recommended by the Security Council".

At the 1131st meeting on 15 June 1964, the representative of the United Kingdom, noting that the group of experts³² had recommended *inter alia* that the Council "set in hand an urgent examination of the logistics of sanctions" contended that it was not for that group to recommend to the Council "so serious a step as the application of economic sanctions" since "a step of this nature is only properly to be taken in accordance with Article 41 of Chapter VII of the Charter" and as has been recognized by certain participants in the

²⁹ Case 6.

³⁰ For text of relevant statements, see:

1127th meeting: Liberia,* paras. 7, 71; Sierra Leone,* paras. 103-104.

1129th meeting: Indonesia,* paras. 12-22; Tunisia,* paras. 106-115.

1131st meeting: United Kingdom, paras. 86-99.

1132nd meeting, Ivory Coast (President), paras. 4, 17-19.

1133rd meeting: Norway, paras. 3, 37; United States, para. 30.

1134th meeting: Brazil, para. 13.

³¹ For discussion of this issue, see part I, Case 1.

³² Under the Security Council resolution S/5471 (4 December 1963), the Secretary-General was authorized to appoint a group of 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... and to consider what part the United Nations might play in the achievement of that end". See *Repertoire of the Practice of the Security Council, 1959-1963*, chapter V, Case 4, p. 116.

debate, a pre-condition of the decision under Article 41 is a determination under Article 39 that there existed a threat to peace, a breach of the peace or an act of aggression. In the case under consideration, however, there was no breach of the peace or act of aggression and in the view of his delegation "no such threat to the peace exists at the present time". Essentially, the problem before the Council involved the failure of the Government of South Africa to comply with certain requests of the Security Council, but a failure to take steps in accordance with decisions of the Council did not in itself create a situation where determination under Article 39 could be made. Noting that the imposition of sanctions would be an experiment of "a most grave and dangerous nature", he wondered whether in the case of its failure the Council would be prepared to take action under Article 42 and attempt by force to compel South Africa to change its policies.

At the 1132nd meeting on 15 June 1964, the President, speaking as the representative of the Ivory Coast, asserted that the Security Council must determine that as a result of the situation in South Africa, there existed a threat to international peace and security in accordance with Article 39 of the Charter in which case the Council was obliged to assume its responsibility by taking appropriate decisions.

At the 1133rd meeting on 16 June 1964, the representative of Norway introduced a draft resolution³³ jointly submitted by Bolivia and Norway under which the Security Council:

" . . .

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

" . . .

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

" . . .

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

" . . .

"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;

" . . .

"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."

The representative of the United States, noting that during the debate much had been said about the question of sanctions, stated that while the situation in South Africa was charged with dangerous implications, his Government did not believe that the then prevailing situation provided a basis under the Charter for the application by the Security Council of coercive measures.

At the 1135th meeting on 18 June 1964 the draft

³³ S/5769, same text as S/5773, *O.R.*, 19th yr., *Suppl.* for April-June 1964, pp. 249-251.

resolution was adopted by 8 votes in favour to none against, with 3 abstentions.³⁴

CASE 6.³⁵ SITUATION IN SOUTHERN RHODESIA: In connexion with the Jordanian draft resolution, voted upon and adopted on 12 November 1965; with the United Kingdom draft resolution, not put to the vote; with the Ivory Coast draft resolution not put to the vote; and with the Bolivian and Uruguayan draft resolution voted upon and adopted on 20 November 1965

[*Note:* During the discussions it was contended that the measures proposed by the Administering Authority, essentially of an economic and financial nature, were inadequate to deal with the situation created by the unilateral declaration of independence in Southern Rhodesia. It was further contended that the Council should in addition to supporting those measures take additional measures of its own, and if necessary the full range of measures under Articles 41 and 42. On the other hand, doubts were expressed as to whether the nature of the situation warranted the adoption of measures under Chapter VII, particularly the use of force.]

At the 1257th meeting on 12 November 1965, the representative of the United Kingdom explained that his Government proposed to deal with the illegal declaration of independence in Southern Rhodesia by taking a series of measures of a political, financial and economic nature. He urged that the Council should lend all the weight of its authority to the United Kingdom's request for support of the measures outlined.

At the same meeting, speaking on behalf of the African States, the representative of Ghana * stated that the situation in Southern Rhodesia was "a serious crisis which poses a threat of immense proportions to peace and security in the world" and urged the British Government "to use every means at its disposal to restore law and order in Southern Rhodesia, including the use of armed force". At the same time he called upon the Council "to order full sanctions against the Ian Smith régime in accordance with Chapter VII of the Charter".

At the 1258th meeting on 12 November 1965, after the Council had adopted an amended draft resolution³⁶ submitted by the representative of Jordan, under which the Council condemned the unilateral declaration of independence made by the racist minority in Southern Rhodesia and called upon all States not to recognize

³⁴ 1135th meeting, paragraph 43; S/RES/191 (1964), *O.R.*, 19th yr., *Resolutions and Decisions of the Security Council*, 1964, pp. 13-15.

³⁵ For texts of relevant statements, see:

1275th meeting: Ghana, * paras. 40, 61, 70; Jordan, paras. 109, 148-149; United Kingdom, paras. 10-36.

1258th meeting: India, * paras. 71-72; Jordan, paras. 4-8; Mali, * paras. 51-52; USSR, paras. 121, 133.

1259th meeting: Ivory Coast, paras. 47-69; Pakistan, * paras. 12-13; Sierra Leone, * paras. 63-88; United Kingdom, paras. 15-32.

1260th meeting: Ethiopia, * paras. 4, 19, 21; Guinea, * paras. 121-124; Malaysia, paras. 88-105; Netherlands, paras. 80-86; United Republic of Tanzania, * paras. 57-59; Zambia, * paras. 67-86.

1261st meeting: Gambia, * paras. 55-58; Mauritania, * paras. 29-31; Uruguay, para. 45.

1262nd meeting: Jamaica, * paras. 18-20, 34.

1263rd meeting: Somalia, * paras. 44-45; Sudan, * paras. 38-39, 41.

1264th meeting: Ghana, * paras. 22, 32; Jordan, paras. 13-16; Uruguay, paras. 8-9.

³⁶ 1258th meeting: para. 29; S/RES/216 (1965), *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council*, 1965, p. 8.

the illegal authorities there, and to refrain from giving any assistance to that régime, the representative of Mali * maintained that the situation constituted a serious threat to international peace and security, and that effective measures to deal with it should be taken by the Council. In this connexion, he felt that the only proper way to examine the matter was in terms of Chapter VII of the Charter, bearing in mind the nature of the sanctions advocated by the representative of the United Kingdom. In view of the urgency of the situation, he urged that the Council should take quick action, first, by inviting the United Kingdom to take effective measures "including recourse to force" to restore normal conditions in Southern Rhodesia, and in addition should itself take the steps provided for in Chapter VII of the Charter to prevent the situation from becoming worse and spreading, specifically the application of Articles 41, 42 and 43 of the Charter.

At the same meeting, noting that the situation created by the unilateral declaration of independence posed a serious danger to international peace, the representative of India * expressed the hope that the measures announced by the United Kingdom "will be vigorously and immediately enforced". At the same time he felt that the seriousness of the situation demanded "sterner measures", and was thus of the view that political, economic and even military measures should be applied in order to deal effectively with the situation.

The representative of the USSR, referring to the steps suggested by the United Kingdom contended that the programme was nothing but a programme of "half measures" and it was thus the responsibility of the Council to apply political, economic and other sanctions in conformity with the Charter.

At the 1259th meeting on 13 November 1965, the representative of Pakistan * stated that while the passing of a resolution was the first step in the direction of achieving a solution of the situation, the Council should simultaneously start considering concrete steps to be implemented within a specific period of time. His delegation was of the view that the Council should seriously consider the possibility of taking appropriate action under Chapter VII of the Charter.

At the same meeting, the representative of the United Kingdom introduced a draft resolution³⁷ which provided that

"The Security Council,

" . . .

"Noting the measures taken by the United Kingdom Government to deal with the situation created by the unilateral declaration of independence,

" . . .

"1. Refuses to recognize such a unilateral declaration of independence as having any legal validity;

"2. Reiterates its call to all States to refuse to recognize the illegal and unconstitutional régime in Southern Rhodesia;

"3. Calls upon all States to refrain from any action which could give aid and comfort to that régime, and, in particular, to refrain from supplying arms, equipment, or war material to it;

"4. Calls upon all States to lend all necessary assistance and support to the United Kingdom Government in making effective the measures taken by

that Government, including the financial and economic measures, to bring the rebellion in Southern Rhodesia to an end."

At the same meeting, the representative of Ivory Coast, noting that the United Kingdom had asked the Council to endorse the economic sanctions which it was about to apply against Rhodesia, expressed the opinion that the Council was obliged to discuss the problem "under the only Chapter of the Charter providing for sanctions, economic sanctions, namely Chapter VII". Consequently, deliberations should be conducted under the terms of Articles 39-51 of Chapter VII. Moreover, because it had been demonstrated that the question fell within that Chapter, Article 2, paragraph 7 concerning non-intervention in the internal affairs of a State could not prevent the Council from carrying out enforcement action. As far as the use of force was concerned, his delegation believed that Great Britain must be invited to take more effective measures "which would not exclude the use of force and which would bring the rebellion to an end in the shortest possible time". Moreover, the Security Council should not limit itself to merely taking note of the statements made by the United Kingdom, but should support the measures already proposed by that Government and add certain other measures thereto under Chapter VII of the Charter. Nor should it hesitate "to advocate the application of Articles 41, 42 and 43 and thus to take measures which will be considered as decisions of the Security Council and which therefore will be binding on all Member States". To this end he submitted a draft resolution³⁸ under which:

"The Security Council,

" . . .

"Convinced that this declaration of independence constitutes a threat to international peace and security,

"Noting that the measures envisaged by the United Kingdom Government will be ineffective without the use of force,

" . . .

"1. Determines that the situation resulting from this declaration of independence constitutes a threat to international peace and security;

" . . .

"4. Further calls upon the United Kingdom Government in addition to the measures it has proposed to take with regard to the situation in Southern Rhodesia, to suspend the 1961 constitution;

"5. Calls upon all States not to recognize the racist minority settler régime and to withdraw recognition of any State recognizing that régime;

" . . .

"8. Calls upon all States to enforce on the illegal régime in Southern Rhodesia a complete interruption of economic relations, including an embargo on supplies of oil and petroleum products, and of rail, sea, air, postal telegraphic, radio and other means of communication and severance of diplomatic and consular relations, in accordance with Article 41 of the Charter.

"9. Decides to take all the enforcement measures provided for under Articles 42 and 43 of the Charter against the racist minority settler régime."

³⁷ S/6928, 1259th meeting para. 31.

³⁸ S/6929, 1259th meeting, para. 70.

The representatives of Ethiopia, * Guinea, * Mauritania, * Gambia, * Zambia, * Jamaica, * Sierra Leone, * Sudan, * Somalia * and Ghana * stated at the 1259th to 1264th meetings that the situation in Southern Rhodesia was a threat to international peace and security and that economic measures against Southern Rhodesia would not be effective. Only force or a combination of force and economic sanctions would produce immediate and favourable results. As proposed by the United Kingdom, the economic measures were not comprehensive enough, since they did not include an embargo on petrol and oil, the essential commodities for Southern Rhodesia. Consequently, they felt it was incumbent on the Security Council to act under the provisions of Chapter VII and adopt the draft resolution submitted by the Ivory Coast.

At the 1260th meeting on 13 November 1965, the representative of the United Republic of Tanzania * maintained that by ruling out the use of force and advocating economic and financial sanctions which were inadequate, the United Kingdom Government had failed to respond to the gravity of the situation. The Council should therefore invoke the provisions of Chapter VII of the Charter and, in particular, bring into immediate effect Article 42. Such action was necessitated because the situation in Southern Rhodesia was such a dangerous threat to international peace and security that the provision of Article 41 could not suffice. Furthermore, it had already been stated why it was felt that it was too late to test the efficacy of economic sanctions and, whereas Members in accordance with Article 41 were being asked to effect immediately "a complete interruption of economic relations of rail, sea, air, postal and other means of communication", these would still not be enough since the situation admittedly demanded action as advocated by Article 42 of the Charter. Consequently, the Council should on the basis of the evidence before it, declare that the measures proposed by the British Government were inadequate. "A threat to international peace and security and an act of aggression have been committed by the rebels and traitors in Southern Rhodesia Therefore, a clear case has been made for the application of Article 42, of Chapter VII of the Charter". Noting that under that Article the Council was entitled to consider the taking of such action by air, sea, or land force as may be necessary to restore international peace and security, he suggested that "such action" may include demonstrations, blockade and other operation by air, sea or land force of the Members of the United Nations.

The representative of the Netherlands stated that measures of a non-military character, provided they were effectively applied, would force "the Smith régime" to end the rebellion. He called for concentration not on those issues on which there was difference of opinion, but on those measures on which there was general agreement and in that connexion supported the draft resolution submitted by the United Kingdom.

The representative of Malaysia suggested that it would have been helpful if the United Kingdom had indicated the degree to which the measures it had adopted was hurting the economy of Southern Rhodesia. "This is the relevant information which we need, information vital to the Security Council so that it may consider, in the language of Article 42 of the Charter, whether the measures provided for in Article 41 can be adequate". He maintained that "sanctions

as such, to be of any significance for the purpose of Article 41, can only be those that will bring pressure to bear as promptly and effectively as the situation demands".

At the 1261st meeting on 15 November 1965, the representative of Uruguay observed that whereas his delegation understood that in the present situation Chapter VII of the Charter should be applied, it was not ready to support a draft resolution imposing the use of armed force under prevailing conditions in order to ensure the implementation of that resolution. The Charter of the United Nations did not go that far. Article 41 merely created faculty and empowered the Security Council. The use of force called for the affirmative vote of the five permanent members of the Security Council, but to show the world that that unanimity did not exist would have weakened the attitude of the Council in confronting those who had provoked its meetings.

At the 1264th meeting on 19 November 1965, the representative of Uruguay, noting that there were both formal and substantive differences between the United Kingdom and Ivory Coast draft resolutions, submitted a draft resolution³⁹ jointly sponsored by Bolivia and Uruguay under which:

"The Security Council,

"Noting that the United Kingdom Government has taken certain measures to meet the situation and that to be effective these measures should correspond to the gravity of the situation,

" . . .

"4. Calls upon the United Kingdom Government to quell this rebellion of the racist minority;

"5. Further calls upon the United Kingdom Government to take all other appropriate measures which would prove effective in eliminating the authority of the usurpers and in bringing the minority régime in Southern Rhodesia to an immediate end;

"6. Calls upon all States not to recognize this illegal authority and not to entertain any diplomatic or other relations with that illegal authority;

"7. Calls upon the United Kingdom Government, as the working of the Constitution of 1961 has broken down, to take immediate measures in order to allow the people of Southern Rhodesia to determine their own future consistent with the objectives of General Assembly resolution 1514 (XV);

"8. Calls upon all States to refrain from any action which would assist and encourage the illegal régime and, in particular to desist from providing it with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia including an embargo on oil and petroleum products;

"9. Calls upon the United Kingdom Government to enforce urgently and with vigour the measures it has announced, as well as those mentioned in paragraph 8 above;

" . . .

"11. Decides to keep the question under review in order to examine what other measures it may deem it necessary to take."

After explaining the objectives of the draft resolution, he pointed to the fact that it did not mention

³⁹ S/6955, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 390-391.

Chapters VI or VII of the Charter, or attempt to define any criterion that might imply the use of armed force under the prevailing circumstances. What it hoped to do, however, was to reconcile the conflicting views existing in the Council and ensure the support of the Security Council and other Members of the Organization for the effective implementation of the measures adopted by the United Kingdom.

At the 1265th meeting on 20 November 1965, the draft resolution was adopted by 10 votes in favour, none against with 1 abstention.⁴⁰

⁴⁰ 1265th meeting, para. 4; S/RES/217 (1965), *O.R.*, 20th yr., *Resolutions and Decisions of the Security Council, 1965*, pp. 8-9.

At the same meeting, the representative of the Ivory Coast stated that in view of the Council's decision, he would not press for a vote on his draft resolution.⁴¹ However, if the situation in Southern Rhodesia was not brought to an end, and if the Council had to resume discussion on it in order to consider what measures it might take to end the rebellion, the Council would then be called upon carefully to consider a draft resolution within the framework of Articles 41 and 42 of Chapter VII of the Charter. The representative of the United Kingdom likewise did not press for a vote on his draft resolution.⁴²

⁴¹ 1265th meeting, para. 38.

⁴² 1265th meeting, para. 63.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLES 42-47 OF THE CHARTER

NOTE

It will be noted that in the previous section Articles 41 and 42 have been treated jointly. This was due to the fact that both in the consideration of the question of race conflict in South Africa and the situation in Southern Rhodesia invocation of Article 42 had been made in connexion with the application of Article 41. Those members favouring the employment of enforcement measures contended that the limited economic sanctions advocated by some were unlikely to be effective, and consequently, it was incumbent on the Council to employ a full range of sanctions, including if necessary, the use of force to insure their successful implementation. The principal issue in this regard, therefore, centred not so much on the constitutionality of the use of force provided in Article 42 of the Charter, but on its efficacy in dealing with the urgent situations under consideration, as well as its implications and consequences for the Organization. Consequently, the reference to Articles 42 and 43 of the Charter have not been developed in separate case histories, as no constitutional discussion was involved.

Part IV

CONSIDERATION OF THE PROVISIONS OF ARTICLES 48-51 OF THE CHARTER

NOTE

The three cases presented in this part concern those instances in which action by a Member State claimed to have been taken in self-defence gave rise to discussion of the provisions of Article 51 of the Charter and the rights and obligations of Members under that Article. In two instances⁴³ the discussion centred on the distinction between the right of self-defence as defined in Article 51 of the Charter and "the right of retaliation" referred to by certain representatives. In another instance⁴⁴ it was maintained that the Council should pronounce itself on whether the resort to military action by a Member State termed by it to be "an emergency defence measure" could be considered as an exercise of the right of self-defence within the meaning of Article 51.

CASE 7.⁴⁵ COMPLAINT BY YEMEN: In connexion with the joint draft resolution submitted by Ivory Coast and Morocco voted upon and adopted on 9 April 1964

[*Note:* Discussion of this complaint centred on the question whether the action taken by the United Kingdom against the Yemen Arab Republic was an act of self-defence under Article 51 of the Charter or an act of reprisal that had been censured in the

⁴³ For the text of relevant statements see:

1106th meeting: Iraq,* paras. 64-69; UAR,* para. 111; USSR, paras. 79-80; United Kingdom, paras. 34, 38, 51, 54.

1107th meeting: Iraq,* paras. 13-18, 20, 21, 41.

1108th meeting: Ivory Coast, paras. 50-54; Morocco, paras. 25-26, 42.

1109th meeting: Iraq,* paras. 55-58; Morocco, paras. 99-100; Syria,* paras. 75, 79; United Kingdom, paras. 25-31.

1110th meeting: Czechoslovakia, paras. 23-25; Morocco, para. 39.

1111th meeting: China, para. 12.

⁴³ Cases 7 and 8.

⁴⁴ Case 9.

past by the Council. A draft resolution condemning reprisals as being incompatible with the principles of the United Nations was adopted by the Security Council.]

At the 1106th meeting on 2 April 1964, the representative of the United Kingdom replying to a Yemeni allegation that the United Kingdom had committed aggression against the Yemen Arab Republic contended that Yemeni authorities had committed a series of deliberate acts of aggression and provocations against the Federation of South Arabia. The United Kingdom Government had seen no alternative but to make a defensive response to the Yemeni attacks in order to preserve the territorial integrity of the Federation of South Arabia for whose defence it was responsible.

The representative of Iraq * maintained that the British "counter-attack" was a retaliatory action which in the past had been rejected by the Security Council. Turning to the disparity between the action alleged to have been initiated by Yemen and the counter-action taken by the United Kingdom, he stated that the Council should take action to condemn "the theory of retaliation" as a violation of the Charter and therefore as being inconsistent with the obligation of Member States under it.

The representative of the United Arab Republic * contended that the action by the United Kingdom was not merely a counter-attack, locally ordered and approved, but a retaliation which had been refuted in the past by the Council, including the United Kingdom.

At the 1107th meeting on 3 April 1964, the representative of Iraq * noted that the Council was called upon to decide whether an attack of the kind complained of involving the violation of the air space of a Member State of the United Nations and the destruction of facilities inside its frontiers was permissible under the Charter. The British Government had tried to justify its attack by contending that it was an act of self-defence. But, under the Charter, measures of self-defence were permitted "when and if an armed attack occurs against a Member of the United Nations". It was thus clear that Article 51 of the Charter envisaged an emergency situation where interim measures would be taken pending actions by the Security Council. There had been no acts of which the United Kingdom complained that could be considered as a type of armed attack with which Article 51 of the Charter was concerned. The attack against Yemen was a premeditated act of retaliation planned well in advance and sanctioned at the highest levels of the British Government. Even if alleged incursions by Yemeni aircraft and helicopters into the territory of the Federation were admitted, a proper defensive measure against such action "would have been to try to chase the aircraft and helicopters or even shoot at them if they had indeed violated the air space of the Federation Instead a whole day passed and then eight aircraft were sent from Aden to demolish the police station at Harib" in Yemen. Noting that on several occasions in the past the Council had strongly disapproved of the theory and practice of retaliation, he was of the opinion that in the present circumstances the Council could do no less than to "condemn" the retaliatory action as inconsistent with the obligations under the Charter.

At the 1108th meeting on 6 April 1964 the representative of Morocco expressed the view that the action

by the United Kingdom against Yemen was a retaliatory action and took the position that the "resort to a punitive expedition when no state of war exists between two countries is intolerable by any standards of international conduct". The Council therefore could have no doubt about the responsibility of the United Kingdom in that regard and should thus "condemn this attack and the recourse to retaliation as being incompatible with the United Kingdom's obligation under the Charter".

The representative of the Ivory Coast was of the view that the counter-attack by the United Kingdom against Yemen could not be justified under the principle of self-defence or on the ground of provocation; therefore it would be appropriate for the Council to condemn it as being contrary to the purposes of the Charter.

At the 1109th meeting on 7 April 1964, the representative of the United Kingdom declared that the action against Yemen "was not a retaliation or a reprisal. On the contrary, the action was taken in response to an urgent request from ministers of the Federation to protect the interests and integrity of their country. It was a measure of defence". He went on to explain that in existing law there was a clear distinction between the two forms of self-help. One, which was of a retributive, or punitive nature, was termed retaliation or reprisal; the other which was to expressly contemplated or authorized by the Charter was self-defence against armed attack. The term "counter-attack" previously used by his delegation might have led to some misunderstanding and might have implied action of the nature of reprisals only. However, the use of force to repel or prevent an attack, "that is, legitimate action of a defensive nature", might sometimes have to take the form of a counter-attack. The territory of the Federation had been subjected to a series of acts of aggression over a considerable period of time and against which its people had asked to be defended. In that connexion the destruction of the fort at Harib "with the minimum use of force, was therefore a defensive measure proportionate and confined to the necessities of the case", and lacked the essential element of vengeance or retribution. It was the latter use of force which was condemned by the Charter "and not the use of force for defensive purposes such as warding off future attacks".

At the same meeting, the representative of Iraq * contended that the Harib attack was inconsistent with the obligations of Member States under the Charter, since it was completely disproportionate to the immediate cause which, according to the United Kingdom "was the flying of a helicopter, and a few days before that, the raid by a few aircraft".

The representative of Syria * after citing the provisions of Article 51, maintained that self-defence could not be exercised unless an armed attack occurred against a Member of the United Nations. However, the Federation of South Arabia was not a Member of the United Nations. "Consequently, even if it were possible to prove that the action taken by the United Kingdom forces . . . was justified, such proof is not juridically or legally admissible by reason of the very fact that the action does not fall within the purview of Article 51 of the Charter—because the so-called Federation is not a Member of the United Nations". Under the Charter "if someone is to be defended

against attack, that someone must be a Member of the United Nations".

The representative of Morocco maintained that self-defence excluded the right of counter-attack. If the reprisal of 28 March had been interpreted as a case of self-defence, then respect for territorial integrity and the use of military means for self-defence would legitimately create "a right of belligerence which the United Kingdom so far eschews".

At the 1110th meeting on 8 April 1964, the representative of Czechoslovakia maintained that if the alleged attack had been carried out by an isolated aircraft and helicopter, the only immediate defence should have been directed against those craft. However, what was attacked by a superior air force was a land objective which had nothing to do with the alleged raids. The scope of the action against Harib had exceeded the dimensions of the incident and could not qualify as self-defence under Article 51.

At the same meeting, the representative of Morocco introduced a draft resolution⁴⁶ submitted jointly by the Ivory Coast and Morocco under which the Council

"...

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

"...

"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."

At the 1111th meeting on 9 April 1964, the representative of China noted that paragraph 1 of the draft resolution "condemns reprisals" without having defined the terms. He was therefore assuming that as used in the paragraph, the term "reprisals" denoted a response involving the use of force, since there are different types of reprisals, some of which might take the form of political and economic pressures which were not necessarily incompatible with the principles of the Charter. Moreover, the Council's condemnation of reprisals in general should not be interpreted to mean that the Council overlooked or condoned acts of international delinquency that were calculated to provoke reprisals. At the same meeting the draft resolution was adopted by 9 votes to none, with 2 abstentions.⁴⁷

CASE 8.⁴⁸ COMPLAINT BY THE UNITED STATES (TONKIN GULF INCIDENT): In connexion with a United States complaint of an armed attack against naval vessels in international waters

[Note: During consideration of the complaint, the contention that the actions taken by the United States against North Viet-Nameese torpedo boats and supply facilities were acts of self-defence in accordance with Article 51 of the Charter was disputed on the grounds

⁴⁶ S/5649, same text as S/5650, O.R., 19th yr., Suppl. for April-June 1964, p. 9.

⁴⁷ 1111th meeting, paragraph 24, S/RES/188 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 9-10. For discussion concerning prevalence of Charter obligations over provisions of protective treaties, see chapter XII, Case 11.

⁴⁸ For texts of relevant statements, see:

1140th meeting: United Kingdom, paras. 78-81; United States, paras. 33, 40, 44-46.

1141st meeting: Czechoslovakia, paras. 27-32; USSR, paras. 81-84; United States, paras. 49, 52.

that these actions went beyond the requirements of self-defence and were in the nature of reprisals previously condemned by the Council.]

At the 1140th meeting on 5 August 1964, the representative of the United States after describing a series of incidents between 2 and 3 August 1964 and the warning of his Government to "the authorities in Hanoi" of the grave consequences that would result from any further unprovoked offensive military action, stated that on 4 August two United States destroyers were again subjected to an armed attack by an undetermined number of torpedo boats of the North Viet-Nameese navy. In response, certain aerial strikes had been carried out against North Viet-Nameese torpedo boats and their supply facilities. He emphasized however, that "this action was limited in scale... its targets being the weapons and facilities" against which the United States had been forced to defend itself. It was "a limited and measured response fitted precisely to the attack that produced it". Such action taken in self-defence was within the provisions of the Charter of the United Nations.

The representative of the United Kingdom stated that the United States had a right in accordance with the principle of self-defence in international law to take action directed to prevent the recurrence of attacks on its ships. "Preventive action in accordance with that aim is an essential right which is embraced by any definition of that principle of self-defence." Therefore, the action taken by the United States seemed to be fully consistent with Article 51 of the Charter, and, as the United States representative had emphasized, its action "was a limited response tailored to the circumstances". It was the right of every nation whose ships were subjected to acts of aggression on the high seas to take immediate measures to that end in accordance with the right of self-defence. It was also right that the United States representative should have reported to the Council the measures which his Government had felt compelled to take in exercise of that right. In that connexion members of the Council had an obligation to uphold the right of self-defence recognized in Article 51 of the Charter.

At the 1141st meeting on 7 August 1964, the representative of Czechoslovakia pointed out that the alleged attack by North Viet-Nameese torpedo boats against United States destroyers and the United States response which had been defended as an act of legitimate self-defence under Article 51 of the Charter, exceeded the definition of self-defence in that Article. According to the United States version of the incident, the alleged Viet-Nameese attack was immediately followed by an equally alleged act of self-defence, thereby repelling the initial attack. There was, therefore, even in the United States version "no place for any further United States military action in terms of self-defence, and consequently, the attack by the United States against the territory of the Democratic Republic of Viet-Nam could not be considered as an act of legitimate self-defence. At the most, it could be qualified as an act of reprisal; and the Security Council, by its resolution of 9 April 1964⁴⁹ condemned all reprisals as incompatible with the principles of the United Nations".

The representative of the United States replying to the contention that the counteraction by his Government went beyond the requirements of self-defence, asserted that the action taken in self-defence was

⁴⁹ S/5650, O.R., 19th yr., Suppl. for April-June 1964, p. 9.

limited to the provocation and directed only against the boats and the supporting bases in response to a deliberate assault against the armed forces of the United States.

The representative of the USSR drew attention to the difference between the right of self-defence and the "right of retaliation" and stated that "the recognition of the right of self-defence in Article 51 of the United Nations Charter *ipso jure* precludes the right of retaliation". Consequently, the actions which culminated in the bombing of the territory of the Democratic Republic of Viet-Nam could not have been done in self-defence or covered by that concept.

The meeting was adjourned following the suggestion of the President (Norway) that the next meeting be called after consultation with the members of the Council.⁵⁰

CASE 9.⁵¹ THE PALESTINE QUESTION: In connexion with the Moroccan draft resolution voted upon and rejected on 17 December 1964 and with the joint draft resolution submitted by the United Kingdom and the United States voted upon and rejected on 21 December 1964

[*Note:* The contention that certain air strikes by Israel against Syria were acts of legitimate self-defence was disputed on the grounds that the actions went beyond the terms of Article 51 of the Charter. It was asserted that while the right of self-defence was a basic prerogative of States, decisions to exercise that right and the way such decisions were applied should be open to investigation and adjudication by the Council.]

At the 1162nd meeting on 16 November 1964, the representative of Israel * explained that the action by his Government against Syria had been taken as a last resort after the shelling of its villages had continued for forty-five minutes and after an appeal by the United Nations representative for a cease-fire had been accepted by Israel but ignored by the Syrians. The purpose of the air strike was to suppress gun positions which were operating at the time against the Israel population and territory. His Government accepted full responsibility "for this defensive measure." It had been left with no alternative course of action in discharge of its obligation to defend the State against attack.

At the 1164th meeting on 27 November 1964, the representative of Syria * disputing Israel's assertion that the action against Syria was "an emergency defence measure" or a "measure taken in the last resort", recalled that the literature on Article 51 of the Charter, dealing with self-defence was quite extensive and that "terms such as 'exploratory self-defence', 'preventive self-defence,' . . . have already found their

way into the highest councils dealing with armed aggression". He maintained that although self-defence and self-preservation remained the sole prerogative of States, the decisions to resort to them and the way that decision was applied should be open to investigation and adjudication and that was what the Council was being requested to undertake. He was thus of the view that the plea of "emergency defence measure" or "measure taken in the last resort" employed by Israel to justify the air attack against Syria was "at best an abuse of right".

At the 1169th meeting on 8 December 1964, the representative of Morocco introduced a draft resolution⁵² under which the Security Council

"*Noting with concern* that Israel, in the course of its aggression on 13 November 1964 against the Syrian Arab Republic, used its air force to bomb peaceful villages and defensive positions in Syrian territory, and the violation of the Syrian air space on 13 and 14 November 1964,

"1. *Condemns* the air action undertaken by the armed forces of Israel against the territory of the Syrian Arab Republic on 13 November as constituting a violation of the cease-fire provisions of the Security Council's resolution of 15 July 1948 and as being both incompatible with the obligations binding upon the parties under the terms of the General Armistice Agreement and contrary to the Charter of the United Nations;

"2. *Expresses* the most severe condemnation with regard to this action, which is of such a nature as to endanger peace in that area."

At the 1179th meeting on 11 December 1964 the draft resolution was voted upon and rejected by 3 votes in favour, none against, with 8 abstentions.⁵³

At the same meeting, the United States introduced a draft resolution⁵⁴ jointly submitted by the United Kingdom and the United States under which the Security Council,

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

" . . .

"1. *Deplores* the renewal of military action on the Israel-Syria Armistice Demarcation Line on 13 November 1964 and *deeply regrets* the loss of life on both sides".

At the 1182nd meeting on 21 December 1964 after certain amendments to the draft resolution were adopted, the amended draft resolution failed of adoption by a vote of 8 in favour and 3 against, one of the negative votes being that of a permanent member of the Council.⁵⁵

⁵⁰ 1141st meeting, para. 88.

⁵¹ For texts of relevant statements see:

1162nd meeting: Israel* paras. 59, 100; Morocco, paras. 92, 93.

1164th meeting: Syria* paras. 117-120.

1169th meeting: Morocco, para. 11.

⁵² S/6085/Rev.1, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 209.

⁵³ 1179th meeting, para. 28.

⁵⁴ S/6113, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, pp. 318-319.

⁵⁵ 1182nd meeting, para. 41.

Part V

** CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER IN GENERAL

Chapter XII

CONSIDERATION OF THE PROVISIONS OF OTHER ARTICLES OF THE CHARTER

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INTRODUCTORY NOTE

Chapter XII covers the consideration by the Security Council of Articles of the Charter not dealt with in the preceding chapters.¹

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLE 1, PARAGRAPH 2, OF THE CHARTER

Article 1

"1. . . .

"2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

NOTE

In the proceedings of the Security Council during the period under review, there was only one instance of constitutional discussion bearing on Article 1, paragraph 2, of the Charter.

CASE 1.² SITUATION IN TERRITORIES IN AFRICA UNDER PORTUGUESE ADMINISTRATION: In connexion with the joint draft resolution sponsored by Ivory Coast, Jordan, Liberia, Malaysia, Madagascar, Sierra Leone and Tunisia: voted upon and adopted on 23 November 1965

[*Note:* During the discussion, the principle of self-determination embodied in Article 1, paragraph 2, of the Charter was the subject of several references, although no explicit mention of that Article was made. On the one hand, it was contended that self-determination implied the consent of the people to the form of Government and their agreement to the structure of the State and system of administration. On the other hand, it was maintained that the very basis of self-determination was the free choice for a population from various alternatives concerning its political future, without any predetermination.]

At the 1250th meeting on 4 November 1965, the representative of Tunisia* recalled that the Council in resolution 183 (1963) had confirmed the provisions of resolution 180 (1963) which had defined the interpretation of the concept of self-determination in accordance with the Charter and numerous resolutions of the General Assembly. However, Portugal had not complied with the resolutions of the Security Council. Consequently, the right to self-determination of the peoples of Angola, Mozambique and so-called Portuguese Guinea had not been recognized by Portugal.

¹ For observations on the methods adopted in compilation of this chapter, see: *Repertoire of the Practice of the Security Council, 1946-1951*, introductory note to chapter VIII, part II; arrangement of chapters X-XII, p. 296.

² For texts of relevant statements, see:

1250th meeting: Tunisia,* paras. 56, 60-69, 100-101.

1253rd meeting: Ivory Coast, paras. 88, 94; Portugal,* para. 23.

1254th meeting: Jordan, paras. 65-66; Malaysia, paras. 29-30; Tunisia,* paras. 17-18, 22.

1255th meeting: USSR, paras. 95-97.

1256th meeting: Tunisia,* paras. 41-43; United States, paras. 12-14, 18-20; Uruguay, para. 31.

1266th meeting: Ivory Coast, paras. 38-40; Portugal*, paras. 30-31; Tunisia*, paras. 17-19.

At the 1253rd meeting on 8 November 1965, the representative of Portugal* remarked that in the conversations held in October 1963 between representatives of African States and of Portugal, the latter had maintained that self-determination implied the consent of the people to the form of Government and their agreement to the structure of the State and system of administration. This concept was perfectly in harmony with the United Nations Charter, although it might not be in keeping with some resolutions adopted by the General Assembly in violation of the Charter.

The representative of Ivory Coast observed that the Security Council in its concern to preserve the peace should instruct Portugal to comply strictly with previous Council resolutions, and should demand that Portugal recognize the right to self-determination of the peoples under its administration, in accordance with the provisions of the Charter.

At the 1254th meeting on 9 November 1965, the representative of Tunisia* stated that the Portuguese interpretation of the concept of self-determination limited the free choice of populations under its administration to an agreement or consent or to a certain adherence. However, as had been recognized by the General Assembly and the Security Council, the foundation for self-determination was the free choice of a population in the face of various possibilities of choice concerning its future. Once the Portuguese Government had accepted the authentic interpretation of self-determination, as spelled out in resolution 183 (1963), and recognized for the peoples under its administration the free exercise of such a right, no one would refuse any contacts or conversations that might take place for the purpose of discussing, if necessary, the actual modalities of the application of the principles of self-determination.

The representative of Jordan held that self-determination was a right that had been defined by the General Assembly in its resolution 1514 (XV).³ This definition had been confirmed by the Security Council in its resolution 183 (1963). It was therefore not open to the representative of Portugal to introduce a new criterion to fit its colonial policy.

At the 1266th meeting on 22 November 1965, the representative of Tunisia* contended that there were three alternatives open to those peoples who were

³ The resolution was entitled: "Declaration on the Granting of Independence to Colonial Countries and Peoples".

allowed to exercise their right to self-determination, viz. pure and simple integration with the Administering Authority, association within a framework of domestic autonomy with the Administering Authority, and complete independence. What was requested of Portugal was not the recognition to the populations under its administration of a predetermined choice, but the straightforward recognition of their right to self-determination, i.e., to decide freely upon their own political future without any constraint.

At the same meeting, the Council had before it a joint draft resolution⁴ sponsored by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone and Tunisia, and later Madagascar, which included the following paragraphs:

"The Security Council,

" ...

"Considering that in spite of the measures laid down by the Security Council in paragraph 5 of resolution S/5380 of 31 July 1963, the Government of Portugal is intensifying its measures of repression and military operations against the African population with a view to defeating their legitimate hopes of achieving self-determination and independence,

" ...

"2. Deplores the failure of the Government of Portugal to comply with previous resolutions of the Security Council and General Assembly and to recognize the right of the peoples under its administration to self-determination and independence;

"3. Reaffirms the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV) and in Security Council resolution S/5481 dated 11 December 1964;

"4. Calls upon Portugal to give immediate effect to the principle of self-determination as referred to in paragraph 3 in the Territories under its administration;

"5. Reaffirms its urgent demand to Portugal for:

⁴ S/6953 and S/6953/Rev.1, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 382-384.

"(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence;

" ...

"(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)".

The representative of Portugal* in commenting on paragraphs 2, 3 and 4 of the joint draft resolution recalled that the Secretary-General had stated in his report⁵ concerning the conversations between Portugal and African States, in 1963, that from the explanation by Portugal of its position, it might be inferred that the Portuguese Government had not denied the principle of self-determination for the peoples of its overseas territories. The joint draft resolution, however, went further and had confused the principle of self-determination with the modalities of its implementation by seeking to prescribe a series of steps of which Portugal ought to be the sole judge. Moreover, to claim that self-determination was a free choice and, at the same time, to prescribe its goal in advance would not be logical. Yet this predetermination was exactly what was found in the series of demands contained in operative paragraph 5 of the joint draft resolution.

At the 1268th meeting on 23 November 1965, the representative of Uruguay submitted amendments⁶ to paragraphs 1, 6 and 7 of the joint draft resolution.

At the same meeting, the Uruguyan amendments were voted upon and adopted.⁷ Paragraph 8 of the draft resolution was then voted upon separately, and was rejected. The joint draft resolution, as amended, was adopted thereafter by 7 votes in favour, none against, and 4 abstentions.⁸

⁵ S/5448, O.R., 18th yr., Suppl. for Oct.-Dec. 1963, pp. 60-61.

⁶ S/6965, 1268th meeting, paras. 3-4.

⁷ 1268th meeting, paras. 15-16.

⁸ 1268th meeting, paras. 19-20, 30; S/RES/218 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 18-19.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 OF THE CHARTER

A. Article 2, paragraph 4, of the Charter

"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."

NOTE

During the period under review, the provisions of Article 2, paragraph 4, were quoted in one resolution⁹ adopted by the Security Council. This resolution was later reaffirmed in several other resolutions¹⁰ of

⁹ S/RES/186 (1964).

¹⁰ S/RES/187 (1964), S/RES/192 (1964), S/RES/193 (1964), S/RES/194 (1964), and S/RES/198 (1964); S/RES/201 (1965), S/RES/206 (1965), S/RES/207 (1965), and S/RES/219 (1965).

the Council. In another instance, Article 2, paragraph 4, was explicitly referred to in a resolution¹¹ although no constitutional issue was raised in the relevant debate. In three other resolutions¹² adopted by the Council, implicit references were made to the provisions of Article 2, paragraph 4.

Three case histories bearing on the provisions of

¹¹ S/RES/188 (1964).

¹² S/RES/189 (1964), S/RES/199 (1964) and S/RES/204 (1965).

Article 2, paragraph 4, are dealt with in this section. In the first instance,¹³ the constitutional discussion led to the adoption of the above-mentioned resolution in which the Article was quoted. In the second instance,¹⁴ language derived from Article 2, paragraph 4, was employed in a draft resolution which was not adopted by the Council. In the third instance,¹⁵ an implicit reference to that Article was also made in a draft resolution which was not adopted either.

CASE 2.¹⁶ COMPLAINT BY THE GOVERNMENT OF CYPRUS: In connexion with the draft resolution jointly submitted by Bolivia, Brazil, Ivory Coast, Morocco and Norway, voted upon and adopted on 4 March 1964; and with the draft resolution jointly submitted by Bolivia, Brazil, Ivory Coast, Morocco and Norway, voted upon and adopted on 13 March 1964

[Note: During the discussion it was maintained that there existed a threat of aggression against the Republic of Cyprus in violation of the provisions of Article 2, paragraph 4, of the Charter, and the Council was requested to take measures to protect the independence and territorial integrity of that Member State. It was alleged, on the other hand, that under the Treaty of Guarantee concerning Cyprus, the guarantor Powers had a right to take unilateral action in the event of a breach of the provisions of the Treaty, and in order to re-establish constitutional rule. In such limited circumstances, the use of force was deemed to be permissible under those Treaty obligations.

This allegation was, however, considered to be a direct contravention of the basic provisions of the Charter, and particularly those of Article 2, paragraph 4, under which the prohibition of the use of force in international relations was absolute, with the only possible exceptions under Articles 42 and 51 of the Charter. The obligations of Member States under Article 2, paragraph 4, were held to be paramount and could not be neutralized by the clauses of any treaty.

The above mentioned resolutions¹⁷ adopted by the Council made explicit and implicit references to Article 2, paragraph 4, of the Charter.]

At the 1095th meeting on 18 February 1964, the representative of Cyprus* stated that a new political settlement had been sought at a conference in London in which Cyprus participated. However, while the conference was in progress the threat of aggression against Cyprus continued. Moreover, the preparations for an invasion of Cyprus were stepped up after the failure of that conference. In the light of these renewed threats of aggression, Cyprus had decided to request the Council to take the necessary measures

to protect without delay the independence and the territorial integrity of Cyprus.

At the 1096th meeting on 19 February 1964, the representative of the USSR stated that the Security Council, as the principal United Nations organ responsible for the maintenance of international peace and security, must in the dangerous situation prevailing in Cyprus call upon all States to refrain from taking any steps which might further aggravate the tense situation. The threats directed at Cyprus must cease, for the United Nations could not permit a small country to be subjected to a threat of force. Under Article 2, paragraph 4, of the Charter, Cyprus had every right to request the Security Council's protection from the threats against its independence and territorial integrity.

At the 1098th meeting on 27 February 1964, the representative of the United Kingdom emphasized that the question whether or not the use of force was permissible under the existing rules of 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. It was undeniable that the Charter itself contemplated the lawful use of force in certain circumstances, such as, for instance, under Article 51. In the case of the Treaty of Guarantee concerning Cyprus, its purposes were entirely in accordance with the obligation contained in Article 2, paragraph 4, of the Charter. The right to take action reserved to the guaranteeing Powers as provided for in Article IV (2) of the Treaty could only be resorted to in the event of a breach of the provisions of the Treaty, i.e., in circumstances in which there was a threat to the independence, territorial integrity or security of the Republic of Cyprus as established by the Basic Articles of its Constitution. The intervention, however, must be limited to such action as would be necessary for re-establishing the state of affairs created by the Treaty.

At the same meeting, the representative of Cyprus* stated that under Article 2, paragraph 4, the prohibition of the use of force in international relations was absolute. The only possible exceptions were provided by the Charter in Article 42, under which the Security Council decided an enforcement action, and in Article 51 regarding self-defence. Under the current rules of international law, both of these exceptions should be interpreted *stricto sensu*, and neither of such exceptions had any relevance to the issue before the Council. Therefore, the obligations of Member States under Article 2, paragraph 4, of the Charter were paramount and could not be neutralized by any provision in any treaty under which a breach would permit the use of force. In other words, an act which was prohibited under the Charter could not be legalized by agreement between the parties thereof.

At the 1100th meeting on 2 March 1964, the representative of Brazil introduced a draft resolution¹⁸ jointly sponsored with Bolivia, Ivory Coast, Morocco and Norway, which provided:

"The Security Council,

" . . .

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

¹⁸ S/5571 same text as S/5575, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, p. 102; 1100th meeting, paras. 7-18.

¹³ Case 2.

¹⁴ Case 3.

¹⁵ Case 4.

¹⁶ For texts of relevant statements, see:

1095th meeting: Cyprus,* paras. 111-114, 127, 144-145; Greece,* para. 255; Turkey, paras. 191-194.

1096th meeting: USSR, paras. 54-56.

1097th meeting: Cyprus,* para. 137; Czechoslovakia, paras. 47, 50; Ivory Coast, para. 82; Greece,* para. 169.

1098th meeting: Bolivia, paras. 161-162; Cyprus,* paras. 95-98, 105; United Kingdom, paras. 65-67.

1100th meeting: Brazil, paras. 10-11.

1102nd meeting: USSR, paras. 2-3, 13.

1103rd meeting: Brazil, para. 95; Czechoslovakia, para. 140; Cyprus,* paras. 33-34, 38, 51; USSR, paras. 83-84.

¹⁷ S/RES/186 (1964) and S/RES/187 (1964).

"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;

" . . . "

At the 1102nd meeting on 4 March 1964, the joint draft resolution was unanimously adopted.¹⁹

At the 1103rd meeting on 13 March 1964, which was convened in response to an urgent request by letter²⁰ of the same date from Cyprus which invoked, among other Articles, Article 2, paragraph 4, of the Charter, the representative of Cyprus * stated that there was no legality in Turkey's claim to intervene in Cyprus. Under the Treaty of Guarantee any right of intervention would be to make representations or to take measures and those could not be but by peaceful means since the Charter made it clear that the obligation of Member States was to respect the territorial integrity and independence of other States under Article 2, paragraph 4. According to international law, the threat of force, even in words as was the case with the letter²¹ of Turkey addressed to the Secretary-General, was in itself a violation of the provisions of Article 2, paragraph 4, of the Charter. Furthermore, together with what had been said by the Prime Minister of Turkey and the reported movements of troopships accompanied by destroyers and submarines in the vicinity of Cyprus, it constituted a violation of the Charter.

The representative of the USSR, after recalling that in its resolution 186 (1964) of 4 March 1964, the Council had called upon all Member States to refrain from any action or threat of action which might worsen the situation in Cyprus, said that in refusing to observe this provision, Turkey was not only challenging the Security Council, but was also disregarding the principles of the United Nations Charter.

The representative of Brazil introduced a draft resolution²² jointly sponsored with Bolivia, Ivory Coast, Morocco and Norway, under which the Council, *inter alia*, reaffirming its resolution of 4 March 1964, would reaffirm also its call upon all Member States, in conformity with their obligations under the Charter, to refrain from any action or threat of action likely to worsen the situation in the sovereign Republic of Cyprus, or to endanger international peace.

The representative of Czechoslovakia observed that in voting in favour of the Council resolution of 4 March 1964, he had voted particularly for that part of the resolution which reaffirmed the obligations of Member States under Article 2, paragraph 4, of the Charter. The application of those principles assumed that all Members should adopt an attitude based on

respect for the sovereignty, independence and territorial integrity of Cyprus.

At the same meeting, the joint draft resolution was adopted unanimously.²³

CASE 3.²⁴ COMPLAINT BY MALAYSIA: In connexion with the Norwegian draft resolution: voted upon and rejected on 17 September 1964

[Note: Charges were made in the course of the debate that acts of aggression had been committed in violation of the territorial integrity and sovereignty of a Member State. Such use of force as well as a policy directed towards the destruction of another Member State, it was contended, was contrary to the Charter, particularly to the provisions of Article 2, paragraph 4. It was argued in reply that the alleged acts of aggression and the policy in question were measures of defence and that the invocation of Article 2, paragraph 4, was inappropriate in the circumstances of the case.]

At the 1144th meeting on 9 September 1964, the representative of Malaysia * complained that certain armed operations of Indonesia in a remote area of Southern Malaya constituted acts of aggression against Malaysia, and requested the Council to condemn the violation of its territorial integrity and sovereignty and to remind Indonesia of the moral and legal obligations it had undertaken as a signatory of the United Nations Charter.

At the same meeting, the representative of Indonesia * observed that his Government did not recognize Malaysia as a sovereign and independent country, and that the complaint before the Council should be considered in the broader context of the conflict between Indonesia and Malaysia resulting from the condition of the latter country as an expression of "neocolonialism". Indonesia was engaged in a struggle against British colonialism, and there were numerous instances of subversive incursions against Indonesian territory which called for Indonesian defence activities.

At the 1145th meeting on 10 September 1964, the representative of the United States called attention to the fact that Indonesia, a Member of the United Nations, had sanctioned the use of force in the pursuit of its quarrel with the sovereign State of Malaysia, another Member of the United Nations. The Security Council could not condone the use of force in international relations outside the framework of the Charter. The Council, entrusted by the Charter with the maintenance of international peace and security, should clearly identify as inadmissible the armed action of Indonesia against Malaysia.

At the 1148th meeting on 14 September 1964, the representative of Malaysia * stated that the Indonesian policy of destroying Malaysia had prompted his Government to resort to the Security Council not only for

¹⁹ 1102nd meeting, para. 28; S/RES/186 (1964). *O.R.*, 19th yr., *Resolutions and Decisions of the Security Council*, 1964, pp. 2-4.

²⁰ S/5598, *O.R.*, 19th yr., *Suppl. for Jan.-March 1964*, p. 140.

²¹ S/5596, *ibid.*, p. 135.

²² S/5603, 1103rd meeting, para. 95.

²³ 1103rd meeting, para. 156; S/RES/187 (1964), *O.R.*, 19th yr., *Resolutions and Decisions of the Security Council*, 1964, p. 4.

²⁴ For texts of relevant statements, see: 1144th meeting: Indonesia,* paras. 65, 68, 78, 89-90, 104; Malaysia,* paras. 31-33, 36, 60-62.

1145th meeting: Indonesia,* paras. 37-38, 54; United States, paras. 15, 22-25.

1148th meeting: Brazil, paras. 32-33; Malaysia,* paras. 9, 30; United Kingdom, paras. 58-59, 75.

1149th meeting: Indonesia,* paras. 33-36; Ivory Coast, para. 89.

1150th meeting: Norway, paras. 72, 74.

1152nd meeting: France, para. 6; Indonesia,* paras. 15-19.

the protection of its territorial integrity and security, but also to prevent such aggressive acts from escalating into a war in the South-East Asia region. Indonesia's declared aim of destroying Malaysia was contrary to the letter and the spirit of the Charter itself, and specifically to Article 2, paragraph 4.

At the same meeting, the representative of the United Kingdom maintained that the Council should make it clear that in the future it would expect Indonesia scrupulously to respect the sovereignty and territorial integrity of Malaysia, a Member State which had the right to expect the protection of the Council in accordance with Article 2, paragraph 4, of the Charter. The Council should not hesitate to extend that protection against future attack to Malaysia.

At the 1150th meeting on 15 September 1964, the representative of Norway introduced a draft resolution²⁵ which included the following operative paragraph:

"The Security Council,

" . . .

"4. Calls upon the parties to refrain from all threat or use of force and to respect the territorial integrity and political independence of each other, and thus to create a conducive atmosphere for the continuation of their talks".

In the view of the representative of Norway, the Council in dealing with the complaint by Malaysia should be guided by the relevant provisions of the Charter, one such provision being that of Article 2, paragraph 4, which inspired operative paragraph 4 of the draft resolution.

At the 1152nd meeting on 17 September 1964, the representative of Indonesia * objected to that operative paragraph on the grounds that "the territorial integrity and political independence" of Malaysia did not exist as far as his Government was concerned. What existed was rather a "British Malaysia" which Indonesia had not and could not recognize. Therefore, the operative paragraph did not fit the actual situation and would not in reality be conducive to the continuation of talks it intended to promote. If Indonesia could not accept such operative paragraph, it was not because of opposition to the essential United Nations principle on relations among States which it contained, but because it did not fit the situation at issue. Besides, the principle embodied in Article 2, paragraph 4, was taken rather out of context or was, at least, incomplete.

At the same meeting, the Norwegian draft resolution was voted upon and failed of adoption.²⁶ The vote was 9 in favour and 2 against (one of the negative votes being that of a permanent member of the Council).

CASE 4.²⁷ SITUATION IN THE DOMINICAN REPUBLIC:

In connexion with the USSR draft resolution: voted upon and rejected on 21 May 1965

[Note: In its letter²⁸ of submission, the permanent representative of the USSR requested an urgent

²⁵ S/5973, 1150th meeting, para. 72.

²⁶ 1152nd meeting, para. 64.

²⁷ For texts of relevant statements, see:

1196th meeting: Cuba,* paras. 121, 125, 158, 161, 165, 171; USSR, paras. 11-13, 27-28, 51-52.

1198th meeting: USSR, para. 3; United States, paras. 155-158.

1200th meeting: Cuba,* paras. 76-84.

1208th meeting: Jordan, paras. 6-7.

²⁸ S/6316, O.R., 20th yr., Suppl. for April-June 1965, p. 70.

meeting of the Security Council in order "to consider the question of the armed interference by the United States in the internal affairs of the Dominican Republic". During the debate it was contended that the United States action in Dominican territory constituted military aggression, and a violation of the provisions of Article 2, paragraph 4.

On the other hand, it was held that the United States had not committed aggression against the Dominican Republic, nor violated Article 2, paragraph 4, of the Charter, since no force was being employed against the territorial integrity or political independence of the Dominican Republic. The measures taken were, moreover, designed to protect lives, to preserve the political independence of the Dominican people, and their right freely to choose their own form of government.]

At the 1196th meeting on 3 May 1965, the representative of the USSR stated that the question before the Council was that of open armed intervention by the United States in the Dominican Republic. A considerable number of United States troops had been put ashore on Dominican territory and the city of Santo Domingo had been practically taken over by United States occupation troops. The United States was thus flagrantly violating the United Nations Charter, and in particular the provisions of Article 2, paragraph 4. Furthermore, it had also violated article 17 of the charter of the OAS under which the territory of a State was inviolable and might not be the object, even temporarily, of military occupation or other measures of force taken by another State. That armed interference in the domestic affairs of the Dominican Republic which constituted an act of military aggression must therefore be condemned by the Security Council. Also the United States must be called upon to withdraw its forces from the territory of the Dominican Republic immediately.

The representative of Cuba * stated that the armed invasion of an independent and sovereign State such as the Dominican Republic by the United States constituted a violation of the Preamble and the provisions of Chapter I of the United Nations Charter, and particularly that provision of the Charter which obliged Member States to refrain from the use of force against the territorial integrity or political independence of any State. The Security Council was therefore duty bound to condemn most severely the acts of aggression by the United States military forces, and to demand their immediate withdrawal, adopting the necessary measures to that end.

At the 1198th meeting on 4 May 1965, the representative of the USSR introduced a draft resolution²⁹ under which:

"The Security Council,

"Having examined the question of armed intervention by the United States of America in the domestic affairs of the Dominican Republic,

"1. Condemns the armed intervention by the United States of America in the domestic affairs of the Dominican Republic as a gross violation of the Charter of the United Nations;

"2. Demands the immediate withdrawal of the armed forces of the United States of America from the territory of the Dominican Republic."

The representative of the United States maintained

²⁹ S/6328, 1198th meeting, para. 3.

that the United States had committed no aggression against the Dominican Republic, nor did it intend to commit any aggression. The United States had not violated Article 2, paragraph 4, of the Charter, and was not employing force against the territorial integrity of the Dominican Republic, or against its political independence. The United States did not assert any authority as an occupying Power in the Dominican Republic, nor was it seeking any territorial acquisition. On the contrary, the measures being taken by the United States Government were designed to protect lives, to preserve the political independence of the Dominican people, and to preserve their right freely to choose their own form of government. Moreover, the United States action in dispatching its security forces to the Dominican territory had been taken not against the will of the Dominican authorities, but only when law enforcement and military officials in circumstances where there was no government authority, had informed the United States Government that the situation was completely out of control.

At the 1200th meeting on 5 May 1965, the representative of Cuba * maintained that any use of force which was incompatible with the aims of the United Nations was prohibited, and that the use of force was

permissible only in the case of "enforcement action" employed collectively as a political sanction and on the basis of a decision by the United Nations, except when it was used in self-defence against an armed attack.

At the 1208th meeting on 14 May 1965, the Council unanimously adopted a draft resolution³⁰ jointly sponsored by the representatives of Ivory Coast, Jordan and Malaysia, under which the Council called for a strict cease-fire and invited the Secretary-General to send, as an urgent measure, a representative to the Dominican Republic to report to the Council on the situation.

At the 1214th meeting on 21 May 1965, the USSR draft resolution was put to the vote and rejected.³¹ The preambular paragraph was rejected by 5 votes to 2, with 4 abstentions; operative paragraph 1 was rejected by 6 votes to 1, with 4 abstentions; and operative paragraph 2 was rejected by 6 votes to 2, with 3 abstentions.

³⁰ 1208th meeting, paras 6-8. S/6355; S/RES/203 (1965), *O.R. 20th yr., Resolutions and Decisions of the Security Council, 1965*, p. 10.

³¹ S/6328, 1214th meeting, paras. 123-125.

B. Article 2, paragraph 7, of the Charter

"7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

NOTE

The two case histories included in this section deal with the consideration in the Security Council of the subject of domestic jurisdiction. In one instance,³² statements were made in favour of and against the applicability of Article 2, paragraph 7, to the case before the Council. In another instance,³³ the provisions of Article 2, paragraph 7, were interpreted as to include not only the United Nations but also Member States individually, in its prohibition to intervene in the domestic affairs of any other Member States.

CASE 5.³⁴ THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA: In connexion with the draft resolution submitted by Ivory Coast and Morocco, adopted on 9 June 1964; and with the draft resolution submitted by Bolivia and Norway, adopted on 18 June 1964

[Note: In a communication³⁵ addressed to the President of the Security Council objections were raised

³² Case 5.

³³ Case 6.

³⁴ For texts of relevant statements, see:

1127th meeting: India,* para. 178; Morocco, paras. 116, 135-136, 159.

1128th meeting: Brazil, para. 52; Ivory Coast, paras. 11-15; Morocco, para. 62; United Kingdom, para. 46; United States, para. 38.

1129th meeting: Indonesia,* para. 12; Tunisia,* para. 89.

1130th meeting: India,* para. 50.

1131st meeting: Indonesia,* paras. 7-8; Norway, para. 61.

1133rd meeting: United States, para. 20.

1134th meeting: Brazil, paras. 10-12.

³⁵ S/5723, *O.R., 19th yr., Suppl. Apr.-June 1964*, pp. 161-172.

by the Government of South Africa to the competence of the Council on the grounds that the subject-matter of the Report of the Group of Experts covered matters falling essentially within the domestic jurisdiction of the Republic of South Africa.

On the other hand it was maintained that Article 2, paragraph 7, was inapplicable to the case before the Council since the policy of apartheid of the Government of South Africa affected the implementation of fundamental principles embodied in the United Nations Charter and in the Universal Declaration of Human Rights. It was further maintained that the South African Government in subscribing to the United Nations Charter had accepted the obligation to have its racial policies accord with the standards set by the World Organization.]

At the 1127th meeting on 8 June 1964, the representative of Morocco stated that the practice of the policy of apartheid by the Government of South Africa was a matter which affected international peace and security, as well as the future of the United Nations Charter and the implementation of the principles embodied in that Charter and in the Universal Declaration of Human Rights. He expressed the hope that confronted with the racial conflict in South Africa, the Security Council would not hesitate to assist the oppressed people of South Africa even if certain aspects of such assistance might imply interference in the so-called domestic affairs of the South African Republic. However, since that was a tragedy of human, moral and political dimensions setting the entire African continent against a minority of three million Whites who wished to keep in slavery and exploit a non-white

population several times more numerous than themselves, the overwhelming majority of Member States maintained that the problem could quite clearly not be considered as falling within the exclusive jurisdiction of an independent and sovereign State. Therefore, the principle of non-interference did not apply in the case of South Africa, given the universal character of the values which had been disregarded and the rights which had been violated.

At the same meeting, a draft resolution³⁶ jointly sponsored by Ivory Coast and Morocco was submitted to the Council. Under the draft resolution the Council would urge the Government of South Africa to renounce the execution of the persons sentenced to death for their opposition to the policies of apartheid, to end the trial in progress, and to grant a general amnesty.

At the 1128th meeting on 9 June 1964, the representative of Ivory Coast remarked that apartheid had been more than once condemned by the Council. The legislation passed under that system on the basis of which death sentences were carried out did not have the true nature of law since they were contrary to reason. Morally and legally, no one could be justified in tolerating, on the pretext that the affair was a domestic one, the taking of the life of a human being, whatever his colour or race.

At the same meeting, the joint draft resolution was adopted³⁷ by 7 votes to none, with 4 abstentions.

At the same meeting, the representatives of the United States, the United Kingdom and Brazil, in explaining their abstention in the vote on the joint draft resolution, stated their belief that since the trial of several South African political leaders and other opponents of apartheid was still *sub judice*, the Security Council should not take action which could be construed as interference in the judicial processes of a Member State.

At the 1130th meeting on 12 June 1964, the representative of India* in commenting on the position taken by some Council members that interference in the domestic affairs of South Africa should be avoided, indicated that membership in the United Nations did impose a certain responsibility on South Africa to abide by its pledge, and that a Member State could not invoke Article 2, paragraph 7, to justify its illegal actions and its suppression of fundamental rights.

At the 1131st meeting on 15 June 1964, the representative of Indonesia* recalling that the apartheid legislation of South Africa had been unanimously condemned as unjust and as seriously disturbing international peace and security, observed that under the provisions of Article 2, paragraph 7, the principle of non-intervention in a country's domestic affairs could not prejudice the application of enforcement measures under Chapter VII of the Charter.

At the 1133rd meeting on 16 June 1964, the representative of Norway introduced a draft resolution,³⁸ jointly sponsored with Bolivia, which included the following preambular paragraphs:

"The Security Council,

³⁶ S/5752, same text as S/5761, O.R., 19th yr., Suppl. Apr.-June 1964, pp. 208-209.

³⁷ 1128th meeting, para. 34, S/RES/190 (1964). O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 12-13.

³⁸ S/5769, same as S/5773, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 249-251.

"...

"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,

"...

"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."

At the 1134th meeting on 17 June 1964, the representative of Brazil pointed out that the racial policies of a Member State could be considered a matter of its own concern and competence only when they did not violate the international commitments freely entered upon by that State, and when their consequences did not affect international peace and security. The South African Government, however, by pursuing its apartheid policy violated the United Nations Charter and created in the African continent a situation leading to a breach of international peace and security. In subscribing to the Charter, the South African Government had automatically accepted the obligation to have its racial policies accord with the standards set by the United Nations, among which was the commitment to respect the dignity of the human person. Thus the South African Government could not invoke the Charter in order to be allowed to disregard the very purposes of the Charter.

At the 1135th meeting on 18 June 1964, the joint draft resolution was adopted by 8 votes to none, with 3 abstentions.³⁹

CASE 6.⁴⁰ SITUATION IN THE DOMINICAN REPUBLIC: In connexion with the USSR draft resolution: voted upon and rejected on 21 May 1965; and with the revised Uruguayan draft resolution: voted upon and rejected on 22 May 1965

[Note: During the discussion it was contended that in committing armed intervention in the domestic affairs of the Dominican Republic, the United States had violated the provisions of Article 2, paragraph 7, of the Charter. It was further argued that if the Charter barred the Organization responsible for maintaining

³⁹ 1135th meeting, para. 43, S/RES/191 (1964). O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 13-15. In a reply (S/6053, O.R., 19th year, Suppl. for Oct.-Dec. 1964, pp. 62-63) dated 19 November 1964, to the Secretary-General's letter of 19 June 1964 transmitting the text of the Security Council resolution of 18 June 1964, the Government of South Africa referring to the basic elements contained in the resolution, stated the following: "It is difficult for the South African Government to conceive of a more far-reaching example of attempted intervention in matters falling within the domestic jurisdiction of a sovereign Member of the United Nations than is represented in the terms of the resolution in question. What is in effect sought is that a Member State should abdicate its sovereignty in favour of the United Nations."

⁴⁰ For texts of relevant statements, see: 1196th meeting: Cuba,* para. 166; USSR, paras. 11, 27, 52. 1198th meeting: USSR, para. 3; United States, para. 154; Uruguay, para. 23.

1200th meeting: Cuba,* paras. 74-75.

1203rd meeting: Cuba,* para. 48.

1204th meeting: Uruguay, paras. 4, 22-23.

1221st meeting: France, para. 6.

international peace and security from intervening in matters essentially within the domestic jurisdiction of any State, it obviously also prohibited intervention on the part of one of its Members in the internal affairs of another.

It was maintained, on the other hand, that Article 2, paragraph 7, had been invoked without justification since its provisions dealt only with limitations on the authority of the United Nations itself, and were therefore not relevant to the situation before the Council.]

At the 1196th meeting on 3 May 1965, the representative of the USSR, after charging the United States with armed intervention in the domestic affairs of the Dominican Republic, held that the United States thus had violated not only Article 2, paragraph 4, but also, Article 2, paragraph 7, under which the Charter categorically prohibited intervention in the domestic affairs of States. The Council should therefore condemn the armed intervention of the United States in the domestic affairs of the Dominican Republic as an action incompatible with its obligations assumed under the Charter.

The representative of Cuba * maintained that since the United Nations Charter in Article 2, paragraph 7, prohibited the United Nations, which was responsible for maintaining international peace and security, from intervening in the domestic affairs of Member States, the illegality of the intervention of one of its Members in the domestic affairs of another was obvious.

At the 1198th meeting on 4 May 1965, the representative of the USSR introduced a draft resolution⁴¹ under which the Council, having examined the question of armed intervention by the United States in the domestic affairs of the Dominican Republic, would condemn such an intervention as a gross violation of the Charter, and demanded the immediate withdrawal of United States armed forces from Dominican territory.

The representative of Uruguay held that the Security Council's authority to enquire into the Dominican situation—which was clearly conferred upon the Council by the provisions of Articles 34, 35 and 52, paragraph 4, of the Charter—was even more appropriate when the situation involved appeared *prima facie* to contravene, in particular, Article 2, paragraphs 4 and 7, of the United Nations Charter.

⁴¹ S/6328, 1198th meeting, para. 3.

The representative of the United States maintained that Article 2, paragraph 7, had been invoked without any justification since its provisions dealt only with limitations on the authority of the United Nations itself, and was in no way relevant to the situation before the Council.

At the 1204th meeting on 11 May 1965, the representative of Uruguay introduced a draft resolution⁴² which included as one of the preambular paragraphs, the following:

"The Security Council,

" . . .

"Reaffirming the principles set forth in Chapter I of the Charter of the United Nations and, in particular, in Article 2, paragraphs 4 and 7,

" . . ."

In commenting upon this preambular paragraph, the representative of Uruguay contended that it was clear from the preamble of Article 2, which expressly stated that "the Organization and its Members" should act in accordance with the principles enumerated in that Article, that the prohibition embodied in Article 2, paragraph 7, of the Charter—namely the principle of non-intervention—applied both to the Organization and to every one of its Members individually, and with the same force.

At the 1214th meeting on 21 May 1965, the USSR draft resolution was voted upon and was rejected.⁴³

At the 1216th meeting on 22 May 1965, the Council, after voting upon and rejecting the USSR amendments to the revised Uruguayan draft resolution,⁴⁴ voted upon and rejected the revised Uruguayan draft resolution.⁴⁵

At the 1221st meeting on 7 June 1965, the representative of France expressed disapproval of the action of the United States troops in Santo Domingo considering it as constituting military intervention. In the absence of the consent of the local Government, interference in the internal affairs of any nation was objectionable, whether undertaken by one or by several countries, even if under cover of a multilateral organization as in the Dominican Republic.

⁴² S/6346 and S/6346/Rev.1, 1204th meeting, para. 4.

⁴³ S/6328, 1214th meeting, paras. 123-125.

⁴⁴ 1216th meeting, paras. 43-50.

⁴⁵ 1216th meeting, para. 69.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLE 24 OF THE CHARTER

Article 24

"1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

"2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.

"3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration."

NOTE

In the proceedings of the Security Council during the period under review, Article 24 has been the subject of frequent incidental reference.⁴⁶ However, there was no instance in which Article 24 has been the subject of a constitutional discussion. Article 24 has not been invoked in the submission of any of the questions affecting international peace and security which the Security Council considered, nor in the text of any of the resolutions adopted by the Council during that period.

⁴⁶ See, in connexion with the complaint by Panama, statement by the representative of the USSR, 1086th meeting, para. 65. In connexion with the complaint by the Government of Cyprus, statements by the representatives of Cyprus,* 1095th meeting, paras. 124, 126, 1136th meeting, para. 136; United Kingdom, 1095th meeting, para. 88; United States, 1096th meeting para. 81; USSR, 1096th meeting, paras. 54 and 56, 1138th meeting, paras. 38, 45-48, 51; China, 1099th meeting, para. 103; Turkey,* 1136th meeting, para. 77; Czechoslovakia, 1139th meeting, paras. 12-13. In connexion with the complaint by Yemen, statement by the representative of Iraq,* 1107th meeting, para. 41. In connexion with the India-Pakistan question, statements by the representatives of India,* 1115th meeting, para. 35; Morocco, 1115th meeting, para. 61; Uruguay, 1242nd meeting, para. 37. In connexion with the complaint by Cambodia, statement by the representative of Brazil, 1124th meeting, para. 74. In connexion with the complaint by Malaysia, statement by the representative of the United States, 1145th meeting, paras. 24-25. In connexion with the situation in the Dominican Republic, statements by the representatives of Cuba,* 1198th meeting, para. 72; USSR, 1198th meeting, para. 146; Jordan, 1200th meeting, para. 11 and 1213th meeting, para. 77. In connexion with the situation in Territories in Africa under Portuguese administration, statements by the representatives of Liberia,* 1250th meeting, paras. 51-52; Tunisia,* 1250th meeting, paras. 97-101; and USSR, 1255th meeting, paras. 130-131.

Part IV

CONSIDERATION OF THE PROVISIONS OF ARTICLE 25 OF THE CHARTER

Article 25

"The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

NOTE

On six occasions,⁴⁷ references have been made in the Council debates to the obligation of Member States to accept and carry out the decisions of the Security Council, although no constitutional or substantive discussion on Article 25 has ensued.

On several other occasions,⁴⁸ decisions of the Security Council have included paragraphs calling upon Member States to comply with the resolutions of the Council, and on one occasion⁴⁹ the Council demanded that the parties to a cease-fire agreement should urgently comply with their commitments. On another occasion⁵⁰ the Council deplored the refusal of a Member State to comply with its previous resolutions. However, Article 25 was not explicitly mentioned in any of these Council decisions.

⁴⁷ See statements by the representatives of the USSR at the 1103rd meeting (paras. 86-87) and of Ivory Coast at the 1143rd meeting (para. 267) in connexion with the Complaint by the Government of Cyprus; statement by the representative of Ivory Coast at the 1132nd meeting (para. 17) in connexion with the question of race conflict in South Africa; statements by the representatives of Tunisia* and Sierra Leone* at the 1250th meeting (paras. 100 and 117, respectively) and by the representative of Uruguay at the 1256th meeting (paras. 33-34) in connexion with the situation in Territories in Africa under Portuguese administration.

⁴⁸ See, in connexion with the complaint of the Government of Cyprus, resolution 192 (1964), of 20 June 1964, para. 2; decision (President's statement) of 11 August 1964; resolution 194 (1964) of 25 September 1964, para. 2; resolution 198 (1964), of 18 December 1964, para. 2; resolution 201 (1965), of 19 March 1965, para. 2; resolution 206 (1965) of 15 June 1965, para. 2; and in connexion with the India-Pakistan question, see resolution 215 (1965), of 5 November 1965, para. 2 (first part).

⁴⁹ See, in connexion with the India-Pakistan question, resolution 214 (1965), of 27 September 1965, operative paragraph.

⁵⁰ See, in connexion with the question of race conflict in South Africa, resolution 191 (1964), of 18 June 1964, sixth preambular paragraph.

Part V

CONSIDERATION OF THE PROVISIONS OF CHAPTER VIII OF THE CHARTER

Article 52

"1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

"2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

"3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

"4. This Article in no way impairs the application of Articles 34 and 35."

Article 53

"1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

"2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter."

Article 54

"The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security."

NOTE

In consequence of the obligations placed by the Charter upon Members of the United Nations and upon regional arrangements or agencies, the attention of the Security Council has been drawn during the period from 1964 to 1965 to the following communications, which have been circulated by the Secretary-General to the representatives of the Council, but have not been included in the provisional agenda:

A. *Communications from the Secretary-General of the Organization of African Unity*

- (i) Dated 17 March 1965: transmitting information concerning proceedings of the *Ad Hoc* Commission on the Congo.⁵¹

B. *Communications from the Secretary-General of the Organization of American States*

- (i) Dated 10 January 1964: transmitting communiqué issued by the Inter-American Peace Committee in connexion with the situation between Panama and the United States.⁵²

- (ii) Dated 16 January 1964: transmitting press releases issued by the Inter-American Peace Committee in connexion with the situation between Panama and the United States.⁵³
- (iii) Dated 4 February 1964: transmitting resolution of the Council of the Organization of American States in connexion with the situation between Panama and the United States.⁵⁴
- (iv) Dated 7 February 1964: transmitting resolution of the Council of the Organization of American States, acting provisionally as Organ of Consultation, in connexion with the situation between Panama and the United States.⁵⁵
- (v) Dated 4 March 1964: transmitting report of the Investigating Committee appointed by the Council of the Organization of American States, acting provisionally as Organ of Consultation, in connexion with the Venezuelan complaint against Cuba.⁵⁶

⁵¹ S/6257, O.R., 20th yr., Suppl. for Jan.-Mar. 1965, pp. 255-258.

⁵² S/5511, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, p. 20.

⁵³ S/5520, *ibid.*, pp. 36-37.

⁵⁴ S/5531, *ibid.*, p. 52.

⁵⁵ S/5541, *ibid.*, pp. 64-65.

⁵⁶ S/5586.

- (vi) Dated 27 July 1964: transmitting resolution of the Ninth Meeting of Consultation of Foreign Ministers of the American States concerning "Application of measures to the present Government of Cuba."⁵⁷
- (vii) Dated 30 April 1965: transmitting resolutions of the Council of the Organization of American States in connexion with the situation in the Dominican Republic.⁵⁸
- (viii) Dated 12 May 1965: transmitting first report of the Special Committee of the Tenth Meeting of Consultation of Foreign Ministers concerning the situation in the Dominican Republic.⁵⁹
- (ix) Dated 19 May 1965: transmitting second report of the Special Committee of the Tenth Meeting of Consultation of Foreign Ministers.⁶⁰
- (x) Dated 22 May 1965: transmitting resolution of the Tenth Meeting of Consultation of Foreign Ministers.⁶¹
- (xi) Dated 24 May 1965: transmitting text of the Act establishing the Inter-American Armed Force.⁶²
- (xii) Dated 28 May 1965: transmitting copy of the report of 26 May by the Secretary-General of the Organization of American States.⁶³
- (xiii) Dated 2 June 1965: transmitting resolution of the Tenth Meeting of Consultation of Foreign Ministers.⁶⁴
- (xiv) Dated 2 June 1965: transmitting resolution of the Tenth Meeting of Consultation of Foreign Ministers.⁶⁵
- (xv) Dated 2 June 1965: transmitting information concerning visit of the Inter-American Commission on Human Rights to the Dominican Republic.⁶⁶
- (xvi) Dated 3 June 1965: transmitting further information concerning the same matter.⁶⁷
- (xvii) Dated 6 June 1965: transmitting telegram of the Secretary-General of the Organization of American States.⁶⁸
- (xviii) Dated 6 June 1965: transmitting telegram of the Secretary-General of the Organization of American States.⁶⁹
- (xix) Dated 6 June 1965: transmitting telegram of the Secretary-General of the Organization of American States.⁷⁰
- (xx) Dated 7 June 1965: transmitting telegrams of the Secretary-General of the Organization of American States.⁷¹
- (xxi) Dated 9 June 1965: transmitting telegram of the Secretary-General of the Organization of American States.⁷²
- (xxii) Dated 11 June 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁷³
- (xxiii) Dated 15 June 1965: transmitting information concerning the OAS mission of criminologists.⁷⁴
- (xxiv) Dated 15 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁷⁵
- (xxv) Dated 16 June 1965: transmitting message from the Inter-American Commission on Human Rights.⁷⁶
- (xxvi) Dated 16 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁷⁷
- (xxvii) Dated 16 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁷⁸
- (xxviii) Dated 16 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁷⁹
- (xxix) Dated 17 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸⁰
- (xxx) Dated 18 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸¹
- (xxxi) Dated 18 June 1965: transmitting messages from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸²
- (xxxii) Dated 21 June 1965: transmitting messages from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸³
- (xxxiii) Dated 22 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁸⁴
- (xxxiv) Dated 22 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁸⁵

⁵⁷ S/5845, *O.R.*, 19th yr., *Suppl. for July-Sept., 1964*, pp. 132-133.

⁵⁸ S/6315, *O.R.*, 20th yr., *Suppl. for April-June, 1965*, pp. 68-70.

⁵⁹ S/6364, *ibid.*, pp. 130-144.

⁶⁰ S/6370 and Add.1 and 2, *ibid.*, pp. 153-169.

⁶¹ S/6377/Rev.1, *ibid.*, pp. 174-175.

⁶² S/6381, *ibid.*, pp. 177-180.

⁶³ S/6396, *ibid.*, pp. 208-211.

⁶⁴ S/6400, *ibid.*, pp. 215-216.

⁶⁵ S/6401, *ibid.*, pp. 216-217.

⁶⁶ S/6404, *ibid.*, pp. 220-221.

⁶⁷ S/6404/Add.1, *ibid.*, p. 221.

⁶⁸ S/6417, *ibid.*, p. 233.

⁶⁹ S/6418, *ibid.*, pp. 234-236.

⁷⁰ S/6419, *ibid.*, pp. 236-237.

⁷¹ S/6424, *ibid.*, pp. 244-246.

⁷² S/6427/Rev.1, *ibid.*, p. 290.

⁷³ S/6433, *ibid.*, pp. 296-299.

⁷⁴ S/6443, *ibid.*, pp. 302-303.

⁷⁵ S/6445, *ibid.*, pp. 303-304.

⁷⁶ S/6448, *ibid.*, pp. 309-311.

⁷⁷ S/6450, *ibid.*, pp. 313-315.

⁷⁸ S/6451, *ibid.*, pp. 315-316.

⁷⁹ S/6452, *ibid.*, pp. 316-318.

⁸⁰ S/6455, *ibid.*, p. 319.

⁸¹ S/6456, *ibid.*, pp. 320-321.

⁸² S/6457, *ibid.*, pp. 321-326.

⁸³ S/6462, *ibid.*, pp. 331-333.

⁸⁴ S/6467, *ibid.*, pp. 336-337.

⁸⁵ S/6468, *ibid.*, pp. 337-338.

- (xxxv) Dated 17 June 1965: transmitting text of statement made at Tenth Meeting of Consultation of Foreign Ministers.⁸⁶
- (xxxvi) Dated 23 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸⁷
- (xxxvii) Dated 23 June 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸⁸
- (xxxviii) Dated 24 June 1965: transmitting messages from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁸⁹
- (xxxix) Dated 24 June 1965: transmitting text of a statement by the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.⁹⁰
- (xl) Dated 25 June 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹¹
- (xli) Dated 25 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹²
- (xlii) Dated 26 June 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹³
- (xliii) Dated 27 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹⁴
- (xliv) Dated 28 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹⁵
- (xlv) Dated 28 June 1965: transmitting texts of correspondence exchanged between *Ad Hoc* Committee and Major-General Rikhye, United Nations Military Adviser.⁹⁶
- (xlvi) Dated 29 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹⁷
- (xlvii) Dated 30 June 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.⁹⁸
- (xlviii) Dated 1 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.⁹⁹
- (xlix) Dated 2 July 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁰⁰
- (l) Dated 29 June 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁰¹
- (li) Dated 3 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁰²
- (lii) Dated 4 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰³
- (liii) Dated 4 July 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰⁴
- (liv) Dated 4 July 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰⁵
- (lv) Dated 5 July 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰⁶
- (lvi) Dated 7 July 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰⁷
- (lvii) Dated 5 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁰⁸
- (lviii) Dated 6 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁰⁹
- (lix) Dated 6 July 1965: transmitting copies of notes dated 28 and 30 June concerning the situation in the Dominican Republic.¹¹⁰
- (lx) Dated 7 July 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹¹¹
- (lxi) Dated 7 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹¹²
- (lxii) Dated 8 July 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹¹³
- (lxiii) Dated 9 July 1965: transmitting message

⁸⁶ S/6469, *ibid.*, pp. 338-342.

⁸⁷ S/6471, *ibid.*, pp. 342-347.

⁸⁸ S/6472, *ibid.*, pp. 348-350.

⁸⁹ S/6475, *ibid.*, pp. 354-356.

⁹⁰ S/6476, *ibid.*, p. 357.

⁹¹ S/6477, *ibid.*, pp. 357-359.

⁹² S/6478, *ibid.*, pp. 359-360.

⁹³ S/6479, *ibid.*, pp. 360-363.

⁹⁴ S/6480, *ibid.*, p. 363.

⁹⁵ S/6483, *ibid.*, pp. 364-365.

⁹⁶ S/6484, *ibid.*, pp. 365-367.

⁹⁷ S/6487, *ibid.*, pp. 369-371.

⁹⁸ S/6488, *ibid.*, pp. 371-372.

⁹⁹ S/6491, *O.R.*, 20th yr., *Suppl. for July-Sept. 1965*, pp. 1-2.

¹⁰⁰ S/6494, *ibid.*, p. 7.

¹⁰¹ S/6495, *ibid.*, pp. 8-17.

¹⁰² S/6496, *ibid.*, pp. 17-18.

¹⁰³ S/6497, *ibid.*, pp. 18-19.

¹⁰⁴ S/6498, *ibid.*, pp. 19-20.

¹⁰⁵ S/6499, *ibid.*, pp. 20-21.

¹⁰⁶ S/6500, *ibid.*, pp. 21-22.

¹⁰⁷ S/6501, *ibid.*, pp. 23-24.

¹⁰⁸ S/6502, *ibid.*, p. 24.

¹⁰⁹ S/6504, *ibid.*, p. 25.

¹¹⁰ S/6505, *ibid.*, pp. 25-28.

¹¹¹ S/6509, *ibid.*, pp. 32-33.

¹¹² S/6510, *ibid.*, pp. 33-34.

¹¹³ S/6511, *ibid.*, pp. 34-35.

- concerning the situation in the Dominican Republic.¹¹⁴
- (lxiv) Dated 8 July 1965: transmitting copies of agreement entered into between the OAS and the Government of the United States of America.¹¹⁵
- (lxv) Dated 10 July 1965: transmitting message concerning the situation in the Dominican Republic.¹¹⁶
- (lxvi) Dated 11 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹¹⁷
- (lxvii) Dated 11 July 1965: transmitting telegram from the Government of National Reconstruction of the Dominican Republic.¹¹⁸
- (lxviii) Dated 11 July 1965: transmitting press releases issued by the Constitutional Government of the Dominican Republic.¹¹⁹
- (lxix) Dated 11 July 1965: transmitting message concerning the Inter-American Committee on Human Rights.¹²⁰
- (lxx) Dated 12 July 1965: transmitting telegrams addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹²¹
- (lxxi) Dated 11 July 1965: transmitting messages concerning the situation in the Dominican Republic.¹²²
- (lxxii) Dated 13 July 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹²³
- (lxxiii) Dated 13 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹²⁴
- (lxxiv) Dated 14 July 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹²⁵
- (lxxv) Dated 14 July 1965: transmitting message concerning the situation in the Dominican Republic.¹²⁶
- (lxxvi) Dated 14 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹²⁷
- (lxxvii) Dated 15 July 1965: transmitting messages concerning the situation in the Dominican Republic.¹²⁸
- (lxxviii) Dated 16 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹²⁹
- (lxxix) Dated 17 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹³⁰
- (lxxx) Dated 17 July 1965: transmitting message concerning the situation in the Dominican Republic.¹³¹
- (lxxxii) Dated 19 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹³²
- (lxxxiii) Dated 20 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹³³
- (lxxxiv) Dated 21 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹³⁴
- (lxxxv) Dated 21 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹³⁵
- (lxxxvi) Dated 21 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹³⁶
- (lxxxvii) Dated 22 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹³⁷
- (lxxxviii) Dated 23 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹³⁸
- (lxxxviiii) Dated 23 July 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹³⁹
- (lxxxix) Dated 24 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁴⁰
- (xc) Dated 25 July 1965: transmitting message concerning the situation in the Dominican Republic.¹⁴¹
- (xci) Dated 25 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁴²
- (xcii) Dated 25 July 1965: transmitting message concerning the situation in the Dominican Republic.¹⁴³
- (xciii) Dated 27 July 1965: transmitting message concerning the situation in the Dominican Republic.¹⁴⁴
- (xciv) Dated 28 July 1965: transmitting message

¹¹⁴ S/6514 and Corr.1, *ibid.*, pp. 37-38.

¹¹⁵ S/6515 and Corr.1, *ibid.*, pp. 38-42.

¹¹⁶ S/6516, *ibid.*, p. 42.

¹¹⁷ S/6517, *ibid.*, pp. 42-43.

¹¹⁸ S/6518, *ibid.*, pp. 43-44.

¹¹⁹ S/6519, *ibid.*, p. 44.

¹²⁰ S/6520, *ibid.*, pp. 44-45.

¹²¹ S/6521, *ibid.*, pp. 45-50.

¹²² S/6522, *ibid.*, pp. 50-78.

¹²³ S/6523, *ibid.*, pp. 78-79.

¹²⁴ S/6524, *ibid.*, pp. 79-80.

¹²⁵ S/6525, *ibid.*, pp. 80-81.

¹²⁶ S/6528, *ibid.*, pp. 82-85.

¹²⁷ S/6529, *ibid.*, pp. 85-86.

¹²⁸ S/6531, *ibid.*, p. 95.

¹²⁹ S/6532, *ibid.*, pp. 95-96.

¹³⁰ S/6535, *ibid.*, pp. 99-100.

¹³¹ S/6536 and Corr.1, *ibid.*, pp. 100-101.

¹³² S/6540, *ibid.*, p. 102.

¹³³ S/6541, *ibid.*, p. 103.

¹³⁴ S/6543, *ibid.*, p. 105.

¹³⁵ S/6544, *ibid.*, p. 106.

¹³⁶ S/6546, *ibid.*, pp. 107-109.

¹³⁷ S/6547, *ibid.*, pp. 109-110.

¹³⁸ S/6555, *ibid.*, p. 115.

¹³⁹ S/6556, *ibid.*, pp. 115-116.

¹⁴⁰ S/6557, *ibid.*, pp. 116-117.

¹⁴¹ S/6558, *ibid.*, pp. 117-118.

¹⁴² S/6559, *ibid.*, pp. 118-119.

¹⁴³ S/6560, *ibid.*, p. 119.

¹⁴⁴ S/6563, *ibid.*, pp. 120-121.

- concerning the Inter-American Commission on Human Rights.¹⁴⁵
- (xcv) Dated 29 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁴⁶
- (xcvi) Dated 30 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁴⁷
- (xcvii) Dated 31 July 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁴⁸
- (xcviii) Dated 2 August 1965: transmitting telegram addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁴⁹
- (xcix) Dated 2 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁰
- (c) Dated 3 August 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁵¹
- (ci) Dated 5 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵²
- (cii) Dated 6 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵³
- (ciii) Dated 7 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁴
- (civ) Dated 10 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁵
- (cv) Dated 11 August 1965: transmitting message addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁵⁶
- (cvi) Dated 9 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁷
- (cvii) Dated 13 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁸
- (cviii) Dated 13 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁵⁹
- (cix) Dated 13 August 1965: transmitting message addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁶⁰
- (cx) Dated 16 August 1965: transmitting message addressed to the President of the Tenth Meeting of Consultation of Foreign Ministers.¹⁶¹
- (cxi) Dated 17 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶²
- (cxii) Dated 17 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶³
- (cxiii) Dated 18 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶⁴
- (cxiv) Dated 18 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶⁵
- (cxv) Dated 20 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶⁶
- (cxvi) Dated 19 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁶⁷
- (cxvii) Dated 20 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁶⁸
- (cxviii) Dated 17 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁶⁹
- (cxix) Dated 19 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷⁰
- (cxx) Dated 25 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷¹
- (cxxi) Dated 25 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷²
- (cxxii) Dated 27 August 1965: transmitting message concerning the situation in the Dominican Republic.¹⁷³
- (cxxiii) Dated 27 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷⁴
- (cxxiv) Dated 31 August 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷⁵
- (cxxv) Dated 31 August 1965: transmitting message from the *Ad Hoc* Committee of the

¹⁴⁵ S/6568, *ibid.*, p. 124.

¹⁴⁶ S/6570, *ibid.*, p. 135.

¹⁴⁷ S/6574, *ibid.*, p. 139.

¹⁴⁸ S/6577, *ibid.*, p. 143.

¹⁴⁹ S/6587, *ibid.*, p. 150.

¹⁵⁰ S/6588, *ibid.*, p. 151.

¹⁵¹ S/6590, *ibid.*, p. 153.

¹⁵² S/6595, *ibid.*, pp. 155-156.

¹⁵³ S/6598, *ibid.*, pp. 159-160.

¹⁵⁴ S/6600, *ibid.*, p. 161.

¹⁵⁵ S/6604, *ibid.*, pp. 163-164.

¹⁵⁶ S/6607, *ibid.*, pp. 165-166.

¹⁵⁷ S/6608 and Corr.1 and 2, *ibid.*, pp. 166-176.

¹⁵⁸ S/6610, *ibid.*, p. 177.

¹⁵⁹ S/6611, *ibid.*, p. 177.

¹⁶⁰ S/6612, *ibid.*, pp. 178-179.

¹⁶¹ S/6614, *ibid.*, pp. 179-180.

¹⁶² S/6616, *ibid.*, pp. 181-182.

¹⁶³ S/6620, *ibid.*, pp. 183-184.

¹⁶⁴ S/6621, *ibid.*, p. 184.

¹⁶⁵ S/6622, *ibid.*, pp. 184-185.

¹⁶⁶ S/6624, *ibid.*, p. 186.

¹⁶⁷ S/6625, *ibid.*, pp. 186-188.

¹⁶⁸ S/6627, *ibid.*, pp. 188-189.

¹⁶⁹ S/6628, *ibid.*, pp. 189-201.

¹⁷⁰ S/6629, *ibid.*, pp. 202-203.

¹⁷¹ S/6633, *ibid.*, pp. 208-211.

¹⁷² S/6634, *ibid.*, pp. 211-213.

¹⁷³ S/6642, *ibid.*, pp. 223-225.

¹⁷⁴ S/6643, *ibid.*, pp. 225-226.

¹⁷⁵ S/6644, *ibid.*, pp. 226-227.

Organization of American States in the Dominican Republic.¹⁷⁶

- (cxxvi) Dated 2 September 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁷⁷
- (cxxvii) Dated 1 September 1965: transmitting messages from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁷⁸
- (cxxviii) Dated 3 September 1965: transmitting message concerning the situation in the Dominican Republic.¹⁷⁹
- (cxxxix) Dated 6 September 1965: transmitting message concerning the situation in the Dominican Republic.¹⁸⁰
- (cxxx) Dated 8 September 1965: transmitting message concerning the situation in the Dominican Republic.¹⁸¹
- (cxxxii) Dated 7 September 1965: transmitting messages from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁸²
- (cxxxiii) Dated 9 September 1965: transmitting messages concerning the situation in the Dominican Republic.¹⁸³
- (cxxxiiii) Dated 9 September 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁸⁴
- (cxxxv) Dated 14 September 1965: transmitting message concerning the Inter-American Commission on Human Rights.¹⁸⁵
- (cxxxvi) Dated 22 September 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁸⁶
- (cxxxvii) Dated 1 October 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁸⁷
- (cxxxviii) Dated 20 October 1965: transmitting reports of the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁸⁸
- (cxxxix) Dated 21 October 1965: transmitting resolution of the Tenth Meeting of Consultation of Foreign Ministers.¹⁸⁹
- (cxxxix) Dated 29 October 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹⁰

(cxli) Dated 1 November 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹¹

(cxlii) Dated 20 October 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹²

(cxliii) Dated 13 November 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹³

(cxliiii) Dated 23 November 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹⁴

(cxliv) Dated 4 December 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹⁵

(cxlv) Dated 21 December 1965: transmitting message from the *Ad Hoc* Committee of the Organization of American States in the Dominican Republic.¹⁹⁶

C. Communications from States parties to disputes or situations

(i) Dated 3 February 1964: Cuba, transmitting charges that United States naval force had seized Cuban fishing vessels and their crews.¹⁹⁷

(ii) Dated 7 February 1964: United States, charging that Cuban vessels had violated the territorial waters of the United States.¹⁹⁸

(iii) Dated 25 February 1964: Bolivia, concerning alleged boundary dispute with Chile.¹⁹⁹

(iv) Dated 26 February 1964: Chile, rejecting Bolivia's note as an interference in Chile's domestic affairs.²⁰⁰

(v) Dated 28 February 1964: Bolivia, concerning Chile's note of 26 February.²⁰¹

(vi) Dated 4 March 1964: Chile, charging falsity of statements made in Bolivia's notes.²⁰²

(vii) Dated 5 March 1964: Bolivia, charging Chile with usurpation of Bolivian territory.²⁰³

(viii) Dated 14 May 1964: Cuba, concerning alleged attacks against Cuba by the United States.²⁰⁴

(ix) Dated 7 June 1964: Haiti, concerning allegations of the Dominican Government against Haiti.²⁰⁵

¹⁷⁶ S/6646, *ibid.*, pp. 228-233.

¹⁷⁷ S/6652, *ibid.*, p. 253.

¹⁷⁸ S/6655, *ibid.*, pp. 258-267.

¹⁷⁹ S/6660, *ibid.*, pp. 268-269.

¹⁸⁰ S/6663, *ibid.*, p. 271.

¹⁸¹ S/6674, *ibid.*, p. 287.

¹⁸² S/6676, *ibid.*, pp. 288-291.

¹⁸³ S/6677, *ibid.*, pp. 291-292.

¹⁸⁴ S/6680, *ibid.*, pp. 292-293.

¹⁸⁵ S/6681, *ibid.*, pp. 293-294.

¹⁸⁶ S/6717, *ibid.*, pp. 357-358.

¹⁸⁷ S/6741, *O.R.*, 20th yr., *Suppl. for Oct.-Dec. 1965*, pp. 148-150.

¹⁸⁸ S/6843 and Corr.1, *ibid.*, pp. 259-281.

¹⁸⁹ S/6844, *ibid.*, pp. 281-282.

¹⁹⁰ S/6847, *ibid.*, pp. 286-287.

¹⁹¹ S/6856, *ibid.*, pp. 292-293.

¹⁹² S/6873, *ibid.*, pp. 318-320.

¹⁹³ S/6931, *ibid.*, pp. 363-364.

¹⁹⁴ S/6970, *ibid.*, pp. 404-406.

¹⁹⁵ S/6994, *ibid.*, pp. 425-426.

¹⁹⁶ S/7034, *ibid.*, pp. 528-531.

¹⁹⁷ S/5530, *O.R.*, 19th yr., *Suppl. for Jan.-Mar. 1964*, pp. 49-51.

¹⁹⁸ S/5532, *ibid.*, pp. 52-54.

¹⁹⁹ S/5562, *ibid.*, pp. 85-86.

²⁰⁰ S/5564, *ibid.*, pp. 87-89.

²⁰¹ S/5567, *ibid.*, pp. 92-93.

²⁰² S/5577, *ibid.*, pp. 104-105.

²⁰³ S/5581, *ibid.*, p. 112.

²⁰⁴ S/5701, *O.R.*, 19th yr., *Suppl. for April-June 1964*, pp. 138-140.

²⁰⁵ S/5750, *ibid.*, pp. 200-201.

- (x) Dated 9 June 1964: Dominican Republic, concerning Haiti's note of 7 June.²⁰⁶
- (xi) Dated 10 June 1964: Haiti, concerning Dominican Republic's note of 9 June.²⁰⁷
- (xii) Dated 1 July 1964: Haiti, concerning an alleged invasion of Haitian territory by forces of the Dominican Republic.²⁰⁸
- (xiii) Dated 5 July 1964: Haiti, concerning an alleged violation of Haiti's territorial waters by Dominican warships.²⁰⁹
- (xiv) Dated 8 July 1964: Dominican Republic, transmitting official statement denying charges in Haiti's communication of 1 July.²¹⁰
- (xv) Dated 28 July 1964: Haiti, concerning alleged acts of aggression by the Dominican Republic.²¹¹
- (xvi) Dated 1 September 1964: Haiti, concerning alleged act of provocation by the Dominican Republic.²¹²
- (xvii) Dated 15 October 1964: Nicaragua, replying to allegations made by the USSR concerning Cuba.²¹³
- (xviii) Dated 27 January 1965: Cuba, transmitting note concerning alleged incidents directed against the independence and security of Cuba.²¹⁴
- (xix) Dated 30 January 1965: Dominican Republic, rejecting charges made in Cuba's note of 27 January.²¹⁵
- (xx) Dated 29 April 1965: United States, transmitting official statement concerning events in the Dominican Republic.²¹⁶
- (xxi) Dated 30 April 1965: Cuba, transmitting note concerning events in the Dominican Republic.²¹⁷
- (xxii) Dated 5 May 1965: United States concerning the USSR communication of 3 May.²¹⁸
- (xxiii) Dated 10 July 1965: Haiti, concerning alleged threat from Dominican territory against Haiti's national sovereignty and independence.²¹⁹

D. Communications from other States concerning matters before regional organizations

- (i) Dated 9 August 1964: USSR, transmitting an official statement regarding the resolution adopted on 26 July 1964 by the Ninth Meeting of Consultation of the Ministers of

Foreign Affairs of the Organization of American States concerning Cuba.²²⁰

- (ii) Dated 17 August 1964: Czechoslovakia, transmitting an official statement regarding the resolution adopted on 26 July 1964 by the Ninth Meeting of Consultation of the Ministers of Foreign Affairs of the Organization of American States concerning Cuba.²²¹
- (iii) Dated 1 May 1965: USSR, concerning the situation in the Dominican Republic.²²²
- (iv) Dated 3 May 1965: USSR, concerning the situation in the Dominican Republic.²²³
- (v) Dated 4 May 1965: Yugoslavia, concerning the situation in the Dominican Republic.²²⁴
- (vi) Dated 7 May 1965: Poland, concerning the situation in the Dominican Republic.²²⁵
- (vii) Dated 5 May 1965: Mongolia, concerning the situation in the Dominican Republic.²²⁶
- (viii) Dated 7 May 1965: Brazil, concerning the USSR communication of 3 May.²²⁷
- (ix) Dated 13 May 1965: Albania, concerning the situation in the Dominican Republic.²²⁸
- (x) Dated 3 June 1965: USSR, concerning the situation in the Dominican Republic.²²⁹
- (xi) Dated 7 June 1965: USSR, concerning its communication of 3 June.²³⁰

In addition to circulating these communications to the representatives of the Council, it has been the practice to include summary accounts of some of them in the annual reports of the Security Council to the General Assembly.²³¹

During the period under review, the question of the respective responsibilities of the Security Council and the regional agencies concerning matters before the Council was the subject of constitutional discussion in two cases²³² dealing with the Organization of American States. In two instances relating to the Organization of African Unity, no constitutional discussion arose but in the resolutions which were adopted,²³³ the Council encouraged the assistance of the regional agency to find a peaceful solution. This part also includes two other case histories²³⁴ which deal with discussion in the Council on the question of the use of force under regional arrangements.

²²⁰ S/5867, *O.R.*, 19th yr., *Suppl. for July-Sept. 1964*, pp. 148-151.

²²¹ S/5901, *ibid.*, pp. 188-190.

²²² S/6317, *O.R.*, 20th yr., *Suppl. for April-June 1965*, pp. 70-72.

²²³ S/6325, *ibid.*, pp. 82-86.

²²⁴ S/6330, *ibid.*, pp. 88-89.

²²⁵ S/6339, *ibid.*, p. 106.

²²⁶ S/6341, *ibid.*, pp. 108-109.

²²⁷ S/6343, *ibid.*, p. 109.

²²⁸ S/6354, *ibid.*, pp. 122-124.

²²⁹ S/6411, *ibid.*, pp. 225-227.

²³⁰ S/6422, *ibid.*, pp. 238-239.

²³¹ See Report of the Security Council to the General Assembly, 1963-1964 (*GAOR, Nineteenth Session, Supplement No. 2*), pp. 123-124, 128-130; Report of the Security Council to the General Assembly, 1964-1965 (*GAOR, Twentieth Session, Supplement No. 2*), pp. 144-146, 150-151; Report of the Security Council to the General Assembly, 1965-1966 (*GAOR, Twenty-first Session, Supplement No. 2*), p. 91.

²³² Cases 7 and 9.

²³³ S/RES/199 (1964), operative paragraph 4, concerning the situation in the Democratic Republic of the Congo; and S/RES/217 (1965), operative paragraph 10, concerning the situation in Southern Rhodesia.

²³⁴ Cases 8 and 10.

²⁰⁶ S/5760, *ibid.*, pp. 207-208.

²⁰⁷ S/5763, *ibid.*, p. 210.

²⁰⁸ S/5793, *O.R.*, 19th yr., *Suppl. for July-Sept. 1964*, pp. 16-17.

²⁰⁹ S/5808, *ibid.*, pp. 36-37.

²¹⁰ S/5809, *ibid.*, pp. 38-39.

²¹¹ S/5841, *ibid.*, pp. 124-125.

²¹² S/5928, *ibid.*, pp. 260-262.

²¹³ S/6018, *O.R.*, 19th yr., *Suppl. for Oct.-Dec. 1964*, pp. 33-34.

²¹⁴ S/6164, *O.R.*, 20th yr., *Suppl. for Jan.-March 1965*, pp. 28-32.

²¹⁵ S/6169, *ibid.*, pp. 39-40.

²¹⁶ S/6310, *O.R.*, 20th yr., *Suppl. for April-June 1965*, pp. 65-66.

²¹⁷ S/6314, *ibid.*, pp. 67-68.

²¹⁸ S/6331, *ibid.*, pp. 89-102.

²¹⁹ S/6533, *O.R.*, 20th yr., *Suppl. for July-Sept. 1965*, pp. 96-98.

CASE 7.²⁸⁵ COMPLAINT BY PANAMA: In connexion with the decision of 10 January 1964 to authorize the President of the Council to make an appeal to the parties

[Note: During the discussion, it was contended that under Articles 33, paragraph 1, Article 36, paragraph 2, and Article 52, paragraph 2, of the Charter, without derogating from the responsibilities of the Council, a local dispute such as that before the Council could most effectively be dealt with through regional procedures. On the other hand, it was maintained that although the regional organization had already taken certain action in the dispute, this should not prevent the Council from becoming seized of the matter and from adopting certain emergency measures.]

At the 1086th meeting on 10 January 1964, the representative of the United States having observed that the Inter-American Peace Committee of the Organization of American States had unanimously agreed to go to Panama to ascertain the facts, stated that the United Nations Charter, both in Article 33 and in Article 52, provided for pacific settlement of local disputes through regional agencies, as did the Charter of the Organization of American States in article 20. Without derogating from the responsibilities of the Council, he believed that such local disputes could most effectively be dealt with through regional procedures.

The representative of Brazil expressed the view that notwithstanding the fact that a fact-finding mission under the auspices of the Inter-American Peace Committee had been or was about to be dispatched to the area, the Security Council should also become seized of the matter and adopt certain measures of an emergency character which might be applicable to the issue before it. In so doing, the Council would not impinge upon the provisions of the OAS charter but rather strengthen whatever decisions the regional organization might eventually take.

The representative of the United Kingdom, after viewing the Organization of American States as a body acting within the ambit of Article 36, paragraph 2, and Article 52, paragraph 2, of the United Nations Charter, stated that it was certainly in accordance with the provisions of these Articles that every effort should be made by the parties to reach a solution to their differences through the OAS.

The representative of Morocco stated that the proposal by the Brazilian representative constituted an initiative which registered the importance that the Security Council attached to a peaceful solution of the problem, while leaving the way open for the regional organization to take action which might provide the Security Council with the necessary assistance for its handling of the problem.

The proposal of the representative of Brazil to the effect that the President of the Council should be authorized to make an appeal to the parties to bring to an end the exchange of fire and the bloodshed occurring in the area, was approved by the Council without objection.²³⁰

CASE 8.²⁸⁷ COMPLAINT BY THE GOVERNMENT OF CYPRUS: In connexion with a joint draft resolution: voted upon and adopted on 13 March 1964

[Note: In contradicting the claim that under a regional arrangement in conformity with Article 52 of the Charter, the right to intervene in a Member State existed, it was noted that such a regional arrangement must be subject to the Purposes and Principles of the Charter. Moreover, under Article 53 no action could be taken and therefore no force could be used under a regional arrangement without the authorization of the Security Council.]

At the 1103rd meeting on 13 March 1964, the representative of Cyprus referred to a letter²⁸⁸ addressed to the Secretary-General by the representative of Turkey in which a claim was made of the right to intervene in Cyprus by virtue of regional arrangements concluded in conformity with Article 52 of the Charter. Such a claim, the representative of Cyprus maintained, disregarded the fact that regional arrangements must be subject to the Purposes and Principles of the Charter, and particularly to the provisions of Article 2, paragraph 4. Article 52 was invoked in the letter without taking account of the fact that the Article precluded Turkey from taking action contrary to the Charter. Turkey further informed the Security Council, in accordance with Article 54 of the Charter, that it was dispatching a force to Cyprus while at the same time calling for an urgent dispatch of the United Nations Peace-keeping Force. However, under Article 53 of the Charter "no enforcement action shall be taken under regional arrangements . . . without authorization of the Security Council". Thus, if the Turkish Government relied on Article 52 for intervention in Cyprus, it must also bear in mind Article 53 and had consequently to obtain the authorization of the Security Council before it could send forces to Cyprus.

At the same meeting, the Council adopted²³⁹ a joint draft resolution reaffirming its call upon all Member States "in conformity with their obligations under the Charter" to refrain from any action or threat of action likely to worsen the situation in Cyprus.

CASE 9.²⁴⁰ SITUATION IN THE DOMINICAN REPUBLIC: In connexion with the draft resolutions adopted on

²⁸⁷ For the text of relevant statement, see:

1103rd meeting: Cyprus,* paras. 76-79.

²³⁸ S/5596, O.R., 19th yr., Suppl. for Jan.-Mar. 1964, pp. 135-139. In the letter it was stated:

"Even in the face of these . . . attacks against the Turkish Cypriot community, the Turkish Government . . . has not used its right of unilateral action even though this right is recognized by the Treaty of Guarantee and the Treaty of Alliance, both concluded in conformity with Article 52 of the Charter of the United Nations . . ."

"Our Government . . . has sent the annexed note to Archbishop Makarios as a last attempt to stop massacre and establish law and order in the island . . . If the requests contained in the note are not complied with, the Government of the Turkish Republic, 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, has decided to take appropriate action . . ."

²³⁹ 1103rd meeting, para. 156; S/RES/187 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, p. 4.

²⁴⁰ For texts of relevant statements, see:

1196th meeting: USSR, paras. 205-210; United States, paras. 87-88.

1198th meeting: Cuba,* paras. 65-68, 72; USSR, para. 146; United Kingdom, paras. 59-61; Uruguay, paras. 23-24.

1200th meeting: United States, paras. 15, 27.

1202nd meeting: Jordan, paras. 63-64.

1203rd meeting: Netherlands, paras. 9-10, 16-17.

²⁸⁵ For texts of relevant statements, see:

1086th meeting: Brazil, paras. 57-59; Morocco, para. 84; United Kingdom, paras. 74-76; United States, paras. 42, 50-51.

²⁸⁶ 1086th meeting, paras. 104-105.

14 May 1965, 22 May 1965 and the Statement by the President of 26 July 1965; and the revised draft resolution and amendments thereto rejected on 22 May 1965

[*Note:* In the course of the proceedings the discussion centred on the respective roles of the United Nations and the Organization of American States in bringing about a peaceful solution of the situation in the Dominican Republic. On the one hand, it was contended that without derogating from the authority of the Security Council, the OAS had engaged in a prior effort at peaceful settlement in accordance with the provisions of Articles 33 and 52 of the Charter. It should therefore be permitted to continue to deal with the Dominican situation. On the other hand, it was maintained that the Council had the primary responsibility for the maintenance of international peace and security, even if the matter was under consideration by a regional agency. Such a consideration did not, as provided in Article 52, impair the application of Articles 34 and 35. It was, therefore, for the Security Council to deal with the substance of the matter and to take appropriate measures.]

A revised draft resolution providing for co-ordination of the OAS with the United Nations was rejected, and a draft resolution to the same effect was withdrawn.]

At the 1196th meeting on 3 May 1965, the representative of the United States drew attention to the provision of Article 33 of the Charter under which prior efforts at peaceful settlement might include "recourse to regional agencies or arrangements", a provision which did not derogate from the authority of the Security Council. In the light of action already taken by the OAS it would be desirable, and in keeping with the precedents established by the Council, to permit the regional organization to continue to deal with the Dominican problem. Article 52 of the Charter specifically recognized the authority of regional organizations in dealing with regional problems.

The representative of the USSR stated that the landing of United States troops in Dominican territory was an act of direct aggression and flagrant intervention in the domestic affairs of the Dominican Republic. Article 52 of the Charter was governed by the condition that the activities of the regional organizations should be consistent with the Purposes and Principles of the United Nations. For the purpose of ensuring rapid and effective action, the Members of the United Nations had conferred on the Council, and not on any other organ, primary responsibility for the maintenance of international peace and security. The situation in the Dominican Republic was too serious for the Council to ignore. It was necessary for the Council to react effectively and to take decisive measures.

At the 1198th meeting on 4 May 1965, the representative of Uruguay asserted that he had no doubts as to the competence of the Security Council to examine any dispute or situation which may threaten the maintenance of international peace and security, even if the dispute was at the time under consideration by

a regional body. Such an authority was clearly conferred on the Council by the provisions of Article 52, paragraph 4, and Articles 34 and 35 of the Charter, and was even more appropriate when the situation involved appeared *prima facie* to contravene international law and, in particular, Article 2, paragraphs 4 and 7 of the United Nations Charter. He quoted further from the statement of the Head of the delegation of Uruguay in the General Assembly in September 1954 that Uruguay had combined membership in the United Nations with membership in the OAS in the belief that the principles of the regional system and its safeguards could not be invoked in order to prevent States from having direct and immediate access to the jurisdiction of the United Nations or to deprive them, even if temporarily, of the protection of its organs. The legal protection afforded by both systems should be combined, never substituted for one another.

The representative of the United Kingdom contended that in adopting the course they did with regard to the Dominican situation, the OAS members had acted precisely in accordance with the aims and the principles both of their own organization and of the United Nations Charter. After drawing attention to the provisions of Article 33, Article 36, paragraph 2 and Article 52, paragraph 2 of the Charter, he added that the OAS members had demonstrated their determination to follow the provisions of the United Nations Charter to the letter by requesting the Secretary-General of the OAS to report to the Security Council in accordance with their obligations under Article 54. The Council would therefore best serve the cause of peace in the Dominican Republic if its members would support the action then taken by the OAS.

The representative of Cuba * referring to Article 34 contended that attempts to deny the Security Council competence to investigate situations such as that in the Dominican Republic or to make its action contingent upon decisions of a regional agency would be without any legal basis. Although it was stated in Article 52 that none of the Charter's provisions precluded the existence of regional agencies, it did not acknowledge that they had primary or sole responsibility for dealing with threats to international peace and security which might arise in the area concerned. On the contrary, it was provided in paragraph 4 of Article 52 that the Article "in no way impairs the application of Articles 34 and 35". The fact that a regional agency had under consideration a situation or a dispute restricted in no way the powers of the Security Council under Article 24 defining the Council as the organ having primary responsibility for the maintenance of international peace and security, which acted on behalf of all—whether or not they were members of regional agencies or were directly involved in the situation in question—in carrying out its duties under that responsibility.

At the 1200th meeting on 5 May 1965, the representative of the United States noted that what was being done by the OAS was fully within the scope of the authority of regional organizations to deal with the maintenance of peace and security within their jurisdiction as provided for by Article 52 of the Charter.

At the 1202nd meeting on 6 May 1965, the representative of Jordan emphasized the fact that the authority and effectiveness of the Security Council action should be protected. Whatever measures were taken

1204th meeting: United States, paras. 91-93.

1214th meeting: Bolivia, para. 44; Netherlands, para. 141; United Kingdom, para. 84; United States, para. 24; Uruguay, paras. 59-61.

1215th meeting: Jordan, para. 10.

1216th meeting: United States, para. 99.

1221st meeting: Cuba,* paras. 94-95.

1222nd meeting: Malaysia, paras. 101-111; USSR, paras. 62-64, 66; United States, paras. 18-20.

by the regional organization was a question which belonged to the OAS separately and independently. It had nothing to do with the work of the Security Council and it could not affect the responsibilities of the members of the Council with which rested the task of maintaining international peace and security.

At the 1203rd meeting on 7 May 1965, the representative of the Netherlands contended that it seemed clear from Articles 33 and 52 of the Charter that the first and normal way to try to solve a dispute in the Western Hemisphere was through the OAS. However as evident from Article 52, paragraph 4, there was no denial of the competence of the Security Council to take cognizance of such a dispute and to make, if necessary, recommendations in regard thereof. On the other hand, the Council should bear in mind the self-limitation which followed from both the letter and the spirit of the Charter, i.e., the Council was fully competent to consider all disputes which might endanger international peace and security, but a solution of such a dispute should in the first place, as the Charter provided, be solved through resort to a regional organization whenever such organization existed. In accordance with Article 52, paragraph 3, the Council should encourage the settlement of local disputes through regional arrangements. Meanwhile, the matter should be kept on the Council's agenda, and if the efforts of the regional agency failed, the Council should discuss it again. Also, in conformity with Article 54, the Council should be kept informed of the progress in the consideration of the matter by the regional agency.

At the 1204th meeting on 11 May 1965, the representative of Uruguay introduced a draft resolution²⁴¹ in which *inter alia* the Council, taking note of the OAS communications reporting on the measures taken in connexion with the Dominican situation, would invite the OAS to keep the Council informed of the action taken with respect to that situation. In another operative paragraph the Council would invite the Secretary-General to follow closely the events in the Dominican Republic and to take such measures as he might deem appropriate for the purpose of reporting to the Council on all aspects of the situation.

The representative of the United States noting that the Uruguayan draft resolution sought "to interpose the Security Council into the situation" at a time "when the regional organization seems to be dealing with the situation effectively", stated that its adoption would tend to complicate the activities of the OAS by encouraging concurrent and independent considerations and activities by the Security Council. Thus, the Council would not be encouraging peaceful settlement by the regional organization as it should do under the provisions of the United Nations Charter, which provided that a regional solution was one of the methods to be sought first of all.

On 13 May 1965, the representative of the USSR submitted several amendments²⁴² to the draft resolution by Uruguay, one of which provided for the deletion of references to the reports of the OAS.

At the 1214th meeting on 21 May 1965, the representative of the United States introduced a draft resolution²⁴³ under which the Council, taking note of the

OAS reports, would urge the regional organization to intensify its efforts to assure observance of the cease-fire and to facilitate the establishment of democratic institutions in the Dominican Republic. The draft resolution would further request the representative appointed by the Secretary-General, in carrying out the responsibilities assigned to him by the Security Council, "to co-ordinate with the Secretary General of the Organization of American States in light of the resolution adopted by the Organization of American States on 20 May 1965".

At the 1216th meeting on 22 May 1965, after the representative of the USSR introduced revised draft amendments to the Uruguayan revised draft resolution, the Council rejected the revised draft amendments of the USSR and the revised draft resolution of Uruguay.²⁴⁴

The representative of the United States remarked that the constitutional issue before the Council centred on the recognition by the Council of its relationship with the OAS which was a regional organization specifically provided for in the Charter. The Council should not, by its action, fail to recognize or permit that this relationship be disturbed.

At the 1218th meeting on 24 May 1965, the representative of the United States withdrew his draft resolution.²⁴⁵

At the 1220th meeting on 3 June 1965, upon the proposal of the representative of Bolivia, the President (Netherlands) read out the text of the following letter addressed to him on 25 May 1965 by the representatives of Argentina, Bolivia, Brazil, Colombia, Costa Rica, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay and Peru:

"We the undersigned, as representatives of States Members of the United Nations which are members of the Organization of American States, acting on instructions of our respective Governments and concerned that our regional agency should fulfil the purposes assigned to it by its charter and by the Charter of the United Nations; and, at the same time, seeking to reaffirm the significance of the OAS as an instrument for the preservation of peace and security on the American continent, venture to place before the Security Council, with respect, the following considerations:

"*First:* The Organization of American States, in its capacity as a regional agency, should continue to exercise the responsibility for the maintenance of peace and security in the hemisphere which is conferred on it by the charter of the OAS and recognized by the Charter of the United Nations.

"*Second:* In accordance with Article 52, paragraph 3, of the Charter of the United Nations, which Member States are bound to uphold, every effort should be made to encourage action by regional agencies for the pacific settlement of local disputes.

"*Third:* The foregoing does not preclude co-ordination of the action of the United Nations and of the OAS for the maintenance of peace and security as an appropriate procedure for the fulfilment of the high purposes of the Charter of the United Nations and of the charter of the Organization of American States."²⁴⁶

²⁴¹ S/6346, 1204th meeting, para. 4.

²⁴² S/6352 and Rev.1 and 2 incorporated in the record of the 1216th meeting, para. 43.

²⁴³ S/6373, 1214th meeting, para. 24.

²⁴⁴ 1216th meeting, paras. 44-49, 69.

²⁴⁵ 1218th meeting, para. 21.

²⁴⁶ S/6409, 1220th meeting, para. 120.

At the 1221st meeting on 7 June 1965, the representative of Cuba * referred to the above letter and observed that what apparently was attempted was to imply that the intervention of the regional organization limited the powers of the Council in carrying out its duties and in taking such measures as it might consider appropriate. He indicated that Articles 34, 35, 36 and 53 of the Charter very clearly established the subordination of any regional organization to the Security Council in connexion with the responsibility for the maintenance of international peace and security, both in the Western hemisphere and anywhere else in the world. The letter also invoked Article 52, paragraph 3 of the United Nations Charter which stressed the recognition given in that Article to regional organizations. In this connexion he wondered why the letter had not mentioned also paragraph 4 of the same Article which affirmed the jurisdiction of the Security Council in such cases, and stressed the right of any Member of the United Nations to bring to the Security Council any situation such as the Dominican situation.

At the 1222nd meeting on 9 June 1965, the representative of the United States observed that while the Charter conferred on the Security Council "primary responsibility" for the maintenance of peace, there was no requirement that only the Security Council could act when threats to peace occurred. On the contrary, Article 33 prescribed that "regional agencies or arrangements" should be resorted to by parties to any dispute endangering peace. The OAS had essentially the same peaceful goals as the United Nations. Their roles were not mutually exclusive but mutually reinforcing. Such a relationship was explicitly foreseen in Article 52, paragraph 2, of the Charter.

At the 1233rd meeting on 26 July 1965, the President (USSR) stated that after consultations among the members of the Council, he had been authorized to present the summing up of the discussion held during the past few meetings of the Council on the Dominican situation.²⁴⁷

CASE 10.²⁴⁸ SITUATION IN THE DOMINICAN REPUBLIC: In connexion with the draft resolutions adopted on 14 May 1965 and 22 May 1965; and the revised draft resolution and amendments thereto rejected on 22 May 1965; and with the statement of the President of 26 July 1965

[*Note:* In the course of proceedings it was maintained that the action of the United States troops in the Dominican Republic and the dispatch there by the Organization of American States of an Inter-American force did not constitute an "enforcement action" within the meaning of Article 53 of the Charter. Articles 52 and 54 of the Charter were applicable rather than Article 53.

²⁴⁷ 1233rd meeting, para. 2. For the statement of the President, see chapter VIII, pp. 152-153.

²⁴⁸ For texts of relevant statements, see:
1196th meeting: USSR, paras. 207-209.
1200th meeting: USSR, paras. 153-154; United States, paras. 162-163.

1202nd meeting: USSR, paras. 46-50.
1204th meeting: USSR, paras. 42-43, 78.
1216th meeting: USSR, paras. 52, 81.
1220th meeting: USSR, para. 110; United States, paras. 79-80.
1221st meeting: Jordan, para. 22-23; Uruguay, paras. 42, 44.
1222nd meeting: Malaysia, paras. 101-111; USSR, paras. 62-64, 66; United States, para. 21.

On the other hand, it was held that Article 53 had been violated by the United States and the OAS which had undertaken an enforcement action in the Dominican Republic without the authorization of the Security Council. Furthermore, such a military action could not be considered a "peace-keeping operation" since the prerequisite of the consent of the party concerned was lacking.]

At the 1196th meeting on 3 May 1965, the representative of the USSR quoted Article 53, paragraph 1, and queried whether the United States had had the authorization of the Security Council and by what right, under which charter, and on which basis the invasion by the United States troops had taken place.

At the 1200th meeting on 5 May 1965, the representative of the United States noted that United States forces in the Dominican Republic were policing the city, guarding the neutral safety zone, evacuating asylees and refugees and were distributing food and medicine. He maintained further that the steps being taken by the OAS did not constitute enforcement action within the meaning of the Charter. No enforcement action was being taken against the Dominican Republic and no order was being enforced.

At the 1202nd meeting on 6 May 1965, the representative of the USSR, in reply to the statement of the United States representative, indicated that the United States action in the Dominican Republic was in fact an enforcement action taken in violation of Article 53, paragraph 1, which clearly provided that no enforcement action could be taken without the authorization of the Security Council.

At the 1204th meeting on 11 May 1965, the representative of the USSR contended that under the pressure of the United States, the OAS had set up a so-called Inter-American armed force. This action was a violation of the United Nations Charter, and in particular of Article 53.

At the 1216th meeting on 22 May 1965, after the representative of the USSR introduced revised draft amendments to the Uruguayan revised draft resolution, the Council rejected the revised draft amendments of the USSR and the revised draft resolution of Uruguay.²⁴⁹

The representative of the USSR stated that he could not support any provisions in the Council's resolutions which would contain either direct or indirect expressions of approval of actions of the OAS which were contrary to the United Nations Charter since the regional organization had received no mandate to undertake enforcement action as provided for in Article 53 of the Charter.

At the 1220th meeting on 3 June 1965, the representative of the United States, referring to the assertion that authorization from the Security Council for the Inter-American Force in the Dominican Republic was required, said that it was evidently based on the proposition that the establishment and the functioning of the Force somehow constituted enforcement action within the meaning of Article 53, paragraph 1, of the Charter. However, the Force had been set up solely for the purpose of assisting in the restoration of normal conditions in the Dominican Republic, to enable the Dominican people to determine their future Government, and was not being employed to force any concession from a Dominican Government. The collective efforts of the OAS could thus not properly be

²⁴⁹ 1216th meeting, paras. 44-49, 69.

termed enforcement action under Article 53. In such circumstances the requirements of the United Nations Charter were those set forth in Articles 52 and 54 rather than in Article 53.

At the 1221st meeting on 7 June 1965, the representative of Jordan maintained that the United Nations Charter did not permit a military action of the type which had taken place in the Dominican Republic, whether that action had been unilateral or had been made in a regional form. Collective measures in self-defence were permitted under the Charter, but no enforcement action could be taken under regional arrangements without the authorization of the Security Council. The question was whether the OAS had acted in conformity with the provisions of the United Nations Charter, which should prevail over all international agreements.

The representative of Uruguay stated that intervention and the use of force, whether unilateral or multilateral, carried out by a State or by a group of States were always illegal internationally, unless justified by such norms as those in Chapter VII of the Charter. Furthermore, the military intervention in the Dominican Republic could not be considered a "peace-keeping operation" since the indispensable prerequisite of the consent of the party concerned was lacking. Therefore, if the conclusion of that constitutional problem were to be that that action was of a coercive nature, the sole consequence that might result from its regionalization would be to make applicable in the Dominican case the provisions of Article 53 of the Charter.

At the 1222nd meeting on 9 June 1965, the representative of the United States contended that while enforcement action within the meaning of Chapter VII of the Charter remained the prerogative of the United Nations and of the Security Council, however, the action being taken in the Dominican Republic by the OAS was most certainly not enforcement action, any more than the action taken by the United Nations in Cyprus, the Congo or the Middle East. There was no question of the competence or the jurisdiction of the OAS to deal with the current crisis in the Dominican Republic, as long as its actions were consistent with the Charter.

The representative of the USSR referred to the letter²⁵⁰ of the thirteen Latin American States and observed that no mention in it was made of Article 53 which prohibited enforcement action without the authorization of the Security Council. It was, however, that Article that had been violated by the United States which had tried to represent the United States aggression against the Dominican Republic as an activity carried out by an inter-American organization.

²⁵⁰ S/6409, 1220th meeting, para. 120. See also in this chapter, Case 9.

The representative of Malaysia, after referring to the antecedents of Chapter VIII of the United Nations Charter, remarked that its text was agreed upon as a result of a compromise reached in order to preserve the over-all supremacy of the United Nations and the primacy of the Security Council. The OAS was very clearly subordinated in the sphere of enforcement action, involving the use of military power, to the superior authority of the Security Council. The use of force by the regional organization was only permissible in two situations, in the exercise of the right of collective self-defence, under Article 51, and where its services, where appropriate, were utilized by the Security Council under Article 53. In applying in practice that well-defined principle to the particular situation in Santo Domingo it was necessary, however, to determine whether the action which was being carried out by the OAS was an enforcement action. Should it be so, there was no doubt that Article 53 had been violated. However, the phrase "enforcement action" occurred in the Charter only in Article 53, and not in Chapter VII, and it presupposed the existence of something to be enforced. Under Article 39, the Security Council, having determined the existence of a threat to the peace or act of aggression, had either to make recommendations or decide on measures as provided for in Article 41 or Article 42. Since enforcement of a recommendation was a contradiction in terms, the sole alternative was that a decision under any of those Articles was the only one which could be enforced. If the provisions of Articles 41 and 42 were to be examined closely, it would be clear that the Security Council would not be called upon in the circumstances obtaining in the Dominican Republic to take any measures under Articles 41 or 42. The OAS was carrying out in Santo Domingo a conciliatory function, co-operating in the restoration of normal conditions in the Dominican Republic. The current activity of the OAS in Dominican territory could not therefore be considered as falling within the meaning of the expression "enforcement action". The fallacy of arguments to the contrary had resulted from misreading the phrase "enforcement action" as meaning "any action accompanied by force". That was, however, a meaning which that phrase could not bear in the context in which it occurred. Even an operation undertaken for the pacific settlement of a dispute might involve a certain amount of the use of force. But that would not make it necessarily an "enforcement action", within the meaning of Article 53.

At the 1233rd meeting on 26 July 1965, the President (USSR) stated that after consultations among the members of the Council, he had been authorized to present the summing up of the discussions held during the past few meetings of the Council on the Dominican situation.²⁵¹

²⁵¹ 1233rd meeting, para. 2. For the statement of the President, see chapter VIII, pp. 152-153.

Part VI

** CONSIDERATION OF THE PROVISIONS OF CHAPTER XII OF THE CHARTER

Part VII

CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER

Chapter XVI of the Charter: Miscellaneous provisions

“ . . . ”

Article 103

“In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

“ . . . ”

NOTE

Two case histories which appear below relate to the proceedings in the Council in which it was maintained that provisions of certain international treaties were in conflict with the provisions of the Charter and Article 103 was therefore applicable.

CASE 11.²⁵² COMPLAINT BY YEMEN: In connexion with the joint draft resolution submitted by the Ivory Coast and Morocco; voted upon and adopted on 9 April 1964

[*Note:* During the debate it was contended that the obligations assumed by the United Kingdom under its treaties with the Federation of South Arabia were not valid in the light of the provisions of Article 103 of the Charter.]

At the 1106th meeting on 2 April 1964, the representative of the United Kingdom, in asserting that it was the Federation of South Arabia that had been the victim of aggression on the part of the Yemeni authorities, stated that the British Government was by treaty responsible for the defence of the Federation and thus had an obligation to assist it in protecting its territory from external aggression and encroachment.

At the 1108th meeting on 6 April 1964, the representative of Syria * referred to protection treaties between the Federation of South Arabia and the United Kingdom and stated that any claim based on inequitable treaties was null and void by virtue of Article 103 of the Charter.

At the 1109th meeting on 7 April 1964, the representative of the United Kingdom stated that his Government had acted as it did because it had received an urgent request from the Ministers of the Federation to fulfil its treaty obligations.

The representative of Syria, * after quoting Article 103 of the Charter, observed that the obligations assumed by the United Kingdom under the United Nations Charter must prevail over the obligations assumed by it under those so-called protection treaties which were no longer valid either intrinsically or under the provisions of Article 103.

²⁵² For texts of relevant statements, see:

1106th meeting: United Kingdom, paras. 34, 57.
1107th meeting: Iraq,* pp. 18-20.
1108th meeting: Syria,* para. 22.
1109th meeting: Morocco, paras. 96, 99; Syria,* paras. 78-82; United Kingdom, para. 15.

CASE 12.²⁵³ COMPLAINT BY THE GOVERNMENT OF CYPRUS: In connexion with the joint draft resolutions adopted on 4 March 1964, 13 March 1964, 19 March 1965 and 10 August 1965

[*Note:* During the discussion it was maintained, on the one hand, that if in any of the treaties with regard to Cyprus, there was, in the view of any of its parties, a limitation to the independence and the sovereignty of the Republic of Cyprus, then such a treaty would not be valid. The claim that the Treaty of Guarantee had granted the guaranteeing Powers the right of military intervention in Cyprus was invalid under the provisions of Article 103 of the Charter. On the other hand, it was contended that under the Treaty of Guarantee, each of the guaranteeing Powers would in the event of impossibility of concerted action by them have the right to take individual action with the aim of re-establishing the state of affairs created by the Treaty. It was also contended that should there be a conflict between the treaties regarding Cyprus and Article 103 of the Charter, the proper resort for testing the validity of any treaty was not the Security Council but the many judicial organs and instances available to Member States of the United Nations. Moreover, the treaties with regard to Cyprus had been duly registered with the United Nations under Article 102 of the Charter, and the question of a conflict under Article 103 had not been raised at the time of such registration.]

At the 1095th meeting on 18 February 1964, the representative of the United Kingdom in describing the provisions of the Treaty of Guarantee with regard to Cyprus, signed in Nicosia on 16 August 1960, referred to article IV under which in the event of a breach of its clauses, Greece, Turkey and the United Kingdom undertook to consult together as regards the representations or measures considered necessary to ensure observance of those provisions. Furthermore,

²⁵³ For texts of relevant statements, see:

1095th meeting: Cyprus,* para. 99; Turkey,* para. 191; United Kingdom, paras. 36-40.
1096th meeting: USSR, paras. 41, 54-55; United States, para. 74.
1097th meeting: Cyprus,* paras. 137-139; Czechoslovakia, paras. 49-50.
1103rd meeting: Cyprus,* paras. 33-35.
1193rd meeting: Turkey,* para. 33.
1234th meeting: Cyprus,* paras. 65, 69; Turkey,* paras. 123-126.
1235th meeting: Cyprus,* paras. 132, 137.

article IV stipulated that in so far as common or concerted action may not prove possible, each of the three guaranteeing Powers reserved the right to take action with the sole aim of re-establishing the state of affairs created by that Treaty.

At the 1096th meeting on 19 February 1964, the representative of the USSR observed that every State Member of the United Nations had an obligation under Article 2, paragraph 4, of the Charter to respect the independence and territorial integrity of other Member States and to refrain from the threat or use of force against them. That obligation could not be revoked by any agreement or treaty. It continued to be absolutely binding on every Member State. That was clearly apparent from Article 103 of the Charter.

The representative of the United States remarked that the Treaty of Guarantee formed an integral part of the organic arrangements that created the Republic of Cyprus, and assured its independence, territorial integrity and security, as well as respect for its Constitution. The treaty could not be abrogated or modified by the Security Council but only by agreement of all of the signatories themselves or in accordance with its terms.

At the 1097th meeting, the representative of Czechoslovakia contended that on the basis of the Zurich and London Agreements, a pretext had been maintained for interference by a foreign Power and for restricting the sovereignty of the Republic of Cyprus. He further observed that Member States were subject to the obligations under the United Nations Charter of which the provisions of Article 103 and in particular Article 2, paragraphs 1, 3, 4 and 7, were relevant. The obligations to refrain in international relations from the threat or use of force and not to interfere in the internal affairs of other States actually nullified the obligations and rights emanating from other sources contrary to the Charter. Therefore no Member State could—even on the basis of agreements such as the Zürich and London Agreements—claim a right to intervene or interfere in the affairs of the Republic of Cyprus. No agreement could, in fact, legalize something which was illegal under the terms of the Charter. In that connexion he recalled the provisions of Article 103 of the Charter.

The representative of Cyprus, * after drawing the attention of the Council to Turkey's claims that the Treaty of Guarantee had given to Greece, Turkey and the United Kingdom the right of military intervention in Cyprus, asserted that the territorial integrity and independence of Cyprus were based on the United

Nations Charter, particularly on the provisions of Article 2, paragraphs 1 and 4. And should the Turkish Government persist in its interpretation, the provisions of Article 103 of the Charter should be borne in mind.

At the 1103rd meeting on 13 March 1964, the representative of Cyprus * maintained that if article IV of the Treaty of Guarantee was to be interpreted as giving the guarantors the right to intervene in Cyprus by force, then that article would itself become void under the Charter, by virtue of Article 103. Furthermore, the International Court of Justice could not be required to look into the interpretation of such clear provisions as those of Article 103 of the Charter.

At the 1193rd meeting on 19 March 1965, the representative of Turkey * stated that should there be a conflict between the Cyprus treaties and Article 103 of the Charter, as had been maintained by the representative of Cyprus, the proper resort for testing the validity of any treaty was not the Security Council but the many judicial organs and instances available to the Members of the United Nations.

At the 1234th meeting on 3 August 1965, the representative of Turkey * further observed that the treaties with regard to Cyprus had been registered with the United Nations under Article 102 of the Charter, and no one at the time of such registration, certainly not the Republic of Cyprus, had ever thought of raising the question of a conflict under Article 103 of the Charter.

At the 1235th meeting on 5 August 1965, the representative of Cyprus * maintained that since the United Nations had established that any use of armed force in international relations, otherwise than as provided for in the Charter, was illegal and that no departure from that principle would be permitted by treaty or otherwise, the use of armed force was not any less unjustifiable if it was allegedly for the purpose of maintaining any given constitutional system. Among other reasons, because of the fact that the prohibition of the use of force was absolute under the Charter, as far as Cyprus was concerned the Treaty of Guarantee did not exist.

At the 1236th meeting on 10 August 1965, the Council adopted²⁵⁴ a joint draft resolution submitted by the representatives of Bolivia, Ivory Coast, Jordan, Malaysia, the Netherlands and Uruguay under which *inter alia* the Council reaffirmed the resolution of 4 March 1964 (S/RES.186 (1964)).²⁵⁵

²⁵⁴ 1236th meeting, paras. 5-8.

²⁵⁵ See chapter VIII, p. 125.

Part VIII

** CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER