

UNITED



NATIONS

**REPORT
OF THE SECURITY COUNCIL
TO
THE GENERAL ASSEMBLY
16 July 1959—15 July 1960**

GENERAL ASSEMBLY

**OFFICIAL RECORDS : FIFTEENTH SESSION
SUPPLEMENT No. 2 (A/4494)**

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NOTE

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

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INTRODUCTION

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

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

With respect to the membership of the Security Council during the period covered, it will be recalled that the General Assembly, at its 825th and 857th plenary meetings on 12 October and 13 December 1959, elected Ceylon, Ecuador and Poland as non-permanent members of the Council to fill vacancies resulting from the expiration, on 31 December 1959, of the term of office of Canada, Japan and Panama.

The period covered in the present report is from 16 July 1959 to 15 July 1960. The Council held twenty-eight meetings during that period.

¹ This is the fifteenth annual report of the Security Council to the General Assembly. The previous reports were submitted under the symbols A/93, A/366, A/620, A/945, A/1361, A/1873, A/2167, A/2437, A/2712, A/2935, A/3157, A/3648, A/3901 and A/4190.

PART I

Questions considered by the Security Council under its responsibility for the maintenance of international peace and security

Chapter 1

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

A. Submission of the item

1. By a note of 4 September 1959 (S/4212), the Permanent Mission of Laos to the United Nations transmitted to the Secretary-General a cablegram from the Foreign Minister of Laos requesting, under Article 1, paragraph 1, and Article 11, paragraph 2, of the Charter, that an emergency force should be dispatched to Laos at a very early date to halt an aggression along the north-eastern frontier of Laos by elements from the Democratic Republic of Viet-Nam. The Secretary-General was also asked to take the appropriate procedural action on that request.

2. By a letter dated 5 September 1959 (S/4213), the Secretary-General requested the President of the Security Council to convene the Council urgently for the consideration of the item.

B. Inclusion of the item in the agenda

3. On 7 September 1959 (847th meeting), the President explained that his convening of the meeting was based on rule 1 of the Council's provisional rules of procedure and that consultations with representatives on the Council regarding the message from the Foreign Minister of Laos had shown that the overwhelming majority considered the holding of the meeting advisable.

4. The Secretary-General stressed that, in asking for the inscription of the item on the agenda, he had based his action on a practice which had developed over the years in the Council and according to which the Secretary-General, when he requested it, was granted the floor in order to make such statements on subjects within the range of the responsibility of the Council as he considered called for under the terms of his own responsibilities. Just as the Secretary-General could ask for, and was granted the floor in the Council, he was entitled to request an opportunity to address the Council publicly on a matter which he considered necessary personally to put before the Council. In doing so within that framework, the Secretary-General did not introduce formally on the agenda of the Council anything beyond his own wish to report to the Council, and his request was clearly not based on his rights under Article 99 of the Charter. A request under that Article could not, under rule 3 of the Council's provisional rules of procedure, be rejected as the present one could be, and it would have involved a judgement of facts for which he did not have a sufficient basis.

5. The representative of the Union of Soviet Socialist Republics said that there were a number of irregularities of a procedural nature in the convening of that meeting. Under rule 7, the provisional agenda should include only: (i) items brought to the Council's attention in accordance with rule 6; (ii) items covered by rule 10; or (iii) matters which the Council had previously decided to defer. Neither (ii) nor (iii) applied in the present matter; and since no indication was to be found in the note from the Permanent Mission of Laos that its Government was submitting the matter for the consideration of the Council, rule 6 was not applicable either. Moreover, the Secretary-General had just stated that he did not act on the strength of the rights granted to him by Article 99 which, therefore, should not be taken into consideration. Neither could rule 22 be invoked, as that rule was limited to questions under consideration by the Council. As for the President's statement that he had convened the meeting under rule 1, it should be noted that rule 1 might be interpreted as referring only to the intervals at which meetings of the Council were called. Therefore it was not applicable in the case. Consequently, the USSR delegation considered that the meeting had been convened in violation of the rules of procedure.

6. The Secretary-General emphasized that the message he had received from the Government of Laos, which ended by asking the Secretary-General to apply the appropriate procedure to the request it conveyed, combined with his letter to the President containing the request for a meeting, constituted the full documentation regarding the question, and included all communications which were relevant under rule 6. As for rule 22, he would obviously not request the right to make a statement to the Council until and unless the Council decided to consider the question.

7. The President also stressed that under rule 1 he had complete discretion in calling meetings at any time he deemed it necessary.

8. The representative of the Union of Soviet Socialist Republics, objecting to the inclusion of the item in the agenda, recalled the Geneva Agreement of 1954 dealing with Laos, the Vientiane Agreements of 1956 and 1957 concluded between the Government of Laos and the Pathet Lao forces, as well as the establishment of the International Commission for Supervision and Control in Laos. Acting in conformity with those Agreements, he said, the Lao Government, in co-operation with the Commission, could and must restore

the situation in the country to normal, without interference from the outside. He charged that the recently established Government of Phoui Sananikone disregarded those Agreements, and had hampered the activities of the Commission. Its actions, he said, were directly linked with foreign interference in the domestic affairs of Laos, designed to turn the country into a foreign base for strategic and military operations in South-East Asia.

Decision: *The item was included in the agenda by a vote of 10 to 1 (USSR).*

C. Consideration by the Security Council and establishment of a Security Council sub-committee

9. Following the adoption of the agenda, the Secretary-General recalled that various communications on the difficulties that had developed in Laos had in the course of the year been addressed to the United Nations, without the Organization, however, being formally seized of the matter. Informal studies and consultations had taken place regarding the possibilities open to the Organization to be of assistance, without impairing the Geneva Agreements of 1954 on Indo-China or interfering with the arrangements based on them.

10. After reviewing those informal consultations, the Secretary-General stressed that the request for emergency forces contained in the Lao communication of 4 September constituted the first time in the history of the question that a specific request for action had been addressed to one of the main organs of the United Nations. That request fell within a field in which, in the first place, the Security Council carried the responsibility, and, when asked by the Government of Laos to apply the appropriate procedure, he had therefore to report to the Council for such consideration and initiatives as the Council might call for. He had found that, rather than simply circulating the communication from the Government of Laos as a Security Council document, he should add orally the information regarding his previous contacts with the question, so that the Council could consider the problem with as complete knowledge of it as he could provide.

11. The following draft resolution was then submitted jointly by France, the United Kingdom and the United States (S/4214):

"The Security Council

"Decides to appoint a sub-committee consisting of Argentina, Italy, Japan and Tunisia, and instructs this sub-committee to examine the statements made before the Security Council concerning Laos, to receive further statements and documents, and to conduct such inquiries as it may determine necessary and to report to the Security Council as soon as possible."

12. Introducing the three-Power draft resolution, the representative of the United States of America considered that there was no doubt that aggression had been committed and that the cablegram from the Foreign Minister of Laos constituted *prima facie* evidence of the need for the Security Council to act quickly. He pointed out that the language of the draft resolution was virtually identical with the language used in the action under Article 29 of the Charter, in 1946, when the Security Council established a committee to examine statements made before it with

regard to the situation in Spain. The proposed sub-committee would be a subsidiary organ of the Council which would provide for the continuation of the Council's consideration of the matter. The draft resolution should, in a short time, result in finding facts which would be of value to the Council, and was a constructive way of dealing with a menacing situation.

13. The representative of France emphasized that he subscribed to the conception of the role of the Secretary-General and the task of the Security Council, expressed in the statements of the Secretary-General and the Council's President, regarding the procedure for submission of the question to the Council.

14. Stressing the peaceful character of the people of Laos, he rejected any suggestion of aggressiveness on its part, and stated that his Government had no doubt as to the identity of those responsible for the present situation or as to the ends which they pursued. But it was the first time that the United Nations had been called upon to deal with that problem and it was perfectly normal that the Council, before recommending a practical course of action, should wish to seek further information.

15. Turning to the questions of the Geneva Agreements and the International Commission for Supervision and Control, he stated that the former had sanctioned the independence and territorial integrity of Laos, but had in no way placed it under permanent trusteeship, while the latter had been set up to verify the implementation of the Armistice Agreement, but not to have an exclusive and final monopoly of jurisdiction. Since then, Laos had become a Member of the United Nations and was entitled to apply to the Organization whenever it deemed it appropriate.

16. The representative of the United Kingdom of Great Britain and Northern Ireland, expressing himself along similar lines, felt that the dispatch of United Nations forces to a troubled area was a grave step, upon which the United Nations should not embark without very serious consideration and full knowledge of the facts. The United Kingdom had therefore co-sponsored the draft resolution.

17. Among the other members of the Council who expressed themselves in favour of the draft resolution, the representative of Japan stated that his delegation was especially interested in having full information collected on the matter. It was still premature to discuss the substance of the question and it was to be hoped that the United Nations presence in the area in the form of such a sub-committee would contribute to easing the tension.

18. The representative of Canada noted that his country, as a member of the International Commission of Supervision and Control set up at the Geneva Conference, had always been concerned with developments in the area, and was prepared to consider any steps which would help to reduce tension there. An impartial report on the facts of the current situation was necessary before the Council could usefully deal with the substance of the communication to the Secretary-General. He said that it was the consistent position of the Canadian Government that the principles of the Geneva settlement should be maintained in Laos as elsewhere in Indo-China. Canada did not believe the Council would be justified in attempting to impose the International Commission on the Royal Laotian Government for this purpose, but favoured instead the procedure set forth in the draft resolution.

19. The representative of Argentina said that the question at stake was the degree of faith the United Nations should place in the word of a Member when that Member requested assistance. In such a situation the Council could not do less than investigate the facts on the spot through the sub-committee, which would be an extension of the Council itself in application of Article 29.

20. The representative of China asserted that the peaceful character of Laos was recognized by all and that the integrity and independence of Laos would be most assuring to its neighbours in the South-east Asian area—Viet-Nam, Thailand, Cambodia, and the Federation of Malaya. The Government of Laos had done well in economic development and in the building up of a small defensive force. This peaceful progress had rendered the chances of success for internal subversion poor. That explained why international communism was now resorting to invasion from the outside, in addition to subversion from within. He stressed that the Council had before it, on the one hand, a request from the Government of Laos that the United Nations send an emergency force to that country, and, on the other hand, a draft resolution providing for the appointment of a sub-committee to gather information. His delegation would support that draft resolution although the disparity between the request and the response was almost tragic.

21. The representative of Tunisia noted with regret that the Government of Laos had not seen fit to address its complaint directly to the Security Council and had not itself requested a meeting of the Council. Article 11, paragraph 2, seemed rather to refer to the General Assembly. However, the request for assistance against aggression and the request for the dispatch of a force were both sufficiently grave to come within the Council's purview. An objective study of the situation was indispensable and the appointment of a sub-committee would greatly facilitate the work of the Council.

22. At the 848th meeting, on the same day, the representative of the Union of Soviet Socialist Republics explained that he would vote against the draft resolution because the Council could not be a party to measures which would undermine the validity of existing international agreements. The draft resolution, he said, could not be regarded as being procedural, but was a question of substance, requiring unanimous approval by all five permanent members of the Council. Recalling similar cases in the history of the Council, he stated that there had not been a single one where a proposal of this type had been regarded as procedural. He referred in support of his contention to the four-Power statement by China, the USSR, the United Kingdom and the United States at the San Francisco Conference, on 7 June 1945,² with which France later associated itself, and which was subsequently approved by all Members of the United Nations. Paragraph 4 of that statement, he said, noted that decisions by the Security Council might well have major political consequences. The statement provided that such decisions should require unanimity of the Council's permanent members. In his view, the establishment of the proposed sub-committee could have such consequences and should therefore be subject to that rule. Furthermore, he added, if there were any doubt about this, a decision as to whether a question was of a

procedural nature or not, would require seven affirmative votes of the members of the Council, including the concurring votes of the permanent members, according to the four-Power statement.

23. The representative of Panama expressed his support for the draft resolution. The establishment of a sub-committee was a constructive step. It should be emphasized, however, that the sub-committee could not draw conclusions or make recommendations but should confine itself to submitting the facts to the full Council.

24. The President, speaking as the representative of Italy, stated that the United Nations was bound to act in the matter, first, because the case was one of a small country which, thinking that its freedom was endangered, turned to the Organization for that very assistance foreseen by the Charter; and secondly, because the possible building up of serious fighting in a delicate region of the world would present ominous implications.

25. The representative of the Union of Soviet Socialist Republics submitted that, before voting on the draft resolution, the Council should vote on the following issue: should the vote on the draft resolution be regarded as a procedural one?

Decision: *The motion that the draft resolution was a procedural matter received 10 votes in favour and 1 against (USSR).*

26. The President stated that the draft resolution should be considered as procedural. He explained that it fell under Article 29 of the Charter which appeared under the Charter heading of "Procedure".

27. The representative of the Union of Soviet Socialist Republics stated that the President's interpretation was illegal.

28. After some further procedural debate, the Council proceeded to vote on the three-Power draft resolution.

Decision: *The three-Power draft resolution (S/4214) was adopted by 10 votes to 1 (USSR).*

D. Report of the Security Council Sub-Committee

29. In its report, signed in New York on 3 November 1959 (S/4236), the Sub-Committee stated that, taking into consideration the views expressed in the Council regarding the origin and nature of the situation in Laos, it had decided that the purposes of the Council could best be served by acceptance of an invitation which had been extended by the Government of Laos to visit the country. It had stayed there between 15 September and 13 October 1959, and had thereafter returned to New York to draft the report which contained information received up to 26 October from alternate representatives who had remained in Laos.

30. Under its terms of reference, the Sub-Committee had had to confine itself strictly to fact-finding, without making any recommendations. Neither was it within its competence to concern itself with the substance of the issues involved, nor to undertake any steps designed to influence the course of events to which the Government of Laos had referred. The substance of its inquiry, as determined by the terms of the Lao note of 4 September, was summarized as follows: crossing of the Lao frontier by foreign troops since 16 July 1959; engagement, by those troops, in

² *Repertory of Practice of United Nations Organs*, vol. II, p. 105, United Nations publication, Catalogue No. 55.V.2.

military actions against the garrison units of the Lao army along the north-eastern frontier; dependence of attacking forces for reinforcement and supplies of food and munitions from outside the country; participation of elements of the Democratic Republic of Viet-Nam in the attacks, particularly that of 30 August 1959.

31. Summarizing its findings, the Sub-Committee stated that, according to the documents presented to it by the Lao authorities, it appeared that, especially since 16 July 1959, military actions had taken place on Lao territory against Lao army posts and units. Those actions had increased progressively, reaching their maximum intensity between 30 August and the middle of September, whereafter they had taken the characteristics of guerrilla activity, scattered practically throughout the country.

32. The Sub-Committee considered that, generally speaking, although there had been actions of different

scope and magnitude during the period 16 July to 11 October 1959, all of them had been of a guerrilla character. From the statements of the Lao authorities, and from those of most witnesses, it appeared, however, that certain of those operations must have had a centralized co-ordination. Forty out of forty-one witnesses had stated that the hostile elements received support from the territory of the Democratic Republic of Viet-Nam in the form of equipment, arms, ammunition, supplies, and the help of political cadres. According to a document presented by the Government of Laos, participation of regular units of the army of the Democratic Republic of Viet-Nam had been reported during attacks on 30 August 1959.

33. In conclusion, the Sub-Committee stated that the ensemble of information submitted to it did not, however, clearly establish whether there had been crossings of the frontiers by regular troops of the Democratic Republic of Viet-Nam.

Chapter 2

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

A. Submission of the item

34. In a letter dated 25 March 1960 (S/4279), addressed to the President of the Security Council, the representatives of Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, United Arab Republic and Yemen stated that under instructions from their Governments and in accordance with Article 35, paragraph 1, of the United Nations Charter they were requesting an urgent meeting of the Security Council to consider the situation arising out of the large-scale killings of unarmed and peaceful demonstrators against racial discrimination and segregation in the Union of South Africa. In their opinion that was a situation with grave potentialities for international friction, which endangered the maintenance of international peace and security. The representative of Laos later added his delegation's name to the list of signatories (S/4279/Add.1).

35. In a letter dated 26 March (S/4280), the acting permanent representative of the Union of South Africa stated that he had been instructed by his Government to request that an opportunity be given to the nominated South African representative to participate without vote in the discussion of the request to include the item in the Council's agenda.

36. Requests to participate in the discussion of the item were submitted by India (S/4281); Ethiopia (S/4283); Ghana (S/4290); Pakistan (S/4293); Guinea (S/4294) and Liberia (S/4295).

B. Inclusion of the item in the agenda

Decision: *At the 851st meeting, on 30 March 1960, the Council included the item in its agenda without objection.*

37. The representative of the United Kingdom of Great Britain and Northern Ireland stated that, while

his delegation had not objected to the adoption of the agenda, it maintained nevertheless that nothing in the Charter authorized the United Nations to intervene in matters essentially within the domestic jurisdiction of a Member State.

38. The representative of France said that the fact that the French delegation had not opposed the adoption of the agenda in no sense meant that it had abandoned its traditional stand on the question of the competence of the United Nations regarding domestic matters. However, French opinion had been moved by the tragic incidents in the Union of South Africa and it hoped that further incidents of that kind would not be repeated.

39. The representative of Italy felt that there existed some contradictions within the Charter itself between the need to give practical expression to the provisions concerning human rights and fundamental freedoms and those which aimed at protecting States from interference in their domestic affairs. The stand of the Italian delegation was, therefore, determined not so much by considerations of a legal impact as by the special political circumstances which appeared to justify some kind of exceptional procedure.

40. The representative of the Union of Soviet Socialist Republics stressed that twenty-nine Member States had requested the Council to consider the situation. The Council, he felt, was duty bound to take into account the views of over one-third of the Members of the United Nations. Moreover, the question of United Nations competence in this matter had been settled long ago and the General Assembly had repeatedly called upon the Government of the Union of South Africa to review its *apartheid* policy. The latest events in that country constituted a new development and endangered the maintenance of peace in the African continent.

41. The President, speaking as the representative of the United States of America, said that his Govern-

ment favoured Security Council discussion of the recent events in the Union of South Africa because it had followed the same policy in the discussion on *apartheid* in the General Assembly. The United States position was that in a situation such as that existing in South Africa, Article 2, paragraph 7, of the Charter had to be read in the light of Articles 55 and 56. In the view of the sponsors, the present situation in the Union came not only within the scope of Articles 55 and 56, but also of Articles 34 and 35. Such widespread concern testified to the desirability of the Council considering the present question.

C. Consideration by the Council

42. The President invited the representatives of the Union of South Africa, India, Ethiopia, Ghana, Pakistan, Guinea and Liberia to take places at the Council table.

43. He asked whether there was any objection to hearing the representative of the Union of South Africa at that point.

44. The representatives of Tunisia, the Union of Soviet Socialist Republics and Ceylon considered that the normal procedure would be first to hear the representatives of the countries which had submitted the item. However, they did not wish to object formally to the President's suggestion.

45. The representative of the Union of South Africa expressed his Government's protest against the refusal to hear the views of its representative on the question of the inclusion of the item in the agenda, particularly since that was the first time in the history of the United Nations that the Council had decided to discuss purely local disturbances within the territory of a Member State. He considered that the inclusion of the item was in violation of Article 2, paragraph 7, of the Charter which had an overriding effect in regard to all other Articles, and that it was in conflict with the unanimous decision taken at a plenary session of the San Francisco Conference of 1945 to the effect that nothing contained in Chapter IX of the Charter could be construed as giving authority to the Organization to intervene in the domestic affairs of Member States.³

46. In the past, some Members had considered Article 2, paragraph 7, as not excluding debate, but as excluding what was called "intervention". In the present case, however, no one could deny that by placing this question on the agenda, an "intervention" in the domestic affairs of the Union was being contemplated. It had been argued that recent events in South Africa constituted a situation which might lead to international friction or give rise to a dispute likely to endanger international peace and security. But, for such an eventuality, there had to be at least two parties, which, within the framework of the Charter, had to be sovereign independent States. The Union of South Africa had no intention of provoking such a dispute or creating such a situation. If, therefore, such a danger in fact existed, the Council should focus its considerations on the actions of the other party or parties trying to create an international dispute and thereby endangering international peace and security.

47. Apart from legal objections, the representative of the Union of South Africa wondered why, when so many disturbances and riots leading to serious losses of life had occurred throughout the world during the

previous twelve months, the Union of South Africa had been singled out. He also wondered whether all Members which favoured the inclusion of the item in the agenda would, in their turn, willingly submit to the consideration of the Council their efforts to maintain law and order in their own countries.

48. As for the reference made to the mass killing of peaceful demonstrators against segregationist laws in South Africa, his Government had already arranged for full judicial inquiries. It was also considering the appointment of a judicial commission to inquire into the contributory factors and to deal with broader aspects. But even at that early stage and without prejudice to his Government's legal position, the allegations of mass killing of "unarmed and peaceful demonstrators" could not go unchallenged.

49. The carrying of reference books had been instituted when the pass system, which had been in operation for more than a century, was abolished in 1952. These books were for identification and applied to men and women of all races. They contained data on tax payments and influx control. They were meant to avoid a flocking of unskilled labour to industrial areas which could have harmful effects in the social and housing fields and could have a depressing effect on wages. The reference books afforded ready identification, especially to many people who were unaccustomed to Western life and were often illiterate, and they also provided a ready means of identifying Bantu people who came into the Union territory from other areas mostly without passports or identification papers.

50. A splinter organization of extremists had organized a mass demonstration to protest against the carrying of the above-mentioned reference books. By intimidation they had managed to gather a group of approximately 20,000 persons in the township of Sharpeville, in the Transvaal, and a crowd of about 6,000 at Langa, in the Cape Province. The police had been instructed to exercise normal control. However, the demonstrators had threatened the police and then attacked them with various weapons. The police had been forced to fire in self-defence, in order to forestall greater bloodshed. The South African Government deeply regretted the loss of life in the action that the police had been forced to take. It should be remembered that in one recent incident nine South African policemen had been brutally battered to death by a so-called unarmed and peaceful group of demonstrators. In another incident, five policemen had been killed while collecting and destroying confiscated narcotics. At the time of the riots, pamphlets had been distributed calling for the destruction of the South African State by armed forces and the creation of "the South African People's Republic".

51. The Government of the Union intended to discharge its duty to maintain law and order and considered that the annual discussion in the United Nations of South Africa's racial policies had inflamed the situation. If the present discussion in the Council served as incitement to further demonstrations and riots, then the blame would fall squarely on the Council.

52. In conclusion, the representative of the Union of South Africa stated that, since the item had now been included in the agenda, he would have to report to his Government for further instructions.

53. The representative of Tunisia regretted the fact that the representative of the Union of South Africa

³ United Nations Conference on International Organization, vol. I, document P/20.

had concentrated on the question of the Council's competence, a question which, in fact, had been largely outweighed by the incidents themselves and by the precedents. He also regretted that the South African representative had seen fit to leave the meeting after concluding his statement.

54. The inhuman incidents in South Africa had once again highlighted the irrational policy of racial discrimination which had already been condemned repeatedly by the United Nations. Because of that, twenty-nine African-Asian States had deemed it their duty to bring the matter before the Council.

55. On 21 March 1960, in a number of towns in the Union, a peaceful campaign had been started protesting against the requirement that all Africans should carry passes at all times. Leaving those passes at home, the Africans had decided to proceed peacefully to the police stations and to let themselves be arrested for not carrying the passes. Press reports indicated that the demonstrators were peaceful and unarmed and included many women and children. In spite of that, the police had opened fire, and according to conservative official figures there had been seventy-four dead and 184 wounded on that one day.

56. The situation had remained very tense; riots and arrests were still continuing as a result of the racial policy of South Africa. The harsher the repression, the greater was the danger that the struggle would erupt in violence. It was incumbent upon the Council to ensure that that process was brought to an end.

57. Ever since 1952, the General Assembly had made many efforts to put an end to the situation created by the *apartheid* policy of the Union. Three times the Assembly had tried to find a basis for co-operation with the Union, but all its attempts had proved unsuccessful. It was feared that these tragic events would endanger international peace and security. In those circumstances, the Council could not shirk the responsibility incumbent upon it under Article 24, paragraph 1, which authorized it to act on behalf of the Members of the United Nations. It would be useless to invoke Article 2, paragraph 7, since eight General Assembly sessions had already dealt with that question. Moreover, it had been recognized that there were situations in which the violation of human rights was so serious that the United Nations could not disregard them without running the risk of failing in its mission, as defined in Chapter I of the Charter. The brutality with which the Government of the Union of South Africa had put down a movement of peaceful and legitimate protest had created a situation which might engender throughout Africa unfortunate resentments which would jeopardize co-operation and harmony between races on the African continent. It was up to the Council to take effective measures to bring that situation to an end and to ensure the observance of human rights and fundamental freedoms for all.

58. At the 852nd meeting, on 30 March, the representative of Ceylon said that, while his delegation did not dispute at all the validity of Article 2, paragraph 7, of the Charter, it was however quite clear that if a situation was likely to result in endangering international peace and security, neither Article 2, paragraph 7, nor any other Article of the Charter should prevent the United Nations from taking action. Thus, in the very circumstances of the case before the Council, Article 2, paragraph 7, was not applicable. More-

over, the Union, as a founding Member of the United Nations, was certainly responsible for the drafting of Articles 55 and 56 of the Charter relating to human rights and fundamental freedoms. Therefore, it could not ignore those basic Articles.

59. The United Nations, from the beginning, had condemned the policy of *apartheid* and it was significant that South Africa was the only country which had officially adopted the policy of racial discrimination. In fact, the problem before the Council was not merely that of shootings, for shootings and disorders had taken place in all parts of the world. It was of importance to the Council because the events in South Africa were directly attributable to the whole policy of the Union Government. It was the Council's responsibility to prevent violence as a way out of the present situation. The repressive measures of the Union Government could be used for a limited period only because the forces of a newly-born national consciousness could not for long be resisted. It was therefore incumbent upon the Council to make the Government of the Union see the reality of the situation and to help it formulate some proposals that might be a means of bringing about a constructive solution.

60. The representative of India felt that the issues posed by the developments in South Africa transcended the considerations of geographical location and political ideologies and were threatening to engulf all mankind in an enormous tragedy. The Union Government's statement of 25 March 1960, alleging that, four days earlier, the demonstrators had shot first and the police had been forced to fire in self-defence, was clearly an afterthought. The remarkably peaceful and disciplined nature of the demonstrations had been proven by television reports on the scene, and it was clear that the South African Government's allegation that the demonstrators had fired shots at the police was only self-exculpatory and aimed at the rising tide of world opinion.

61. The intensity and the sustained character of the concern shown about that question by the United Nations since 1946, when India had submitted the item entitled "Treatment of Indians in the Union of South Africa", and the emergence of a strong sense of African nationalism and African personality were striking developments of the present time. Those developments were a part of the ethos of the United Nations and represented currents and forces which the world could ignore only at its peril.

62. International friction had already been generated within the Union and other countries because of South Africa's racial policies. As far back as 1946, India had felt compelled to sever economic relations and later to close its diplomatic mission in South Africa. Very strong feelings had been aroused in other African countries, too, and there had been demands by the public and the Press in those countries for reprisals and intervention. He hoped the Council would recognize the explosive possibilities of the situation and would apply remedial action. The pass laws were only a part of a whole complex policy, the intent and effect of which was to practise the most thorough-going racial discrimination the world had ever seen. Those laws and regulations had been enacted by a Parliament and a Government in which over 11 million non-white people had no representation at all. Those people deserved every support from the Council in their just struggle. The Council had faced many issues, but none measured up in extent and in implications to

the danger to international peace posed by the situation in the Union of South Africa.

63. The representative of Ethiopia said that for the Ethiopian people the impact of the present events in South Africa had a special significance, for they remembered the massacre in Addis Ababa of some 30,000 Ethiopians by the fascist authorities in 1937. The South African and Ethiopian martyrs had had the common misfortune of losing their lives in the vindication of their birthright and the desire to be free from oppression. The Government of the Union had persisted in its *apartheid* policy in spite of the numerous resolutions of the General Assembly. The Ethiopian Government had warned earlier that that persistence would ultimately result in bloody turmoil. The situation created by the pursuit of that policy had reached its high-water mark, resulting in the massacre of the unarmed multitude of African people. The Ethiopian Government hoped that the Council would consider the matter with deliberate speed, condemn the wrongful acts, and recommend the most effective measures in a manner calculated to put an end to the present regrettable state of affairs.

64. The representative of Pakistan said that Pakistan's opposition to the denial of human rights and fundamental freedoms to the indigenous population of the Union and to persons of Indo-Pakistan origin residing there had been well known since 1947 when Pakistan was admitted to membership of the United Nations.

65. The inevitable had now occurred and the latest reports indicated that the situation in South Africa was deteriorating. A continuation of that situation might well lead to the most wide-spread conflagration on the whole African continent. What was happening in the Union was, in fact, a moral crisis. It was a cruel dilemma which faced the non-white population of that country as a consequence of the policy of *apartheid*. The Commonwealth, to which both Pakistan and the Union of South Africa belonged, was itself a unique example of a multiracial international community, but the Union Government continued its isolated and fatal course, heedless of the warnings, with the set purpose of denying to its subjects their right to self-respect and human dignity. Luckily, there were men of vision who realized how short-sighted those policies were and that, quite apart from moral considerations, the interests of the Europeans as well as of the indigenous population depended upon the drastic revision of those policies.

66. Cynics might doubt the value of the present debate. The delegation of Pakistan, however, took the view that discussion in the Council had focused world public opinion on the present grave problem in the Union.

67. The representative of Liberia said that a situation which had already led to international friction and which was likely to endanger the maintenance of international peace and security could never be construed as falling within the domestic jurisdiction of any one nation. It had sometimes been argued that only enforcement measures under Chapter VII of the Charter might be taken in the face of the domestic jurisdiction provision. That would mean that the United Nations had no authority to deal with certain questions unless and until peace was directly and immediately threatened, when in fact it might be too late to take any effective preventive measures. There

could not be any reasonable interpretation of the Charter which required the Council to stand aloof when a threat to world peace and security was imminent.

68. In a country whose population was 80 per cent non-white, measures had been taken to keep that non-white majority in perpetual economic, social and political servitude.

69. Repeatedly, the General Assembly had warned the Union Government that its policy would lead to an explosive situation. Already some people in other African States had demanded that their Governments should repatriate all white South Africans to their country. Various other measures had also been proposed, including economic sanctions. In South Africa itself, the situation had reached such a point that if it was not already a civil war, it was certainly dangerously close to it. If full-fledged civil war were to break out the danger of an international war could not be excluded. To prevent the occurrence of such an event the Council must act speedily and effectively.

70. The representative of Tunisia said that his delegation regretted the absence of the representative of the Union of South Africa and suggested that the President might inquire of him whether he was prepared to make a statement of reply giving the views of his Government on the question.

71. The President said that the Council had already voted to invite the representative of the Union of South Africa to participate in the discussion of the item and that that representative could conduct himself with regard to the Council as he wished.

72. The representative of Tunisia said that it was not his delegation's intention to deny the right of the South African representative to act as he saw fit. He was, however, formally proposing that the South African representative be asked whether he wished to make a reply.

73. The representative of the United Kingdom, after recalling the statement of the Union of South African representative that he had to report to his Government for instructions, said that it could be assumed that the South African representative would be receiving instructions and that the Council would in time have a statement from him.

74. The Council proceeded to vote on the motion by the representative of Tunisia.

Decision: *The Tunisian motion was not adopted, the vote being 6 in favour, none against, with 5 abstentions.*

75. At the 853rd meeting, on 31 March, the Council had before it a request from the representative of Jordan (S/4297) to participate in the discussion.

76. The President invited the representative of Jordan to take a place at the Council table.

77. The representative of Ghana stressed that his Government viewed with grave concern the large-scale killing of innocent people in the Union and saw in that a threat to peace and stability in the African continent.

78. In those circumstances, it was the duty of the Council to take steps to ensure that there should be no international conflagration. It was not a matter falling within the exclusive domestic jurisdiction of the Union Government. There could be no such question when a race was actively engaged in the merciless killing of another race through oppression.

79. The previous resolutions of the United Nations indicated that there had been a consensus of opinion about the danger which South African racial policies posed to international peace. By opposing the great historical movements in Africa, the Union Government was deliberately undermining the attainment of peace and stability in that continent.

80. Article 52, paragraph 2, of the Charter endorsed regional arrangements designed to achieve settlement of local disputes. The Government of the Union, by its very policies, precluded itself from becoming part of any such regional arrangements. There was no other recourse but to appeal to the Council to redress the situation arising out of the racial policies of that Government.

81. Ghana, along with all the other independent African States, had a special responsibility to see that the principles of the Charter and the Universal Declaration of Human Rights were observed in Africa. These States felt a special kinship for the suffering masses in the Union of South Africa as they believed that their own political emancipation had heartened these masses in their struggle for equality and freedom. The Ghanaian delegation would therefore appeal to the Council to take such action as would make the Union Government change its *apartheid* policy. Perhaps the Council could delegate the representatives of the United Kingdom and the United States to convey its appeal directly to the Union Government, requesting it to come to terms with the African leaders. If that Government failed to respond to the appeals of the Council, Ghana would then urge the Council to take economic or diplomatic sanctions against the South African Government.

82. The representative of Guinea said that the *apartheid* policy of the Union of South Africa constituted an important factor of friction among nations. He recalled that the Bandung Conference of Asian and African nations, and later the Afro-Asian Peoples' Solidarity Conference held at Cairo in December 1957, had condemned any form of racial discrimination and had denounced the attitude adopted by the Union Government. In South Africa itself, more and more powerful voices were being raised against the policies of the Government, as was evident from the statements issued by the African National Congress in Johannesburg and the South African Indian Congress. However, the protests of those democratic organizations had no other result than arrests and persecution of the most degrading kind for their members. Apart from the economic and social exploitation and the application of those measures of oppression, it appeared from statements made by South African officials that civil war was threatening the South African population. That policy had found implementation in the course of the tragic events of 21 March 1960.

83. The strong international reaction which had then followed demonstrated the necessity for collective action to ensure the observance of the principles of the Charter and the responsibility of the Council in the matter.

84. The representative of Jordan said that South Africa's policy of racial discrimination and suppression was one which was likely to endanger international peace and would create further complications involving countries even outside Africa.

85. In today's march of nationalism in Africa, it would be a flagrant violation of democratic principles

to allow the minority of the European settlers to deny the legitimate and fundamental rights of the overwhelming majority of African nations. The Council, which under Article 24 of the Charter bore primary responsibility for the maintenance of international peace, must act clearly and effectively. It should not only condemn the recent killings of unarmed Africans but should also warn the Union Government that persistence in its policy of *apartheid* would lead inevitably to disaster.

86. The representative of the United Kingdom, after referring to his Government's motion in the British House of Commons expressing deep sympathy with all the peoples of South Africa, said that it was against that background that he wished to make his statement. In the first place, his Government recognized the indisputable right and duty of any Government to use the forces at its disposal to maintain law and order in its own territory. Equally, it was very conscious of the strong feelings of concern the events of 21 March had produced in many parts of the world, including the United Kingdom.

87. The United Kingdom itself bore responsibility for territories in Africa where more than one race lived. There could be no doubt about its policy which, in fact, as stated by its Prime Minister, was non-racial, offering a future in which all people could play their full part in the countries in which they lived.

88. However, the United Kingdom did not underestimate the difficulties of others. The problem of racial adjustment could never be easy. The Council should, therefore, approach the question with strict regard for the limitations within which it could legitimately express its opinion. Quite apart from the legal limitations, attempts to impose changes in the internal policies of a government might produce an effect contrary to the one intended. The objective of the Council should be to contribute to an alleviation of tension in the Union of South Africa where the situation, as the latest reports indicated, was quite serious.

89. The representative of China said that, while his delegation was not in a position to pass final judgement on the events of 21 March since it did not have full information at its disposal, it considered it significant, that all casualties had been on the side of the demonstrators. It was no doubt the duty of the police to maintain law and order, but, when it could only be maintained by killing and injuring large numbers of people, then there was something drastically wrong either with the police or with the general situation. It was clear that the policy of *apartheid* had been the main cause of those events. The Chinese delegation had always appealed for reconciliation and found that strong, passionate speech would only harden the attitude of those white people who favour *apartheid* and might also inflame the passion of those who were against it. Racial prejudice was a popular tradition which could not be abolished by one stroke; however, it would again appeal to the Government of the Union of South Africa to reverse its present policy. He stated that, in the present case, he was not so much interested in condemnation as in reconstruction.

90. At the 854th meeting on 31 March 1960, the representative of France said that racial segregation had always been utterly foreign to the French way of thinking and to the policy of his country. During the past thirty years, France had shown what sacrifices it was prepared to make in order to conquer

racism on the European continent. It took an equally firm stand against any kind of racialism on the African continent. However, at the same time, France realized that coexistence of races presented different problems in different countries. A uniform solution could not be devised, much less a solution imposed from the outside. The French Government had always stressed the necessity for full observance of all provisions of the Charter. Among them was the basic Article 2, paragraph 7. It was for those legal reasons that at the fourteenth session of the General Assembly the French delegation had not been able to support the inclusion in the agenda of the Tibetan item. While deploring the events in South Africa, France did not share the view regarding the international aspect of those events. It had learnt with satisfaction that the system of passes for all Africans in the Union territory had been suspended and it hoped that co-operation between the African organizations and the Union Government would lead towards a liberalization of the official policy in that country.

91. The representative of Italy said that his country considered *apartheid* policies to be self-defeating and against the fundamental rights of man. They were, moreover, fraught with grave dangers of social and political unrest. The Italian delegation, however, did not wish to belittle the difficulties of the problems of a multiracial society. Even the statements made before the Council had drawn an utterly conflicting picture. That discrepancy in the description of facts did not augur well for the future and clearly indicated that, short of urgent and appropriate action, South Africa would be beset by further dramatic occurrences. It was, therefore, of paramount importance to make every effort to have the present debate achieve a positive influence towards removing the hurdles which stood in the way of racial collaboration in the Union of South Africa. The Council's action would be more effective if it succeeded in persuading all parties concerned.

92. The representative of the Union of Soviet Socialist Republics said that the events in the Union of South Africa were the result of a policy of *apartheid*, which had been raised to the level of the official State policy of the South African Government and was supported by appropriate legislation. It had provoked deep indignation throughout the world, and the General Assembly, for many years, had declared that that policy was contrary to the Charter. Ignoring those warnings, the Union had now gone on to employ methods of mass destruction. Therefore, the fact was, not only that the Union Government had defied the provisions of Articles 1, 55 and 56 of the Charter relating to human rights and fundamental freedom, but that the situation had become even more serious as the latest measures of the South African authorities had threatened the preservation of peace on the African continent and posed a serious threat to international peace. By using all its powers under the Charter, the Council must take immediate measures to redress the present situation and to prevent the acts of violence against the African people.

93. The representative of Argentina said that for his country, just as for other nations of Latin America, racial prejudice was an aberration. The General Assembly had been repeatedly making appeals to the Union Government to reverse its policy, but without success. The General Assembly could not go further than to disapprove South Africa's racialism and ask

for its reconsideration. The situation before the Council was, however, different, since the Council was acting in virtue of the provisions of Article 35, paragraph 1, of the Charter. The Council had acted fully within its competence in taking up the present question, and it should adopt decisions which would make an effective contribution to improving the existing situation. The Argentine delegation would give its support to any formula that would provide effective means for a fair solution.

94. The representative of Poland stated that the question before the Council involved, on the one side, a set of inhuman racial laws and, on the other, some of the most important principles of humanity embodied in the Charter and in the Universal Declaration of Human Rights. The Polish people were well aware of what it meant to be the object of racial discrimination. It was a sad commentary on present times that policies like that of *apartheid* still existed in a few strongholds of colonialism. Thus the Union Government, through its so-called policy of "peaceful coexistence of races", was trying to settle 80 per cent of its population into 13 per cent of its territory. In the year 1957 alone, 1,525,612 people had been arrested. It was the Council's task and duty to help in the establishment of peace in South Africa through the creation of a rule of human rights.

95. The representative of Ecuador stated that the objection to the Council's competence on the basis of Article 2, paragraph 7, of the Charter, as raised by the representative of South Africa, was unacceptable because that Article could not be used to prevent United Nations organs from fulfilling their duties under Articles 55 and 56 of the Charter, relating to human rights and fundamental freedoms. One of those duties was to see that Member States respected and complied with the contractual commitments embodied in the Charter one of which was the respect for fundamental human rights. Moreover, there were cases of the violation of human rights which could constitute a danger to international peace, with the result that the situation became open to Security Council action. It rested with the Council to determine whether such a situation had arisen.

96. The tragic happenings in South Africa were the inevitable result of *apartheid* and of the systematic flouting of world public opinion and the Charter. In those circumstances, the Council should reaffirm the opposition of the United Nations to *apartheid* and place on record its view that continuance of that policy might endanger international peace and security. The Council should also invite the Government of the Union to comply with the General Assembly's recommendations.

97. Consequently, the Ecuadorian delegation submitted the following draft resolution (S/4299):

"The Security Council,

"Having considered the complaint of twenty-nine Member States contained in document S/4279 and Add.1 concerning 'the situation arising out of the large-scale killings of unarmed and peaceful demonstrators against racial discrimination and segregation in the Union of South Africa',

"Recognizing that such a situation has been brought about by the racial policies of the Government of the Union of South Africa and the continued disregard by that Government of the resolu-

tions of the General Assembly calling upon it to revise its policies and bring them into conformity with its obligations and responsibilities under the Charter,

"*Taking into account* the strong feelings and grave concern aroused among Governments and peoples of the world by the happenings in the Union of South Africa,

"1. *Recognizes* that the situation in the Union of South Africa is one that has led to international friction and if continued might endanger international peace and security;

"2. *Deplores* that the recent disturbances in the Union of South Africa should have led to the loss of life of so many Africans and extends to the families of the victims its deepest sympathies;

"3. *Deplores* the policies and actions of the Government of the Union of South Africa which have given rise to the present situation;

"4. *Calls upon* the Government of the Union of South Africa to initiate measures aimed at bringing about racial harmony based on equality in order to ensure that the present situation does not continue or recur, and to abandon its policies of *apartheid* and racial discrimination;

"5. *Requests* the Secretary-General, in consultation with the Government of the Union of South Africa, to make such arrangements as would adequately help in upholding the purposes and principles of the Charter and to report to the Security Council whenever necessary and appropriate."

98. At the 855th meeting, on 1 April, the representative of the United States said that his country had consistently supported the right of the General Assembly to consider questions of racial discrimination when they were matters of governmental policy. In the present case, where a state of acute tension prevailed, the Charter provided also a definite basis for Security Council consideration.

99. The source of the present conflict lay in South Africa's *apartheid* policy. At its fourteenth session, the General Assembly had once again noted the continuance of that policy in the Union and had made a solemn appeal for the observance of the human rights provisions of the Charter. While the United States realized that the problems of the multiracial society were difficult and took a long period to solve, it nevertheless felt that a new beginning could be made in the Union of South Africa. It noted with satisfaction that the Union Government had relaxed the enforcement of the pass laws and it hoped that other steps were also on the way which would lead to a general improvement in the situation. The draft resolution submitted by Ecuador was a constructive step in that direction and represented a serious and responsible reflection of the views expressed in the Council. His delegation would, therefore, support it.

100. The representative of the Union of South Africa considered that none of the arguments adduced in the Council had in any way invalidated his Government's contention that the Council was precluded by Article 2, paragraph 7, from considering the South African Government's efforts to maintain law and order. He had, therefore, been instructed to record once again his Government's protest against the Council's disregard of that Article. He wished to

emphasize that under Chapters VI and VII the Council was empowered to deal with disputes or situations, the continuance of which was likely to endanger the maintenance of international peace and security. Furthermore, Article 33 made it clear that there must be more than one party to a dispute. Thus, there was no doubt that the relevant Articles of the Charter envisaged disputes or situations arising between States and countries and that purely internal situations were excluded. If that were not so, any State would be able, simply by claiming that internal disturbances in another State were likely to create a situation endangering international peace, to bring such domestic matters before the Council. Such a procedure would leave no State immune to outside intervention in its internal affairs and could lead to chaos in international life. In those circumstances, his Government would regard any resolution by the Council in relation to the local disturbances in South Africa in a serious light.

101. The representative of Tunisia regretted that the South African representative had only reiterated his Government's views regarding the competence of the United Nations to deal with the present question. This matter had been decided already. Meanwhile, the situation in South Africa had become increasingly worse and a state of emergency had been proclaimed. The seriousness of the situation and the fact that the Union of South Africa had consistently ignored all appeals made by the General Assembly, justified the Council in taking more effective action and in going beyond the ideas, generous though they might be, which were contained in the draft resolution (S/4299). The Tunisian delegation would not oppose that text. It considered, however, that it represented the strict minimum compatible with the Council's heavy responsibilities and with the gravity of the present situation.

102. The representative of India, referring to the question of competence, said that, although intervention in the sense of dictatorial interference and direct action in matters essentially within the domestic jurisdiction of a country was not permissible, except in respect of action under Chapter VII of the Charter, consideration, discussion and appropriate recommendation were within the rights and competence of the United Nations where a country did not live up to its obligations under the Charter.

103. Civil disturbances had occurred in many countries and it was the duty of any government to maintain law and order. However, the situation in South Africa was different because it was connected with racial policies of the Government in violation of the Charter. The United Nations was therefore competent to discuss the matter, apart from the existing threat to international peace.

104. The draft resolution (S/4299) could not be said to represent any dictatorial interference in the internal affairs of the Union. It was simply a recommendation and did not seek to interfere with the legal and constitutional processes of the Union Government by which that recommendation could be given effect.

105. The representative of the Union of Soviet Socialist Republics, after referring to operative paragraph 5 of the draft resolution, sought clarification as to what kind of arrangements the Secretary-General would be expected to make in upholding the purposes and principles of the Charter.

He added that, while the rights and obligations of the Council were clearly defined in Chapters VI and VII, there was no information available regarding the measures that the Secretary-General could take.

106. The representative of China said that the draft resolution generally reflected the sentiments expressed in the debate and that his delegation would vote for it. His delegation specially commended operative paragraph 5. It had, however, a few reservations with respect to other parts of the draft resolution. Since the leaders of the protest organizations in South Africa had themselves insisted that their demonstrations should be non-violent, the language used in operative paragraph 1 might be misinterpreted, as it did not reflect the real situation and was of an alarmist nature.

107. In operative paragraph 4, instead of the words "calls upon" his delegation would have preferred the use of a word such as "appeals", "urges", or "recommends". Article 13, paragraph 1 b, and Article 55 of the Charter defined the specific type of action which the United Nations could envisage in cases involving human rights. While his delegation would wish that the United Nations should take a more positive action in the observance of human rights and fundamental freedoms and would even wish for the creation of a special United Nations organ to supervise and enforce respect for human rights, the Charter had put limits on the action that could at present be taken. Legally, the United Nations action in the present case would have to stay within the sphere of promotion, persuasion and recommendation.

108. At the 856th meeting, on 1 April, the representative of Ceylon said that Article 13 of the Charter did not preclude Council action as envisaged in the draft resolution. The right of the General Assembly under Article 13 did not exclude the rights available to Member States and the Council under Articles 34 and 35 of the Charter.

109. It was to be regretted that the representative of the Union of South Africa had indicated that his Government would in no way be prepared to consider any action in response to a resolution which the Council might adopt. That proposal was mild and moderate and if there were to be any opposition it should be from those who had wanted stronger measures. Nobody was challenging South Africa's right to maintain law and order. The point at issue was South Africa's disregard of the basic principles of the Charter safeguarding human rights and freedoms. The Ceylonese delegation hoped that the draft resolution before the Committee would be adopted unanimously.

110. The representative of Poland objected to the statement of the representative of the Union of South Africa, and said that the Council should take a serious view of that statement as it showed the same disregard for the Council's deliberations as the Union Government had shown for the United Nations Charter and world public opinion.

111. The representative of Ecuador, referring to the request by the representative of the USSR for clarification of operative paragraph 5, said that the measures which the Secretary-General could take would depend on the situation in South Africa at the time, and on the views of the Secretary-General himself with regard to that matter in the light of the provisions of the Charter. In fact, the text of operative

paragraph 5 was almost the same as the provisions of General Assembly resolution 1237 (ES-III) of 21 August 1958, which entrusted a similar task to the Secretary-General with regard to the situations then obtaining in Lebanon and Jordan.

112. The representative of the Union of Soviet Socialist Republics said that, as stated in the draft resolution, the Council recognized the existence of a situation which had led to international friction and which, if continued, might endanger international peace and security. The Council had, therefore, contemplated certain measures designed to rectify the situation. However, the sponsor of the draft resolution had then suggested that no other measures should be taken and had recommended action by the Secretary-General. That amounted to a shifting of responsibility from the Council to the Secretary-General. The Soviet delegation entertained no doubts whatsoever concerning the capacities and powers of the Secretary-General, but it felt that it would be quite sufficient to request him to follow the developments and to report to the Council. However, the Soviet delegation would support the draft resolution as it stood.

113. The representative of Italy said that the value of the Council's deliberations lay more in persuasiveness than in any suggestion of intervention. Moreover, the Council's decision must reflect, on the one side, the political and moral principles which had guided its debate and, on the other, it should not exceed the legal limitations of the Charter. The draft resolution met those needs satisfactorily and his delegation would vote for it.

114. The President, speaking as the representative of Argentina, said that the request addressed to the Secretary-General in the draft resolution constituted the minimum practical action that the Council could take under the present circumstances. Whatever the outcome of that mission might be, it was the Council's duty to initiate it and entrust it to the person best qualified to carry it out. There was nothing in the draft resolution to which the Union Government could take exception.

Decision: *The Ecuadorean draft resolution was adopted by 9 votes to none, with 2 abstentions (France, United Kingdom) (S/4300).*

115. The representative of the United Kingdom considered that the resolution adopted by the Council went beyond the scope of the proper function of the Council, and that it would have been more effective to have left the weighty discussion in the Council to make its own impact.

116. The representative of France said that while his Government strongly disapproved the policy of segregation, it nevertheless had doubts about the legitimacy and timeliness of the action proposed for the Council in the resolution.

117. The representatives of Ethiopia, Ghana, Guinea, India and Liberia indicated that, although they had wished for a stronger resolution, they nevertheless felt satisfied that the Council recognized that the situation in the Union of South Africa was one that had led to international friction and if continued might endanger international peace and security. They hoped that the Council would continue to be fully seized of the problem and that the Union Government would make the resolution the starting point of a new chapter in race relations in that country.

D. Interim report by the Secretary-General

118. On 19 April 1960, the Secretary-General submitted an interim report (S/4305) in which he informed the Council that he had accepted a proposal of the Union Government that preliminary consultations between the Prime Minister and Minister of External Affairs and himself should be held in London.

119. Those consultations would be preparatory to a visit to the Union. In that regard, the Government of the Union had informed him that it would be better to defer his proposed visit to South Africa until the Judicial Commissions had completed their inquiry and submitted their reports. It was expected that the Secretary-General's visit would take place in the latter part of July or early August 1960.

120. The consultations provided for in paragraph 5 of the resolution would be undertaken on the basis of

the authority of the Secretary-General under the Charter. It was agreed between the Government of the Union and the Secretary-General that consent of the Union Government to discuss the Council's resolution with him would not require prior recognition from the Union Government of the United Nations authority.

121. In a statement issued in London on 15 May 1960, the Secretary-General said that he had met in London during the previous few days with the Minister of External Affairs of the Union of South Africa for exploratory discussions preliminary to his visit to the Union. After a useful exchange of views, they had agreed on the character and course of the further consultations which were scheduled to take place in Pretoria immediately after the Secretary-General's attendance at the thirtieth session of the Economic and Social Council in July.

Chapter 3

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

122. By a cablegram dated 18 May 1960 (S/4314), the Minister for Foreign Affairs of the Union of Soviet Socialist Republics requested that the Security Council should be convened urgently to examine the question of aggressive acts by the Air Force of the United States of America against the Soviet Union, which created a threat to universal peace. It was stated that the need for immediate examination of the question had arisen from the fact that military aircraft of the United States had repeatedly encroached upon the air-space of the USSR, and that the Government of the United States had declared those actions, which violated the frontiers of other sovereign States, to be its State policy. On 19 May, the Minister for Foreign Affairs of the Soviet Union transmitted an explanatory memorandum (S/4315 and Corr.1), in which he notified the Council of incursions into the Soviet Union by United States aircraft on 9 April and 1 May 1960.

123. At the 857th meeting, on 23 May, the representative of the United States of America stated that, in accordance with his Government's general policy of favouring the inscription of items proposed for consideration by the Council, he would vote for the inclusion of the question in the agenda. In spite of the fact that it was aimed at the United States and that the charges involved in it were fallacious, he would do so in the hope that the pending debate would bring out the truth and contribute to the greater security of the world.

Decision: *The agenda was adopted without objection.*

124. The President said that the item on the agenda referred to issues relating to aggression, the violation of frontiers and a threat to universal peace. It was the duty of the Council to examine those issues with restraint and dignity. This task had become a little more difficult on that occasion because the Council met under the shadow of the failure of the Summit Meeting. But the Council, which had been summoned to discuss one important aspect of recent events, might pave the way to a resumption of negotiation in the Council, within the United Nations, or outside, in a renewed spirit of goodwill.

125. The representative of the Union of Soviet Socialist Republics stated that, on 1 May 1960, a United States military aircraft of the type U-2, acting on orders of the authorities of the United States, had penetrated into the Soviet Union to a depth of more than 2,000 kilometres, until brought down by Soviet rocket units. That had been completely substantiated by material evidence, by the testimony of the pilot and by official documents and statements by American Government representatives, who had admitted that the mission was carried out for purposes of espionage and diversion. That constituted an aggressive action unheard of in peace-time. In recent years, the Soviet Government had repeatedly protested against the deliberate violations of Soviet frontiers by American aircraft, and in 1956 and 1958 had drawn the attention of the Council to aggressive acts by the United States Air Force. However, in recent statements, the United States Government had proclaimed systematic incursions into another State for purposes of espionage and diversion as an integral part of its official policy, approved by President Eisenhower. The aggressive actions by the United States which had occurred several days before the opening of the Summit Conference demonstrated that it had attempted to torpedo the coming Conference. In spite of that, the Head of the Soviet Government had done everything he could to allow the President of the United States to come out of the impasse. But instead of condemning such provocative activities and putting an end to them, the United States Government had, in effect, advocated their continuation, that being the implication of the "open skies" plan. The President of the United States had also let it be clearly understood that the United States Government would be free to do what it liked thereafter.

126. Thus it appeared that, while the President of the United States was entertaining the Head of the Soviet Government in Washington and talking of the necessity of strengthening mutual trust, and while the Heads of those two Governments were reaching an understanding regarding the Summit Conference, United States aircraft were making incursions into the Soviet Union, and when they were caught in

flagrante delicto, the whole world saw the United States officials begin to fabricate false accounts.

127. In submitting that question to the Council, the Soviet Government proceeded from the premise that one of the most dangerous aspects of the United States policy was the flouting of the principle of State sovereignty, which had always been one of the most important principles of international law. The United States Government had attempted to justify those incursions by means of arguments about the secrecy surrounding the Soviet Union's defence measures. Such an absurd argument constituted a great danger for smaller States which could not adequately safeguard themselves against aggression committed on the pretext of obtaining information. Moreover, the aggressive nature of that concept could not be justified by the argument that those who guided America's foreign policy were afraid the Soviet Union was taking steps which might constitute a threat to the United States. Those who advanced that argument did not themselves believe it. But even if they did, provocative acts could not be justified by fear. On the contrary, they might lead to war. As for the States from whose territories the American aircraft carried out their flights over the Soviet Union, they were accomplices and parties to the aggression whether it was their wish or not. Those States, which were bound to the United States by military pacts, such as the North Atlantic Treaty Organization (NATO) and the Central Treaty Organization (CENTO), had conceded territory to be used for purposes hostile to the Soviet Union and other Socialist States. If such acts of aggression were repeated, those States would bring upon themselves the serious consequences of their complicity.

128. For those reasons, the Soviet Government, confronted with dangerous actions by one of the Security Council's permanent members, felt compelled to draw the attention of the Council to that policy and to submit the following draft resolution (S/4321):

"The Security Council,

"Having examined the question of 'Aggressive acts by the Air Force of the United States of America against the Soviet Union, creating a threat to universal peace',

"Noting that violations of the sovereignty of other States are incompatible with the purposes and principles of the Charter of the United Nations,

"Considering that such actions create a threat to universal peace,

"1. Condemns the incursions by United States aircraft into the territory of other States and regards them as aggressive acts;

"2. Requests the Government of the United States of America to adopt immediate measures to halt such actions and to prevent their recurrence."

129. The representative of the United States of America denied that the United States had committed any aggressive acts. He quoted President Eisenhower to the effect that the flights over the Soviet Union had no aggressive intent, but rather were to assure the safety of the United States and the free world against surprise attack, and that those flights had been suspended after the recent incident and were not to be resumed. This decision had been made before the President's departure for the Summit Conference in Paris.

130. The United States was prepared to negotiate an "open skies" treaty with the Soviet Union and others, which would have continued force and effect, and which would obviate for ever the necessity of such measures of self-protection. While the term "aggression" had never been officially defined, any common-sense definition of the term showed that the presence of a light, single-engine non-military, unarmed one-man airplane did not constitute aggression. He wondered why the Soviet Government, which had known of these flights for a long time, did not consider them dangerous enough to complain about them earlier, but had described them as aggressive and of urgent concern only when the Heads of Governments were meeting publicly for peaceful negotiations, and had subsequently increased tensions by bringing the matter before the Council. By using the same reasoning as the Soviet Union, he could have brought up as an aggressive act the presence of a Soviet vessel which had recently been right off the shores of Long Island, as well as many cases of Soviet espionage. However, what was strongly to be deplored was the refusal of the Soviet Union to accept President Eisenhower's "open skies" plan in 1955, its refusal to heed General Assembly resolution 914 (X) on aerial inspection, its rejection of the Arctic inspection zone in 1958 and of other measures to prevent surprise attack. When a Government insisted on secrecy, it was in effect insisting on preserving its ability to make a surprise attack, which the free world had to protect itself against. The United States was committed to seek a solution of international problems through negotiations rather than force. It was willing to negotiate at any time and place, and in whatever manner offered hope for agreement.

131. At the 858th meeting, on 24 May, the representative of France stated that the overflights in question came within the category of intelligence activities, and although those activities were regrettable and implied interference in a country's internal affairs and a violation of its borders, in the present world situation, they were unfortunately the normal practice. He pointed out that such activities should not lead to recourse to international bodies since there were no rules of international law concerning the gathering of intelligence in peace-time. Therefore, his delegation could not agree that the facts which the Soviet Union protested against constituted aggression under Article 39 of the Charter or according to international law. He emphasized that it was not the overflights which constituted a threat to peace, but the underlying threat of mass destruction with nuclear weapons. The refusal of the Soviet Government to participate in the Summit Meeting had caused deep disappointment, and he thought there was a flagrant disproportion between the incident of 1 May and the resulting action by the Soviet Union which led to the collapse of the Summit Conference.

132. The representative of the United Kingdom of Great Britain and Northern Ireland felt that the Soviet representative had exaggerated the implications of the overflight of the U-2 plane and had not adequately explained the reasons which had led the Soviet Government to disrupt the Summit Conference on that issue. He could not agree that the Soviet Union was justified in bringing to nothing a conference on which so much depended. In his view, the Foreign Minister of the Soviet Union had failed to make out a case for branding the U-2 incident as aggression. The NATO and CENTO alliances were purely defensive

organizations which had come into being in reaction to the policies of the Soviet Union, and there was no aggressive intent on the Western side. He appealed to the Soviet Union to join with the United Kingdom and other States in a constructive attempt to solve the problems of disarmament and surprise attack.

133. The representative of Argentina said that even if, in the absence of a precise internationally agreed definition of aggression, one based oneself on draft agreements which had been elaborated, the Soviet complaint would have to be rejected. He felt that adoption of the Soviet draft resolution would only aggravate the international situation, and believed it was more important to look to the future in an attempt to relieve the existing tension. He expressed his delegation's firm adherence to the principle of the territorial sovereignty of all countries, and felt that there was nothing that could make it lawful or desirable for a nation to violate that rule. He welcomed the statements by the United States that the overflights would not be resumed.

134. The representative of China stated that the facts of the case did not sustain the charge of aggression. It was a simple case of intelligence collecting, which was neither a new nor a rare phenomenon in international society. He referred to the statement of the United States representative that the purpose of the U-2 flight was to forestall surprise attacks, and said that if the Soviet Union had agreed to accept controlled disarmament and inspections, the incident would never have happened. The motive of the Soviet Union for shifting the front of the cold war from Paris to the United Nations was to cover up the bizarre behaviour of Khrushchev at Paris and to conduct propaganda to create division and arouse an uneasy conscience in the West. In this age, air sovereignty had become more or less a myth, and it had been violated right and left by man-made satellites, some of which were quite capable of sending back photographs. His delegation felt that the Soviet Union was making too much out of the whole affair and would therefore vote against the Soviet draft resolution.

135. The representative of Poland stated that the United States had in the case in point violated international law, which recognized the complete and exclusive sovereignty of States over their air-space. Any flight which took place without the permission of the State concerned, and particularly an espionage flight, was a breach of treaty obligations and a violation of the Charter, as well as of domestic laws. What made the case especially serious, was that the Secretary of State of the United States had attributed to the United States the right of espionage flights over the USSR for reasons of security, thereby raising violation of international law to the rank of its official policy. Militarily, the flight of the U-2 had exposed the world to a grave threat. Activities of that nature could cause retaliation and lead to irrevocable actions. The flight of 1 May had also violated the frontiers of other States, broken bilateral agreements on the use of bases, and harmed neighbourly relations between the USSR and other countries. Politically, the attitude of the United States Government had made a summit meeting impossible. The Polish delegation would vote for the USSR draft resolution.

136. The representative of Italy expressed doubts as to the real purposes of the USSR in calling a meeting of the Council, since President Eisenhower had already stated that the flights had been suspended

and were not to be resumed. He felt that the Soviet complaint had lost most of its significance in view of the achievements of satellites, which had, or would soon have, an enormously increased capacity of exploring or observing, compared with aircraft. The flight problem should have been put in its proper perspective, and not so magnified that its political implications became unrelated to the event. His delegation was strongly advocating resumption of international activities on all levels, and could not vote for any draft resolution which did not look ahead to constructive steps in international co-operation.

137. At the 859th meeting, on 25 May, the representative of Tunisia stated that he considered the situation serious, not because of the incident or incidents involved, but because of the mistrust which it revealed between the two parties. He regretted that such flights had taken place, but was pleased to note that the United States had declared that they had been suspended and would not be resumed. The Tunisian delegation could not accept the view that the overflights constituted aggressive acts, and was unable to give its approval to the Soviet draft resolution. It felt that the incident could have been settled through the normal channels of diplomacy, and regretted that it had been the cause of the breakdown of the Summit Conference. The real problem was to re-establish confidence. This could only be done through agreements, particularly relating to surprise attack, nuclear tests and disarmament.

138. The representative of Ecuador felt that in the present dangerous situation, the Council's debate had certain positive aspects, such as the appeal by the USSR that international law should govern and control international relations, and the restatement by the United States that it would take positive steps towards the creation of an atmosphere of mutual trust. The anger of the Soviet Union at flights over its territory was understandable. The same anger would be felt by any State if similar flights occurred. But if such anger was understandable, it was not justified in its dramatization up to the point of ignoring that war would destroy us all, that every effort should be made to avoid it, and that negotiations were the more necessary the greater the problems were. It would be desirable if the debate solved the problem of the flights in order to make it clear to the Soviet Union that the United States did not intend to continue such flights. Two serious dangers had been pointed up by recent events, namely, the danger that the handling of problems by the great Powers alone might result in the interests of other countries being forgotten, and the danger that such contacts might be too greatly affected by chance happenings in their relationships. Perhaps the interests of all countries would be better protected if relationships and negotiations between them were inserted within the framework of some international law. It might be better if negotiations took place under a system which would give stability at critical moments, and in the presence of the other members of the international community, whose positive contributions should not be underestimated. He objected to the Soviet draft resolution, first, because it proposed the condemnation solely of a particular series of acts, failing to recognize that the accused party had likewise referred to certain reprehensible acts by the accuser, the examination of which would not promote peace and reduce tensions; and secondly, because the draft was based upon the false premise that the United States had aggressive in-

tentions. It was to be hoped, therefore, that the Soviet representative would not press it to a vote, and that he would associate himself with the rest of the Council in a conciliatory statement.

139. The President, speaking in his capacity as the representative of Ceylon, stated that the fact that espionage existed in diverse forms was no justification for the repudiation of the principle of sovereign right to the territorial integrity of the air-space of a State. The failure of the Summit Meeting might have had several causes, but it was certain that the flight incident was one of them. The most important task now was once again to create better understanding and do nothing to exacerbate feelings and impair goodwill. In his view, the statements by the United States that flights over the Soviet Union had been stopped and would not be resumed should be accepted as satisfactory and made any formal condemnation unnecessary. He urged the representative of the Soviet Union, for the sake of promoting world peace, to accept the assurances of the United States.

140. At the 860th meeting, on 26 May, the representative of the Union of Soviet Socialist Republics said that statements emanating from quarters within the United States Government and from President Eisenhower himself confirmed that acts of provocation towards the Soviet Union remained the official policy of the United States. The United States was trying to place the blame for its aggressive actions against the USSR on the Soviet Government's refusal to accept the "open skies" plan. Such a thesis was both preposterous and dangerous. It was clear that the aim of the submission of the plan in 1955 had been to substitute for disarmament the collection of intelligence about the armaments and important targets of the Soviet Union and certain other States. What would have been the reaction of the United States if the Soviet Union, on the pretext that the United States had not accepted a Soviet proposal, had begun to send its military aircraft into the air-space of the United States?

141. The United States had clumsily attempted to divert attention from the question raised by the Soviet Union by piling up fabrications regarding Soviet espionage. The Soviet Union could have presented a long list of espionage and subversive activities carried out by the United States, with the one difference that it would constitute not fabrications but the truth about those activities.

142. The Soviet armed forces had clear instructions to strike a blow at any aggressor and its accomplices which dared again to penetrate into the Soviet Union. The representatives of certain countries apparently saw nothing terrible about the violation of the Soviet borders, but who could guarantee that a violating aircraft was not carrying weapons of mass destruction and was not a threat to peace? He emphasized that if the Council wished to fulfil its obligations, it could not fail to condemn the aggressive acts of the United States. History recorded no previous case in which a Government had announced that it was part of its policy to invade the territory of other States with its aircraft.

143. The representative of the United States of America stressed that the Soviet Union had not submitted any proof in support of its case that the United States had engaged in any aggressive act against that country, as it would have done if there were any proof. Furthermore, as was well known, aggression would be impossible under the United States system. He stated that threats of force and nuclear devastation had been made by the Soviet Union against twenty-two countries in one year. This, added to the record of Soviet actions and the closed and secret character of the Soviet Union, had understandably made the world anxious about its safety.

144. In reply to the Soviet assertion that the American charges of Soviet espionage were fabricated, the United States representative displayed a gift which, he explained, had been presented to the American Ambassador in Moscow, and which contained a clandestine listening device.

145. The policy of the United States was to support the United Nations Charter, to work with the Soviet Union and other countries for effective disarmament, and to seek agreement on the discontinuance of nuclear weapons tests and on the peaceful uses of outer space. The danger of sudden death by surprise attack, and the distrust caused by Soviet secrecy, could only be overcome by continuing negotiations instead of by breaking them off.

146. The Council proceeded to vote on the draft resolution before it.

Decision: *The USSR draft resolution (S/4321) was rejected by 7 votes to 2 (Poland, USSR), with 2 abstentions (Ceylon, Tunisia).*

Chapter 4

LETTER DATED 23 MAY 1960 FROM THE REPRESENTATIVES OF ARGENTINA, CEYLON, ECUADOR AND TUNISIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL⁴

147. In a joint letter, dated 23 May 1960 (S/4323), addressed to the President of the Security Council, the representatives of Argentina, Ceylon, Ecuador and Tunisia submitted the following draft resolution, requesting that the inclusion of the subject as an item in the agenda of the Council be considered at the conclusion of the item contained in document S/4314.

"The Security Council,

"Mindful of its responsibility for the maintenance of international peace and security,

"Noting with regret that the hopes of the world for a successful meeting of the Heads of Government of France, the United Kingdom, the United States

of America and the Union of Soviet Socialist Republics have not been fulfilled,

"Considering that these developments have caused great disappointment and concern in world public opinion,

"Considering also that the resulting situation may lead to an increase of international tensions likely to endanger peace and security,

"Being convinced of the necessity to make every effort to restore and strengthen international goodwill and confidence, based on the established principles of international law,

⁴ See also chapter 3.

"*Being especially aware* of the mounting danger of the continuation of the armaments race,

"1. *Recommends* to the Governments concerned to seek solutions of existing international problems by negotiation or other peaceful means as provided in the Charter of the United Nations;

"2. *Appeals* to all Member Governments to refrain from any action which might increase tensions;

"3. *Requests* the Governments concerned to continue their efforts towards disarmament and the prohibition of nuclear weapons tests under an international control system and their negotiations on the technical aspects of measures against the possibility of surprise attack, as recommended by the General Assembly in its resolutions;

"4. *Urges* the Governments of France, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics to resume discussions as soon as possible and to avail themselves of the assistance that the Security Council and other appropriate organs of the United Nations may be able to render to this end."

148. The item was included in the agenda at the 861st meeting, on 26 May 1960.

149. Introducing the joint draft resolution, the representative of Tunisia emphasized the need to reduce international tensions and create an atmosphere conducive to the resumption of negotiations among the Great Powers. International peace and security were the concern of all States, and particularly of the members of the Security Council. Conscious of their responsibilities as members of the Council, Argentina, Ceylon, Ecuador and Tunisia had submitted their draft resolution because they felt that it would be dangerous for the Council, which had been summoned to take up the preceding item, to adjourn without having made such recommendations. The four-Power draft resolution was a simple measure, containing no reproach to any country and aimed only at peace. He hoped that it would receive the unanimous approval of the Council.

150. The representative of Ecuador observed that the international community was faced with a dangerous deterioration in the relations between the Great Powers. Unless measures were taken to return to the path of full negotiation, humanity would be confronted with a grave situation imperilling its very existence. In the face of this threat to international peace and security, the Council had to choose among the following three approaches: (a) to remain indifferent to the events which were taking place; (b) to deal with the substance of the problem and attempt to bring into play the diplomatic methods authorized by the Charter; or (c) to exert its moral strength to promote conciliation and make every effort to find a common denominator for peace among the Great Powers. The first approach was doubtless unacceptable. The second approach met the requirements of the situation. However, if it was to be constructive and fruitful, it would have to be made at the appropriate time, that is, when relations between the Great Powers had improved. The third approach was, in fact, what his delegation, along with three other members of the Council, proposed in their draft resolution. The draft resolution was fundamentally a concentrated effort towards peace. It favoured no party and had no relation to any past or future action of the Council. It was a reaffirmation of the principle

that international problems should be solved through negotiations and other peaceful means provided in the Charter. He also called for its unanimous adoption.

151. The representative of Argentina said that the draft resolution represented a middle ground between, on the one hand, an attitude of extreme alarm at the events that were taking place, and, on the other hand, the belief that the problems would solve themselves. While avoiding the use of exaggerated language, it drew attention to the serious consequences of any further deterioration of the international situation. Unfortunately, there were, he said, grounds for fearing that such a deterioration might come about. It was therefore imperative to create an atmosphere which would permit the resumption of negotiations among the Great Powers. The joint draft resolution was meant to reach that objective. The appeal to all Member States to refrain from any action which might increase tensions referred, not only to actions which were considered illegal under international law, but to any political action which might be deemed unfriendly by other States, including measures designed to settle controversial issues unilaterally. Finally, he drew attention to operative paragraph 4 of the draft resolution, envisaging the use of United Nations machinery as a means of resuming discussions among the Great Powers. He considered that an essential element. It might be, he said, that United Nations machinery was a little slower and more complicated than direct diplomacy, but past events had shown that recourse to the Organization had advantages which more than outweighed such drawbacks. It was a neutral forum guided by objective standards accepted by all countries, and it offered an institutional form of conciliation in which the views of small nations were expressed. He also called for unanimous adoption of the draft resolution.

152. The President, speaking as the representative of Ceylon, said that the draft resolution had been submitted because of the continuing strain in the relations among the Great Powers, particularly between the two strongest military Powers. The sponsors had felt that they should place on record their deep concern about the situation, and their hope that efforts would be made towards the resumption of negotiations. What was offered was a simple draft which sought to impress on all Member States, and particularly on the Great Powers, the necessity of resolving outstanding problems through negotiations, a desire expressed by the Great Powers themselves. Therefore, the draft resolution could not be unacceptable to any member of the Council. The only criticism which could be made was that it contained nothing spectacular. But all the Council could do at the present time was to urge the Great Powers to utilize the various organs of the United Nations in efforts to restore harmony and goodwill, without which peace could not be preserved.

153. The representative of the United States of America welcomed the initiative of the four Powers because it gave the Council an opportunity to reverse the trend towards increased international tensions. As he had stated at the 857th meeting, the United States would continue to work for progress towards general and complete disarmament with effective control, for an agreement on the cessation of nuclear weapons tests and for international co-operation in the peaceful uses of outer space. The draft resolution underlined the importance of resuming

work on those matters. Its adoption would give the world new hope. The United States would therefore vote in favour of the proposal.

154. The representative of the United Kingdom of Great Britain and Northern Ireland praised the action taken by the four Powers, which had directed the attention of the Council away from inquiries into the past, and towards creating the foundation for future progress. His delegation was in general sympathy with the suggestions contained in operative paragraphs 3 and 4 of the draft resolution and hoped that it would receive the unanimous support of the Council.

155. The representative of Italy thought that the draft resolution pursued constructive aims, emphasizing as it did the need for Governments to seek a solution of existing international problems through negotiations. It was of the utmost importance not only that negotiations on disarmament and other problems continued, but that the parties concerned spared no effort to attain positive results. National sovereignty could be adequately protected through a network of agreements dealing with such questions as the prevention of surprise attack, and international co-operation in the peaceful uses of outer space. His delegation supported wholeheartedly the draft resolution and hoped that it would be adopted unanimously.

156. The representative of the Union of Soviet Socialist Republics regarded the four-Power draft resolution as inadequate. He considered that its major defect was the absence of a condemnation of the policy of provocation pursued by the United States Government against the Soviet Union, in contempt of the fundamental rules of international law. Concessions, he added, had never removed the danger of aggression. The President of the United States had announced, in a speech on 25 May, that the United States Government intended to persist in its policy of military espionage and subversion against the Soviet Union, a policy which placed mankind on the brink of war. If the Council had shown the slightest degree of objectivity it would have adopted a resolution calling upon the United States Government to withdraw its threat of continuing that policy. The sponsors of the draft resolution had failed to make a categorical statement in that respect.

157. Reviewing the provisions of the draft resolution, the Soviet representative pointed out that, since his Government favoured negotiations between the Great Powers, such an appeal for negotiations, although addressed also to the other Powers, should be directed especially to the United States Government which bore the responsibility for the breaking off of the Summit Conference and the failure of negotiations on specific questions. Furthermore, the Council would be doing constructive work if it were to speak out itself unequivocally not only in favour of negotiations, but in favour of specific disarmament measures, a point which the Soviet Union had always pressed. The Soviet representative thought that the draft resolution could become a useful decision by the Council if properly amended. Accordingly, he submitted three amendments (S/4326), as follows:

(1) To insert, after the first preambular paragraph of the draft resolution, a new paragraph in which the Council would consider that the incursion of foreign military aircraft inside the territory of other States was incompatible with the purposes and principles of the United Nations and constituted a threat to peace and international security;

(2) To add the words "including the dispatch of their aircraft into the airspace of other States" to operative paragraph 2 of the draft;

(3) To reword operative paragraph 3 in such a way that the Council would request the Governments concerned to continue their efforts towards "the achievement of general and complete disarmament and the discontinuance of all nuclear weapons tests under an appropriate international control system, as well as their negotiations on measures to prevent surprise attack".

158. At the 862nd meeting, on 27 May, the representative of France, expressing his support of the draft resolution, said that its sponsors had wished to separate their proposal from the preceding item, so as to find peaceful solutions. On the other hand, the first two Soviet amendments ran counter to that purpose since they were designed to reintroduce certain controversial features contained in the Soviet draft resolution (S/4321), submitted during the consideration of the previous item. Consequently, the objections which had prevented his delegation from voting for that Soviet draft resolution applied equally to those two amendments. As regards the third amendment, his delegation preferred the wording of the four-Power draft resolution which referred to disarmament in general without advocating any specific plan. He hoped that the USSR would not press its amendments to a vote and would find it possible to endorse the four-Power text.

159. The representative of Poland said that, while the draft resolution reflected the serious concern of its sponsors over the international situation, it made no attempt to clarify or modify the causes which had contributed to increase tension. Moreover, the draft resolution failed to state clearly the principles of international law to which it referred. Quoting from statements made by the sponsors of the draft resolution at the 858th and 859th meetings, he found that they contained a common denominator in so far as they agreed that the incursion of foreign military aircraft inside the borders of other States constituted a violation of the purposes and principles of the Charter and a threat to peace. The Soviet amendments reaffirmed that principle and were essential, he believed, in order to give the draft resolution legal and political significance.

160. The representative of the United Kingdom opposed the first two Soviet amendments on the ground that they completely altered the character of the four-Power draft resolution by reintroducing Soviet allegations of aggressive acts, which had been previously rejected by the Council. He felt that the original wording of operative paragraph 3 of the draft resolution was adequate.

161. The representative of the United States of America, in answer to the statement of the USSR representative (861st meeting) concerning President Eisenhower's speech, declared that the Soviet charges were untrue. The United States had never engaged in sabotage or acts of aggression. The Soviet amendments were designed to turn a constructive measure into another condemnation of the United States. He hoped that the Council would reject them.

162. The representative of Italy declared that the first two Soviet amendments would change the conciliatory nature of the draft resolution and would reopen issues which the Council had already debated.

His delegation preferred the original wording of operative paragraph 3.

163. Commenting further on his delegation's amendments in the light of the preceding statements, the representative of the Union of Soviet Socialist Republics wondered why certain members of the Council, who would not approve of violations of national sovereignty, were unable to accept the first two Soviet amendments aimed at the protection of sovereignty. With regard to criticisms raised against the wording of the third Soviet amendment, he wished to remind the Council that the concept of general and complete disarmament had been endorsed by the General Assembly with the concurrence of France, the United Kingdom and the United States. Therefore, opposition to its inclusion now in the draft resolution was in contradiction with the attitude adopted by those countries in the General Assembly. Furthermore, those Governments which favoured the discontinuance of nuclear tests should not object to the reference thereto contained in the Soviet amendment. The only explanation was that the United States Government was creating obstacles in the way of an agreement on that question. With respect to the part of the third amendment referring to negotiations on measures to prevent surprise attack, the United States had repeatedly, and also recently, stressed the need for negotiations on that subject. However, for some unknown reason, the Soviet suggestion on that point seemed also unacceptable. The adoption of a resolution which ignored the principal issues would, he concluded, be a poor basis for negotiations.

164. At the 863rd meeting on 27 May, the sponsors of the joint draft resolution submitted a revised text (S/4323/Rev. 2),⁵ which modified operative paragraphs 2 and 3 as follows:

"2. *Appeals* to all Member Governments to refrain from the use or threats of force in their international relations; to respect each other's sovereignty, territorial integrity and political independence; and to refrain from any action which might increase tensions;

"3. *Requests* the Governments concerned to continue their efforts to achieve a constructive solution of the question of general and complete disarmament under effective international control in accordance with resolution 1378 (XIV) of the General Assembly and the discontinuance of all nuclear weapons tests under an appropriate international control system as well as their negotiations on measures to prevent surprise attack, including technical measures, as recommended by the General Assembly;"

165. The representative of the United Kingdom said that his delegation's position on the third Soviet amendment as interpreted by the Soviet representative required clarification. The United Kingdom, he said, was not reversing its position on disarmament, as suggested by the Soviet representative, but remained determined to reach agreement both on disarmament and on the discontinuance of nuclear tests through negotiations. The wording of the third Soviet amendment, he added, did not correspond to

the relevant General Assembly resolution which his delegation had supported.

166. The representative of Ecuador, introducing the revised text of the four-Power draft resolution, stated that the revision of operative paragraph 2 was based on the Preamble of the Charter of the United Nations, and that operative paragraph 3 had been revised so as to bring the text into greater conformity with the General Assembly resolutions on disarmament, the suspension of nuclear tests, as well as measures to prevent surprise attack.

167. The representative of Italy expressed his support of the revised text.

168. The representative of Tunisia declared that, while Tunisia was in full agreement with the ideas set forth in the first two Soviet amendments, his delegation could not vote in favour of them because they were related to a problem already dealt with by the Council under the previous item. He appealed to the Soviet Union to withdraw them. The revised text of the four-Power draft resolution, he said, constituted a renewed effort at conciliation.

169. The representative of Argentina associated his delegation with the statements of the other sponsors of the draft resolution and hoped that the revised text would receive unanimous support. His delegation, he added, had no objections to the principle underlying the Soviet amendments, but it believed that the wording suggested a connexion with a question which had already been decided by the Council.

170. The President, speaking as the representative of Ceylon, said that the revised text was a further effort to keep the door open for negotiations among the Great Powers.

171. The representative of the Union of Soviet Socialist Republics indicated that he would not press for a vote on his third amendment.

Decision: *The first two Soviet amendments were rejected by 6 votes to 2 (Poland, USSR), with 3 abstentions (Ceylon, Ecuador, Tunisia).*

Decision: *The revised draft resolution (S/4323/Rev.2) was adopted by 9 votes to none with 2 abstentions (Poland, USSR).*

172. The representative of China, explaining his vote, stated that his delegation, although it would have preferred the original text of the four-Power draft resolution, had voted for the revised text because the latter maintained the spirit of the original proposal. It was clear that the Soviet amendments were aimed at altering the meaning and purpose of the draft resolution. The abstention of the Soviet Union on the revised draft resolution demonstrated its reluctance to support the cause of peace.

173. The representative of Ecuador explained that his delegation had abstained in the vote on the Soviet amendments because their implicit link with the item previously discussed by the Council made them incompatible with the general character of the four-Power draft resolution. That did not, however, imply any pronouncement on the legal principles on which the Soviet amendments were based and concerning which his Government had frequently defined its position.

⁵ Document S/4323/Rev.1 exists in French only.

LETTER DATED 15 JUNE 1960 FROM THE REPRESENTATIVE OF ARGENTINA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

174. By a letter dated 10 June 1960 (S/4334), the representative of Argentina transmitted to the Security Council the text of a note from the Ministry for Foreign Affairs of Argentina to the Embassy of Israel at Buenos Aires dated 8 June 1960, in reply to the latter's note of 3 June 1960, concerning the capture of Adolf Eichmann on Argentine territory.

175. By a letter dated 21 June 1960 (S/4342), the representative of Israel transmitted to the Security Council the text of the note of 3 June 1960 from the Embassy of Israel in Buenos Aires to the Ministry for Foreign Affairs of Argentina, and the text of a letter from the Prime Minister of Israel to the President of Argentina, dated 7 June 1960.

176. In a letter dated 15 June 1960 (S/4336), the representative of Argentina requested the President of the Security Council to call an urgent meeting of the Council to consider "the violation of the sovereign rights of the Argentine Republic resulting from the illicit and clandestine transfer of Adolf Eichmann from Argentine territory to the territory of the State of Israel". Argentina considered such an action as contrary to the rules of international law and the purposes and principles of the Charter, and as creating an atmosphere of insecurity and mistrust incompatible with the preservation of international peace.

177. In an explanatory memorandum, it was stated that, after having learned that Adolf Eichmann had been captured in Argentine territory by "volunteer groups" which had transferred him to the territory of Israel, the Argentine Government had approached Israel with a request for information. The Government of Israel, while confirming the reports of the arrest and transfer of Adolf Eichmann to its territory had stated that if the volunteer groups had violated Argentine law, it wished to express its regret. Thereafter, Argentina had made a formal protest against the illegal act which it considered committed to the detriment of its fundamental right of sovereignty and had requested appropriate reparations, namely, the return of Eichmann and the punishment of those guilty of violating Argentine territory. The Argentine Government had also stated that it would refer the matter to the United Nations if its request was not satisfied. The Government of Israel had not complied with the request, and the Argentine Government, in view of its failure to reach a satisfactory solution through the normal diplomatic channels of negotiation, had been compelled to request that the case be dealt with by the Council under Articles 34 and 35 of the Charter.

178. In a letter dated 21 June 1960 (S/4341), the representative of Israel stated that his country believed that the unilateral allegations of the Argentine Government were not sufficient to bring the dispute within the terms of Article 34 of the Charter, and that, consequently, the question was beyond the competence of the Council. Israel was also convinced that the difficulties which had arisen between it and Argentina could be settled by direct negotiations and it did not think that diplomatic representations in that respect had failed. In fact, the hope that the way had been opened for a direct settlement had been strengthened by discussions in Buenos Aires, which

had indicated that a settlement could be found at a meeting between the Prime Minister of Israel and the President of Argentina arranged to take place in Europe later in the week.

Decision: *At its 865th meeting on 22 June 1960, the Council included the item in its agenda without objection.*

179. The President invited the representative of Israel to take a place at the Council table.

180. The representative of Argentina said that his Government's case was based on Article 33 and the subsequent Articles of the Charter, because of the danger which Israel's act and any others like it might involve for the maintenance of international peace and security.

181. After having stressed the good relations existing between Israel and his country, his Government's record of consistent opposition to racial discrimination, and the fact that several hundred thousand Jews living in Argentina enjoyed absolute equality of treatment before the law and in everyday life, he said that in view of all these facts, such an affront against the sovereignty of Argentina was all the more inconceivable.

182. Argentina had constantly been mindful of its obligations under Article 33 of the Charter, which called on the parties to an international dispute to seek a solution by peaceful means of their own choice before appealing to the United Nations. However, its hopes that immediate recognition of its manifest right would put an end to the incident and would permit the resumption of the friendly relations between the two countries, had not been fulfilled. There had been no reply to the Argentine note, and the personal letter from the Prime Minister of Israel implied his Government's refusal to meet Argentina's request for reparation. Nevertheless, Argentina had agreed to having its Permanent Representative to the United Nations meet with the Foreign Minister of Israel in order to seek a formula which would satisfy its legitimate claim. Unfortunately, that step had also failed. In those circumstances, Argentina had felt obliged to submit its case to the United Nations. Referring to the letter of 21 June from the representative of Israel (S/4341), the representative of Argentina stated that, on that same date, the Prime Minister of Israel had declared in a statement to the Press that friendly relations would continue between the two countries provided that Eichmann remained in Israel. That statement had confirmed Israel's unchanging attitude which had led to the failure of negotiations, and consequently the President of Argentina could not agree to a meeting with the Prime Minister of Israel, the outcome of which had been vitiated in advance. Argentina must therefore insist on the continuance of the procedure which it had requested before the Security Council.

183. Israel had clearly recognized its responsibility. In its communication of 3 June 1960, the Embassy of Israel had felt obliged to explain that the so-called volunteers had "placed this historic mission [Eichmann's capture] above all other considerations". In his letter, the Prime Minister of Israel had expressed his regret about any violation of Argentine laws which

might have been committed. The justification of the incident and the need to apologize for it constituted a full confession of responsibility and made it unnecessary to produce further evidence.

184. Israel's responsibility was in no way affected by its declaration that the act had been committed by private individuals acting without prior consent. Any State was under the obligation to make reparation for violations of territorial sovereignty committed by its nationals abroad, even if they had acted for private reasons. In the case in point, the persons responsible had no doubt as to the illegal nature of their activities; that was established by the clandestine manner in which they had acted. Once Eichmann had reached Israel, the Government of Israel had had knowledge of the illegal way in which he had been removed there. By its decision to detain and to try Eichmann, Israel had *ipso facto* become an accessory to, and ultimately responsible for, the act itself. The supposed consent by Eichmann to his removal to Israel did not alter the fact that a violation of Argentine sovereignty had been committed.

185. The question of Eichmann's status in Argentina and the circumstances surrounding his illegal residence there were irrelevant to the case. Argentina had not protested against the violation of the general rules governing territorial asylum or of the existing conventions for the protection of political refugees. It had denounced a violation of its sovereignty by the unlawful exercise of foreign authority within Argentine territory. The fact that a resident of Argentina was there in breach of its national laws was a purely domestic question.

186. It was thus quite clear that the dispute between Argentina and Israel concerned an infringement of Argentine sovereignty and was, therefore, a political rather than a strictly legal dispute within the meaning of Article 36, paragraph 3, of the Charter. By virtue of Article 33 *et seq.*, the Council was competent to deal with the case in point because a situation had arisen which might endanger international peace and security. It would be an erroneous interpretation of the Charter to claim that its provisions regarding a dispute or situation likely to endanger the maintenance of international peace and security concerned only the threat of an imminent armed conflict. In fact, international peace and security were endangered whenever there existed the possibility that a situation of hostility would arise between two States such as gravely to affect their relations. The degree to which those relations were affected could be judged only by the parties to the dispute, and in the case in point Argentina considered the situation sufficiently serious to justify its consideration by the Council. There was no doubt that the repetition of such incidents as the one under consideration would strike at the very roots of international order. The case was serious because of the precedent it implied.

187. In defending its right, Argentina . . . was also defending the security of millions of men and women who seek protection outside of their native lands in order to flee persecution and in order to find a new home. However, in defending that principle, it was not defending the crimes of which Eichmann had been accused. In its note to Israel and in the talks with Israel officials, Argentina had clearly stated that it would not oppose any formula for settlement which, while making reparation, would allow justice to follow its course. Such a formula would have been found

by Israel in the Treaty of Extradition which it had signed with Argentina on 9 May 1960.

188. The representative of Argentina concluded by stating that the case in point was not the case of Adolf Eichmann or of his crimes. It was the case of a country claiming justice in the face of an act which, if repeated, could undermine the very basis of international order. He appealed for the unanimous adoption of the following draft resolution (S/4345):

"The Security Council,

"Having examined the complaint that the transfer of Adolf Eichmann to the territory of Israel constitutes a violation of the sovereignty of the Argentine Republic,

"Considering that the violation of the sovereignty of a Member State is incompatible with the Charter of the United Nations,

"Having regard to the fact that reciprocal respect for and the mutual protection of the sovereign rights of States are an essential condition for their harmonious coexistence,

"Noting that the repetition of acts such as that giving rise to this situation would involve a breach of the principles upon which international order is founded, creating an atmosphere of insecurity and distrust incompatible with the preservation of peace,

"Noting at the same time that this resolution should in no way be interpreted as condoning the odious crimes of which Eichmann is accused,

"1. Declares that acts such as that under consideration, which affect the sovereignty of a Member State and therefore cause international friction, may, if repeated, endanger international peace and security;

"2. Requests the Government of Israel to make appropriate reparation in accordance with the Charter of the United Nations and the rules of international law."

189. At the 866th meeting, on 22 June, the representative of Israel said that her Government regretted that Argentina had found it necessary to bring the question before the Council, because of the friendly relations existing between Israel and Argentina and also because that would make it necessary to discuss in the Council the fact that Adolf Eichmann, one of the top war criminals, had been discovered by Jews, including Israel citizens, and taken to Israel.

190. In its communication to the Council on 21 June (S/4341), Israel had declared that it did not share the view of Argentina regarding "the failure of diplomatic representations". The representative of Argentina had stated that, in view of the conditions laid down by Mr. Ben Gurion concerning the question of the return of Eichmann to Argentina, his Government did not believe that there existed, at present, the requisite minimum basis for negotiations and that therefore the Argentine President could no longer agree to a meeting with the Prime Minister of Israel. That conclusion was based on a misunderstanding. The Prime Minister of Israel had not mentioned the word "conditions". Moreover, a *note verbale* from the Argentine Embassy to the Israel Embassy in Brussels had stated that since Israel had submitted a note to the United Nations, the President of Argentina considered that the meeting would not be possible until after the United Nations had dealt with that question

and that the Israel note had changed the situation. That would explain the real reasons why a meeting could not take place, and the responsibility for that lay with the Argentine Government.

191. Under Article 34, invoked by Argentina, the one and only legitimate purpose of an investigation by the Council was to determine whether the continuance of the dispute or situation was likely to endanger the maintenance of international peace and security. Israel would regard as *ultra vires* any resolution which would not be in conformity with the provisions of that Article.

192. Israel recognized that the persons who took Eichmann from Argentina to Israel had broken Argentine laws and for that Israel had already apologized. However, it believed that that isolated violation must be seen in the light of the exceptional character of the crimes attributed to Eichmann—and the motives of those who had acted in that unusual manner. Those men belonged to a people whose tragedy in the Second World War was unmatched in history. Six million European Jews, including one million children, had been annihilated as a part of Hitler's so-called solution of the Jewish question.

193. Quoting from the records of the Nürnberg trials and the memoirs of Rudolf Hoess, the Commandant of Auschwitz, the representative of Israel showed the part that Eichmann had played in the mass killing of Jews under the Nazis. In spite of all his crimes, Eichmann had enjoyed freedom and had not been brought to trial in the fifteen years which had elapsed since the Nazis' defeat. It was not surprising that many Jews had maintained a relentless search for him, and had entered many countries illegally, until they had found him and brought him to Israel. In the course of their efforts to bring Eichmann to justice, certain Israel nationals had no doubt committed infringement of the Argentine laws and for that Israel had already twice expressed its regret and still was prepared to repeat it before the Council. However, it would be an error to confuse the illegal actions of individuals with the non-existent intentional violation of the sovereignty of one Member State by another. That was such a fundamental distinction that the Council was bound to take into consideration before making any decision.

194. Referring to the Argentine draft resolution (S/4345), the representative of Israel inquired about the meaning of the expression "appropriate reparation". In the view of the Israel Government, its expressions of regret constituted adequate reparation.

195. The representative of the Union of Soviet Socialist Republics said that in order to understand the nature of the complaint, the Council must above all bear in mind that that question was directly related to the case of one of the major Nazi war criminals. The International Military Tribunal at Nürnberg had clearly established that Eichmann had committed his heinous crimes in the territory of many countries of Central and Eastern Europe. In their various declarations on the subject, the Allied Governments had stipulated that all persons responsible for those crimes should not escape retribution and that they should be sent back to the countries in which those crimes had been committed for due judgement and punishment. One of the declarations of the Allied Governments on Nazi war crimes, of 30 October 1943, had been unanimously approved by the Inter-American Conference held in Mexico in March 1945. The first

session of the General Assembly also had unanimously called upon all Governments to take necessary measures so that all war criminals be apprehended and tried for their crimes. It should be noted that all those declarations and resolutions were still in force.

196. The Argentine Government, by not taking measures for the timely arrest and extradition of Eichmann as a war criminal, had failed to comply with international agreements and United Nations resolutions. Those resolutions had imposed on the Argentine authorities specific obligations in relation to the capture of Nazi leaders who had somehow entered Argentine territory, and in any event prohibited the rendering of refuge to them.

197. It was well known that a great number of war criminals were still evading justice. Moreover, feeling themselves immune from punishment and holding highly responsible posts in the Federal Republic of Germany and in NATO, former Nazi leaders were conducting an active campaign for revenge, leading to the revival of fascism in West Germany, which began to play an increasingly active part in NATO. It was known that eight of the seventeen ministers in the Bonn Government formerly held important posts either in the Nazi State machinery or in the Nazi party. The NATO Commander Allied Land Forces Central Europe was the Nazi army General, Speidel. That was what really constituted a threat to international peace and security.

198. As regards the complaint of Argentina concerning the violation of its sovereignty, the Soviet delegation wished to make it clear that the Soviet Union had always stood for the strict observance of the universally recognized principle of sovereignty, and therefore it shared the Argentine position on the question because a violation of sovereignty was inadmissible under any circumstances.

199. The representative of the United States of America said that the Council in its consideration of the case in point must bear in mind, first, that nothing should be said or done which might further aggravate the relations between Argentina and Israel or make a fair settlement more difficult; secondly, that international law and practices should be upheld; and, lastly, that the whole matter could not be considered apart from the monstrous acts with which Eichmann was charged. The Council, therefore, must make it clear that it not only did not condone the acts with which Eichmann was charged, but that it remembered them with horror.

200. At the same time, the United States considered the Argentine concern about violation of its sovereignty as legitimate, and the Argentine draft resolution appeared to meet the conditions which the United States delegation had outlined earlier. However, the United States wished to submit two amendments (S/4346). First, a new fifth preambular paragraph reading as follows:

"Mindful of the universal condemnation of the persecution of the Jews under the Nazis, and of the concern of the people in all countries that Eichmann should be brought to appropriate justice for the crimes of which he is accused,"

and further, a new operative paragraph 3 reading:

"Expresses the hope that the traditionally friendly relations between Argentina and Israel will be advanced."

201. The representative of the United Kingdom of Great Britain and Northern Ireland felt that no conflict of principles was involved. The principle of respect for the sovereign rights of all countries, which was well expressed in the Argentine draft resolution, was also accepted by Israel which had expressed its regret for violation of Argentine law and sovereignty by a volunteer group. As to the principle that those who were accused of crimes against vast numbers of innocent people should be brought to trial, the representative of Argentina had fully recognized the strength of feelings regarding the case in point in Israel and had said that Argentine hospitality could not be used as a concealment for crime. It was apparent, therefore, that both the principles underlying the current debate were accepted by Argentina and Israel. The difference arose out of the difficulty of reconciling those principles in the particular case of Adolf Eichmann.

202. The United Kingdom had hoped that that reconciliation of views might have been achieved by direct negotiations. Although those hopes were for the time being disappointed, the United Kingdom still believed that final settlement could best be achieved by direct talks which it hoped would be resumed at some future date.

203. The Argentine draft resolution, in its approach to the question of sovereign rights, corresponded to the views held by his Government. However, its wording might be modified to bring out more clearly the repulsion felt regarding the crimes of Adolf Eichmann. His delegation would support the two United States amendments.

204. At the 867th meeting, on 23 June, the representative of the United States of America, recalling the Israel representative's inquiry about "appropriate reparation", said that his delegation considered that such reparation would have been made by the expression of views by the Council in the pending draft resolution, together with the statement of the Foreign Minister of Israel making apology on behalf of her Government. The United States delegation hoped that that would close the incident, and that the normal friendly relations between the two Governments could then progress.

205. The representative of Poland, while fully supporting the principle of respect for national sovereignty and believing that nothing could justify a breach of that principle, emphasized that the Council in its discussion should not ignore the major issue that all war criminals had to be punished. Eichmann, whose record for war crimes was well known, should be dealt with first of all as a war criminal and should be duly punished. In that respect it might be recalled that were it not for the attitude taken by certain States towards Nazi war criminals, the problem relating to Eichmann would not have arisen. Those States, by giving war criminals shelter and hampering their prosecution, had acted contrary to the decisions taken by the Allied Powers during the Second World War. It was well known that many former Nazi war criminals were occupying positions of importance and influence in Western Germany. His Government had repeatedly expressed its concern with that situation, which constituted a potential danger to international peace and security.

206. His delegation had noted with satisfaction the Argentine declaration of 8 June 1960 condemning Nazi crimes, and he hoped that the implementation

of that and other similar declarations would bring all war criminals to justice. It was with that hope in mind that his delegation would appeal to both sides to solve the present dispute in the best interests of justice.

207. The representative of Italy expressed full sympathy with the motives behind the action of the Israeli volunteers. He realized that Israel people were still suffering from the atrocities of Eichmann and his superiors. However, the abduction of Eichmann had raised certain factual complications leading to the Council being faced with the consideration of the Argentine claim to obtain recognition of the violation of its sovereignty and appropriate reparation.

208. Some procedures might undoubtedly have been found through which the crying need for justice of the Israel people could have been adequately satisfied on a normal basis. On the other hand, the cause for the Argentine complaint existed and the wrong should be appropriately repaired. In that respect, the Argentine draft resolution itself provided the Council with a moderate document which embodied in an acceptable way the answers to the dilemmas of the Eichmann case. The United States amendments made a further contribution in the same direction. The Italian delegation hoped that through the adoption of the amended draft resolution, adequate reparation of the breach of international law would be found.

209. The representative of Ecuador said that the people of his country fully understood the importance which Israel attached to the punishment of those responsible for crimes against the Jewish people under the Nazi régime. Condemnation of Nazi crimes had also had special significance for the United Nations, whose establishment had coincided precisely with the defeat of Nazism. The General Assembly, in condemning the Nazi crimes, had also reaffirmed the principles of international law recognized by the Nürnberg Tribunal and the judgements of that court, Israel, therefore, was not alone in its crusade for the punishment of Nazi war crimes. The gravity of the crimes of which Eichmann was accused made it inconceivable that the international community should allow him to enjoy impunity. It was, therefore, all the more regrettable that it had preferred a procedure which had caused offence to Argentina and had provoked resentment among other countries which associated themselves with Argentina in the defence of its sovereign rights. The complaint of Argentina of the violation of its rights of sovereignty was solidly based and founded in law and justified for reasons which have their roots in undeniable principles which govern international coexistence. It could not be denied that at least as an accomplice Israel was responsible and that it owed appropriate reparation to Argentina.

210. Even more regrettable was the fact that Israel had announced, presumably as a political doctrine, that the unilateral suspension of international law was permissible when justified by moral considerations to be defined by the State suspending that law. Ecuador must express its profound disagreement with Israel's position and reaffirm its conviction regarding the unqualified observance of international law and the need for full respect of the sovereignty of States. Less than a month earlier, the Council had adopted a resolution reaffirming the supremacy of international law. The Council, therefore, had no alternative but to apply the resolution adopted on 27 May 1960 (S/4328) to the case.

211. The representative of France said that his country well understood the reasons which had led Argentina to submit the case under consideration to the Council. The facts concerning the capture of Eichmann had not been challenged by Israel. As far as respect for national sovereignty was concerned, France fully supported the concern shown by Argentina.

212. However, the case could not be circumscribed by legal argumentation. Argentina itself had indicated its disgust of the crimes of Eichmann. But countries which, like France, had suffered directly under persons like Eichmann, felt much more strongly about such matters. It was for that reason that France, along with other countries, had requested Eichmann's extradition. For fifteen years he had evaded arrest and it was natural that those who had finally captured him feared that he might, at the first opportunity, disappear again.

213. His delegation considered that there did not exist at present a threat to international peace and security and, secondly, that all the means of peaceful settlement as provided under Article 33 of the Charter had not been exhausted. In view of the sincere desire of both parties to find a solution, the French delegation felt that a settlement could be reached in a spirit of mutual understanding and that the adoption of a resolution could not bring about the desired result.

214. The representative of Tunisia considered it undeniable that the violation of Argentina's sovereignty by Israel had been prompted by the legitimate desire to bring to punishment a man guilty of one of the most atrocious crimes against humanity. The issue before the Council, was, however, the violation of the sovereignty of Argentina. Israel had admitted that violation but its refusal to agree to the reparation demanded by Argentina made it incumbent upon the Council to take an unequivocal position on that issue.

215. Recalling that Eichmann's crimes had been committed in Europe and at a time when Israel did not yet exist, he felt that Israel's argument appeared to be based on a disquieting conception: that of the extension of the exercise of sovereignty both in space and time. Such a conception, which was justified by racial solidarity, bore in itself the seeds of discord and conflict in international relations. In those circumstances, the violation of sovereignty created an atmosphere of insecurity which was inconsistent with the preservation of international peace. For that reason the Tunisian delegation would vote in favour of the Argentine draft resolution. It would also support the first of the two United States amendments, while reserving its position on the second one.

216. At the 868th meeting, on 23 June, the representative of Ceylon said that while his delegation appreciated that sovereign Governments were seldom responsible for the conduct of isolated individuals acting under their own moral judgement, it could not overlook the approval given by Israel to the actions of the individuals concerned in the Eichmann case. The manner in which the apprehension and transfer of Eichmann had been committed had led Argentina to rightful complaint against violation of its sovereignty.

217. At the same time, Ceylon had profound sympathy for the sufferings of the Jewish people under the Nazis. But the very experience that the Jews had gone through under the Nazi régime demanded that no effort be spared to establish an atmosphere of

international coexistence based on the rule of law. The Ceylonese delegation hoped that Israel and Argentina would reach agreement on some reparation which would restore their good relations. With that hope in mind, Ceylon was prepared to support the Argentine draft resolution (S/4345) and the two United States amendments.

218. The President, speaking as the representative of China, said that the current debate had been unique in that the two countries directly involved had assured the Council that they had had friendly relations with each other and that they intended further development of such relations. It was, therefore, most appropriate that the Council should add the second United States amendment to the Argentine draft resolution.

219. Israel had felt morally obliged to do what it had done in the Eichmann case. The Chinese people sympathized with Israel in that respect and would demand that Eichmann be brought to justice. At the same time Argentina, whose sovereign rights had been violated, could not be expected to ignore such a violation. The principle of respect for national sovereignty was involved and the Chinese delegation disapproved of the methods used by Eichmann's captors. In order to give its fullest support to the principle of respect for national sovereignty, the Chinese delegation would support the Argentine draft resolution as well as the United States amendments.

220. The representative of the Union of Soviet Socialist Republics, referring to the statement of the representative of Argentina that, in his Government's view, appropriate reparation would mean the return of Eichmann and the punishment of those responsible, inquired whether that was still the position of the Argentine Government.

221. The representative of the United Kingdom said that it was his delegation's understanding that the last two paragraphs of the Argentine draft resolution, after acceptance of the United States amendments, would be read together and interpreted in the light of the discussion in the Council. The United Kingdom shared the view that the satisfaction which would be accorded to Argentina on the adoption of its draft resolution and the expression of regret by Israel could reasonably be regarded as adequate reparations and should enable the incident to be terminated. With that understanding, the United Kingdom would vote in favour of the Argentine draft resolution and the United States amendments.

222. The representative of Argentina, after expressing his delegation's gratitude to the members of the Council who had recognized the basic justice of his Government's case, said that the repertory of Eichmann's crimes could not be invoked in the case in point, which was concerned solely with the question of reparation for the infringement of Argentine sovereignty and not with the question of impunity for Eichmann.

223. As regards the meaning of the term "appropriate reparation", the Argentine delegation believed that it was not its obligation, or for that matter that of any other delegation, to supply an interpretation of the resolutions adopted by the Council. Each delegation might have its own interpretation of the texts submitted to the Council, but that interpretation had legal force only for that delegation. Once a resolution had been adopted by the Council, it was for the parties concerned to consider the question and take the neces-

sary steps to ensure that the resolution was interpreted properly and applied in accordance with law.

224. His delegation had no objection to the United States amendments and requested that the draft resolution, together with those amendments, be voted upon as a whole. He added that in accordance with Article 27, paragraph 3, of the Charter, which stipulates that a party to a dispute should abstain from voting, his delegation would refrain from participating in the vote.

225. The representative of France said that after the explanations given by the representatives of the United States and Argentina, and in so far as the amended draft resolution submitted to the Council was generally accepted as representing a final solution and symbolizing the new-found harmony between the two countries, the French delegation would vote in its favour.

Decision: *The Argentine draft resolution (S/4345), as amended, was adopted by 8 votes to none, with 2 abstentions (Poland, USSR), and one member (Argentina) not participating in the vote.*

226. The representative of Poland explained that his delegation had abstained in the vote because, while it supported the clauses upholding the principle of respect for national sovereignty, it found other parts, specially paragraph 2, ambiguous with regard to the future of war criminals like Eichmann. That am-

biguity, he said, had not been dispelled by the statement of the representative of Argentina.

227. The representative of Tunisia stressed that his delegation's vote in favour of the draft resolution, including the two United States amendments, should not be construed as implying recognition of Israel in any manner.

228. The representative of the Union of Soviet Socialist Republics, explaining his abstention in the vote, did not consider that the acts committed in connexion with the apprehension of Eichmann constituted a danger to international peace and security. The resolution also contained certain provisions which weakened the impact of the Council's recognition of the need to condemn Eichmann. He emphasized that operative paragraph 2 of the resolution could not be interpreted as constituting a basis for the submission of any claims for the return of Eichmann to the country in which for many years he had evaded just trial.

229. The representative of Israel said that her delegation had been deeply moved by the unanimous expression of horror and revulsion at the crimes committed by the Nazi régime and especially those of Adolf Eichmann. Israel firmly believed in the principle that relations between States must be based on mutual respect for national sovereignty and territorial integrity. It cherished its traditional ties of friendship with Argentina, and the preservation of those ties was its sincere desire.

Chapter 6

LETTER DATED 13 JULY 1960 FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

230. By a cable dated 12 July 1960 (S/4382) addressed to the Secretary-General, the President of the Republic of the Congo and Supreme Commander of the National Army and the Prime Minister and Minister of National Defence requested the urgent dispatch by the United Nations of military assistance. They stated that the request was justified by the dispatch to the Congo of metropolitan Belgian troops in violation of the Belgian-Congolese Treaty of 29 June 1960 under the terms of which Belgian troops might intervene only on the express request of the Congolese Government. They also accused the Belgian Government of having prepared the secession of the Katanga Province with a view to maintaining a hold on the country.

231. In a second cable dated 13 July (S/4382), the same signatories pointed out that: (1) the purpose of the aid requested was not to restore the internal situation in the Congo but to protect the national territory against an act of aggression posed by Belgian metropolitan troops; (2) the request for assistance related only to a United Nations force consisting of military personnel of neutral countries and not of the United States as reported by certain radio stations; (3) if the requested assistance was not received without delay the Republic of the Congo would be obliged to appeal to the "Bandung Treaty Powers"; (4) the aid had been requested by the Republic of the Congo in the exercise of its sovereign rights and not in agreement with Belgium.

232. By a letter dated 13 July (S/4381), the Secretary-General informed the President of the Security Council that he had to bring to the attention of the Council a matter which, in his opinion, might threaten the maintenance of international peace and security. He therefore requested an urgent meeting of the Council to hear a report of the Secretary-General on a demand for United Nations action in relation to the Republic of the Congo.

233. The Council met the same day to consider the question at its 873rd meeting.

234. The representative of the Union of Soviet Socialist Republics suggested that the provisional agenda be completed by the following addition: "Cable dated 12 July 1960 from the President of the Republic of the Congo and Supreme Commander of the National Army and the Prime Minister and Minister of National Defence addressed to the Secretary-General of the United Nations (S/4382)", unless an objection was raised by a member of the Council.

235. The Secretary-General explained that those documents were addressed to the Secretary-General and did not refer specifically to the Council. It was, however, for the Council to decide whether or not to take them up as reference documents for its consideration.

236. The representative of the United States of America opposed the modification of the provisional agenda on the ground that the Republic of the Congo

had not referred the matter to the Security Council although entitled to do so.

Decision: *The agenda was unanimously adopted.*

237. The Secretary-General said that the reason for his request, under Article 99 of the Charter, for an immediate meeting of the Council was the situation which had arisen in the newly independent Republic of the Congo. Following a first request for technical help in the fields of administration and security, he had received two other communications requesting military assistance from the United Nations (S/4382). The only sound and lasting solution to the problem which had arisen was that the regular instruments of the Government, in the first place its security administration, be rendered capable of taking care of the situation. The request for technical assistance had very likely been made with that purpose in view. As a first step, a technical assistance office was being established and a resident representative appointed.

238. However, that work would take some time and there was an intermediary period during which the Government might find it difficult to operate efficiently in the security field. With respect to the presence of the Belgian troops in the Congo, it was stated by the Belgian Government that they were maintained there in order to protect life and maintain order. It appeared from the communications received from the Government of the Congo that the presence of such troops constituted a source of internal and potentially also of international tension. Their presence could not therefore be accepted as a satisfactory stop-gap arrangement pending the re-establishment of order through the national security force.

239. The Secretary-General therefore recommended to the Council to authorize him to take the necessary steps, in consultation with the Government of the Congo, to provide that Government with military assistance until its national security forces were able fully to meet their tasks. Were the United Nations to act as proposed, it would be understood that the Belgian Government would withdraw its troops. The Secretary-General would base his action on the principles set out in his report on the United Nations Emergency Force (A/3943). The selection of personnel should be such as to avoid complications. That did not exclude the use of units from African States, but it did exclude use of troops from any of the permanent members of the Council.

240. The President announced that the representative of Belgium had requested that his country be invited to participate in the discussion on the item before the Council.

241. The representatives of the Union of Soviet Socialist Republics and of Poland considered that the Republic of the Congo should also be invited.

242. The representative of the United States of America remarked that the Government of the Republic of the Congo had not requested to be invited, but that he had no objection to inviting the Congo if that was not used as a pretext for delay, as the Government of that country had clearly stressed its desire for prompt action.

243. The Secretary-General stated that the meeting of the Council had been convened at his request on the basis of demands made by the Government of the Congo. The latter would be the first to regret it if,

out of a gesture to that Government, a decision on its demands should be delayed. He therefore suggested that an invitation be sent to the Government of the Congo, on the understanding that it would be heard in forthcoming meetings when the question would again be considered by the Council.

244. The representative of Tunisia proposed that the representatives of Belgium and of the Congo be invited to participate in the meetings of the Council, on the understanding that Belgium would not take part in the debate until the Congolese Government had received the invitation.

245. The representatives of the United Kingdom of Great Britain and Northern Ireland and of France supported the suggestion to invite both Belgium and the Republic of the Congo to participate provided that the Council's debate was not thereby delayed.

246. The representatives of Poland and the Union of Soviet Socialist Republics supported the Tunisian proposal.

247. The President indicated that the representative of Belgium wished to speak after all members of the Council had spoken; by that time, he said, the invitation to the Congo would have been received.

248. The representative of Tunisia welcomed the clarification submitted by the President and accepted his proposal. According to his understanding, the invitation would be addressed simultaneously to Belgium and to the Republic of the Congo.

Decision: *It was decided to invite both Belgium and the Republic of the Congo to participate, without vote, in the meetings of the Council on this question. The representative of Belgium who was present took a place at the Council table.*

249. The representative of Tunisia welcomed the rapid action taken by the Secretary-General concerning technical assistance in the field of administration in response to the express request of the Republic of the Congo. For the past week, a serious situation had developed in that State. Congolese troops had mutinied against their Belgian officers and regrettable acts against members of the European population, principally Belgians, had taken place. For several days, despite the seriousness of the acts committed by those members of the Congolese forces, no cases of death or serious wounds had been reported. But against the will of the Congolese Government, Belgium had felt obliged to intervene to maintain or restore order in that State, and it was at that point that the casualties had started.

250. The Belgian intervention was a breach of the Treaty of 29 June 1960 and constituted a violation of the sovereignty and independence of the new Republic. In fact, the disturbances had reflected no revolutionary tendency aiming at any change of régime; the Congolese civilian population had not been involved in the movement, there was no indication of dissension or of tribal or regional disagreements among the population, and only police units had mutinied against their Belgian officers. The danger to which the Belgian population was exposed could not justify the intervention of Belgian troops.

251. At any rate, those disturbances could not be imputed to the Congolese people or to their Government, and the Belgian intervention was an act of aggression. As for the Congolese Government's formal

request for military assistance, the Council should grant it with the least possible delay and in such a way as to avoid any irritation of Congolese feelings, and for such a period as the Government of the Congo would consider that the United Nations military assistance had accomplished the objectives envisaged. The representative of Tunisia then introduced the following draft resolution (S/4383):

"The Security Council,

"Considering the report of the Secretary-General on a request for United Nations action in relation to the Republic of the Congo,

"Considering the request for military assistance addressed to the Secretary-General by the President and the Prime Minister of the Republic of the Congo (S/4382),

"1. Calls upon the Government of Belgium to withdraw its troops from the territory of the Republic of the Congo;

"2. Decides to authorize the Secretary-General to take the necessary steps, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance as may be necessary until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks;

"3. Requests the Secretary-General to report to the Security Council as appropriate."

252. The representative of the United States of America stated that the unfortunate sequence of events in the Congo made the speediest possible United Nations assistance imperative. While no aggression, in his view, had been committed, urgent action was justified because it had been urgently requested by a popularly-elected and duly constituted Government, and because the longer the present state of anarchy continued, the heavier would be the toll of lives and the greater the future difficulties in the realm of economic development. The United States, therefore, welcomed the initiative of the Secretary-General and his recommendation. The United States was prepared to respond to any reasonable United Nations request in the fields of transport, communications and food supplies.

253. In its efforts to restore peace in its country, the Government of the Congo had the full moral support of the United States, which believed the Council should move ahead speedily to approve a resolution giving effect to the proposal of the Secretary-General.

254. The representative of the Union of Soviet Socialist Republics said that immediately after the proclamation of the independence of the Congo, the remaining officials of the former Belgian colonial administration, with the direct complicity of the diplomatic representatives of the Western countries—the United States, the United Kingdom and France—had undertaken, in defiance of international law and the Charter, actions aimed at undermining the sovereignty of the young State and liquidating its independence. However, the actions thus provoked soon assumed an anti-colonial character and the Belgian officers, who had provoked armed action in some camps by African soldiers, had been removed from their commands and replaced by Congolese. The course of events showed that the provocation had been prepared in advance:

adventurers, supported by the big foreign monopolies, sowed a panic among the Europeans in the Congo. That was borne out by the fact that before the incidents took place, the former Belgian colonial authorities had moved gangs of criminals and provocateurs to the Congo's major cities. Now, through the secession of the Katanga Province, the colonial Powers were making attempts to dismember and economically strangle the young Republic.

255. The part played by the aggressive NATO bloc was shown by the fact that the Belgian troops sent to the Congo were under NATO command and were stationed in the Federal Republic of Germany. The United States was preparing to transport the 24th United States Infantry Division now in Germany to the Congo. Leading circles in the United Kingdom, acting through the authorities of Rhodesia and Nyasaland, threatened to use armed forces against the Congo. The Portuguese Government was concentrating troops along the border of Angola and the Congo.

256. The Soviet Government warned of the grave responsibility resting with the leading circles of the Western Powers which had launched armed aggression in the Congo and insisted that that aggression be immediately halted. The Council must condemn the invasion of Congolese territory by Belgian troops and must demand their immediate withdrawal.

257. The representative of the United States of America protested the slanderous allegations whereby the Soviet Union accused the United States and other Governments of military intervention in the Congo, and indicated that his Government had declined an invitation made by a Minister in the Government of the Republic of the Congo to send American troops to that country.

258. The representative of Italy stated that the Council should support the efforts made by the Secretary-General and should not fail in its duty to help the Congo. The problem included the long-range programmes for reorganizing the security forces of the Congo and also the solution of the immediate needs of the country. The death of the Italian Consul in Elisabethville was proof, if any were needed, that the heavy toll of lives was not due to alleged Belgian interference, but had to be looked at as the effect of emotions running rather wild in all directions. Belgium itself had asked for a United Nations Force; that showed that the Belgian troops, which had intervened to prevent a spreading of the incidents and to keep law and order, undertook merely a temporary security action and would not stay longer than needed. The United Nations must provide the necessary security while the Congolese Government shaped again the instruments for the protection of all.

259. The representative of the United Kingdom said that it appeared from the observations made by the Soviet delegation about British policy and British actions in Africa, that its Government was remarkably ill-informed of the situation. The United Kingdom, which had expressed its encouragement to the Republic of the Congo on the attainment of its independence, was now watching with anxiety and sympathy the efforts of the Government of the Congo to restore law and order. Meanwhile, Belgian troops had been making parallel efforts to protect the lives and facilitate the departure of Belgian nationals and of other communities threatened with violence. Those troops were performing a humanitarian task for which the

international community should be grateful. However, the substitution in the performance of that task of an international force under the auspices of the United Nations would contribute to a reduction of tension in the Congo. The United Kingdom Government considered that the withdrawal of Belgian troops should be a consequence of their replacement by United Nations forces in the places where they had been ensuring public security.

260. The United Kingdom was in accord with the Secretary-General's statement. As for the Tunisian draft resolution, although in full agreement with the greater part of it, the United Kingdom delegation could not, however, vote for it as it stood since, in the present circumstances, it would not be wise to have an interval between the departure of the Belgian detachments and the arrival of the United Nations Force.

261. The representative of France welcomed the initiative taken by the Secretary-General. He rejected the version of the events given by the Soviet Union representative, his story of a plot being hatched by the Western Powers, including France, as well as his statement that Belgian aggression was involved. Supporting the Secretary-General's proposal, he pointed out the importance of realistic criteria in recruiting, at a later stage, specialists from French-speaking countries.

262. The presence of Belgian troops was in conformity with the Belgian-Congolese Treaty of 29 June 1960; their mission of protecting lives and property was a direct result of the failure of the Congolese authorities and was in accord with a recognized principle of international law, namely, intervention on humanitarian grounds. In fact, the intervention of Belgian troops had been expressly requested in several places by the Congolese authorities. No one was thinking of calling into question the independence of the Congo and the most formal assurances on that point had been given by the Belgian Government, which itself had requested United Nations intervention.

263. The representative of China said that the question was whether the new Republic could survive the crisis, and he considered that the United Nations should therefore help the Congolese Government to re-establish peace and order. The Council should give the Secretary-General the mandate he had requested to enable him to carry out the military assistance asked for by the Government of the Congo.

264. The representative of Ceylon supported, as a matter of extreme urgency, the call made by the Republic of the Congo for immediate assistance in the field of security arrangements of the State.

265. The representative of Poland pointed out that the most important and valid appraisal of the situation was made by the Government of the Republic of the Congo itself and this appraisal was contained in document S/4382. The Congolese Government requested the United Nations aid, not to restore the internal situation in the Congo, but to protect the national territory against an act of aggression posed by Belgian metropolitan troops and against the meddling in the internal affairs of the Congo by the former administrative Power. He emphasized that the Organization had the obligation of putting an end to the Belgian aggression and therefore the withdrawal of Belgian troops was of paramount importance. The Council should help the Republic of the Congo to maintain its independence, national unity and integrity.

266. The representative of Argentina said that the plan presented by the Secretary-General offered an adequate solution to the problems. He favoured the plan, which would enable the Secretary-General to provide the Government of the Congo with the assistance requested, including military assistance, until such time as its national security forces could perform all their functions.

267. The President, speaking as the representative of Ecuador, said that the situation must be viewed in relation to the presence of foreign troops in the territory of the Congo against the wishes of its Government. The Secretary-General had acted wisely in submitting the Congolese request to the Council and his recommendations were appropriate to the deteriorating situation. He would vote for the Tunisian draft resolution and asked its approval. As to the guiding principles of the United Nations operation, the statement of the Secretary-General contained adequate safeguards.

268. The representative of Belgium recalled that Belgium had unreservedly supported the request of the Republic of the Congo for admission to the United Nations. When the celebration of the independence had taken place, Prime Minister Lumumba had declared that the entire Congolese Government wished to pay a solemn tribute to Belgium, whose achievements in the Congo were the pride of the Republic and its Government. In fact, Mr. Lumumba had made many statements of that kind, because the Congo had obtained its independence by peaceful negotiation in the most democratic manner. Unfortunately, an unforeseen event caused a complete deterioration of the situation. The *Force publique* mutinied, took possession of the arms depots and ceased to obey the orders of the responsible Congolese authorities. People were killed, women were raped, arbitrary arrests and looting took place. The new Congolese State had no means of ensuring the safety of the inhabitants, and the Belgian Government decided to intervene, solely for the purpose of ensuring the safety of Europeans and other members of the population.

269. At Elisabethville, in spite of the request for the intervention of Belgian troops made by the head of the provincial government, Mr. Tshombe, such intervention took place only after five Europeans had been killed. The head of the Congolese Government had not objected to the action or to the agreement concluded with Mr. Tshombe, and it should be noted that an agreement requesting Belgian troops to re-establish security at Luluabourg and Kasai had also been signed on the spot by Mr. Kasavubu, as Supreme Commander of the National Army, and by Mr. Lumumba, as Prime Minister and Minister of National Defence.

270. At Leopoldville, the situation had become so tense, with arrests of Europeans, generally stripped and held without clothing, and thousands of refugees prevented from boarding aircraft, that representatives of foreign Powers had asked Belgium to send reinforcements to ensure safety in the city. The Belgian Government had scarcely the right to refuse to respond to such an appeal.

271. Belgium had informed the Secretary-General that it requested and hoped for United Nations military aid and, therefore, it supported his proposal for rapid intervention by a United Nations Force. When that Force had moved into position and was

able to ensure the effective maintenance of order and the security of persons, the Belgian Government would withdraw its intervening metropolitan forces which alone were at present capable of ensuring the accomplishment of those aims. Belgium wanted to reaffirm that it was not carrying out any political action in the Congo; that its intervention was motivated by humanitarian considerations and that it would respect the independence of the Congo.

272. The representative of the Union of Soviet Socialist Republics submitted three amendments (S/4386) to the draft resolution (S/4383). The first would condemn the Belgian aggression; the second called for the immediate withdrawal of Belgian troops; and the third instructed the Secretary-General to furnish the Government of the Congo with military assistance "provided by the African States Members of the United Nations".

273. The representative of Tunisia stressed that in order to avoid any prolongation of the debate in such an urgent matter, he could not support any amendments to his text.

274. The Council proceeded to vote on the proposals before it at the same meeting on 14 July. The three Soviet amendments were put to the vote separately.

Decision: *The first and the second Soviet amendments were rejected by 7 votes to 2 (Poland, USSR), with 2 abstentions (Ecuador, Tunisia). The third amendment was*

rejected by 5 votes to 4 (Ceylon, Poland, Tunisia, USSR), with 2 abstentions (Argentina, Ecuador).

The Tunisian draft resolution (S/4383), was adopted by 3 votes to none, with 3 abstentions (China, France, United Kingdom).

275. Explaining his vote, the representative of the United Kingdom said that his abstention was due exclusively to the reservation about operative paragraph 1 which he had explained earlier. He expressed satisfaction at the adoption of the resolution. The representative of China stated that his delegation was on the whole in agreement with the resolution proposed by Tunisia. It found the operative paragraph unnecessary since Belgium had already assured the Council that its troops would be withdrawn as soon as United Nations forces had taken over the responsibility. This was the sole reason for his abstention. The representatives of the United States and Italy said that they had interpreted the first paragraph in connexion with the rejection of the second Soviet amendment, meaning that the Belgian withdrawal would be contingent upon the successful carrying out by the United Nations of the military assistance requested. The representatives of the USSR and Poland insisted that Belgian troops must withdraw immediately and unconditionally.

276. During the period covered by this report, the Council did not consider the question further.

PART II

Other matters considered by the Council

Chapter 7

THE INTERNATIONAL COURT OF JUSTICE

A. Election to fill a vacancy in the International Court of Justice

277. As indicated in last year's report (A/4190, para. 172), the Security Council noted, at its 840th meeting held on 25 November 1958, that a vacancy in the International Court of Justice had occurred as a result of the death, on 25 October 1958, of Judge José Gustavo Guerrero (El Salvador), and decided that the election to fill the vacancy for the remainder of the term of the deceased judge—until 5 February 1964—should take place during the fourteenth session of the General Assembly or during a special session before the fourteenth session.

278. At its 849th meeting, on 29 September 1959, the Security Council unanimously elected Mr. Ricardo J. Alfaro (Panama) from a list of candidates circulated by the Secretary-General (S/4204 and Corr. 1). The General Assembly, voting independently at its 813th

plenary meeting on the same day, also elected Mr. Alfaro, and its President, in view of the election of Mr. Alfaro by both the Security Council and the General Assembly, declared him elected to fill the vacancy.

B. Date of election to fill a vacancy in the International Court of Justice

279. At the 864th meeting held on 31 May 1960, the Security Council noted that a vacancy in the International Court of Justice had occurred as a result of the death on 8 May 1960 of Judge Sir Hersch Lauterpacht (United Kingdom), and decided (S/4331), in accordance with Article 14 of the Statute of the Court, that an election to fill the vacancy for the remainder of Judge Lauterpacht's term, i.e., until 5 February 1964, should take place during the fifteenth session of the General Assembly.

Chapter 8

ADMISSION OF NEW MEMBERS

A. Application of the Republic of Cameroun

280. In a letter dated 13 January 1960 (S/4256), the Prime Minister of the Republic of Cameroun submitted the application of Cameroun for admission to membership in the United Nations, together with a declaration of acceptance of the obligations contained in the Charter.

281. Pursuant to a request made by the representative of France in a letter dated 20 January (S/4257), the Security Council considered the application at its 850th meeting, on 26 January. The following draft resolution was submitted by France and Tunisia (S/4258 and Add.1):

"The Security Council,

"Having examined the application of the Republic of Cameroun,

"Recommends to the General Assembly that the Republic of Cameroun be admitted to membership in the United Nations."

282. Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

Decision: *The draft resolution submitted by France and Tunisia (S/4258 and Add.1) was adopted unanimously.*

B. Application of the Republic of Togo

283. In a cablegram dated 20 May 1960 (S/4318), the Prime Minister of the Republic of Togo, recalling

that by resolution 1416 (XIV) the General Assembly had recommended that upon the attainment of independence Togoland should be admitted to membership, submitted the application of Togo for admission to membership in the United Nations. He further declared that the Republic of Togo undertook to accept without reservation the obligations contained in the Charter.

284. In letters dated 21 and 24 May (S/4320 and S/4324) respectively, the representatives of France and Tunisia requested the President to convene the Council in order to consider the application.

285. The application was considered by the Council at its 864th meeting, on 31 May. The following draft resolution was submitted by France and Tunisia (S/4322/Rev.2):

"The Security Council,

"Having examined the application of the Republic of Togo,

"Recommends to the General Assembly that the Republic of Togo be admitted to membership in the United Nations."

Decision: *The draft resolution submitted by France and Tunisia (S/4322/Rev.2) was adopted unanimously.*

C. Application of the Federation of Mali

286. In a cablegram dated 23 June 1960 (S/4347), the President of the Federal Government of Mali

stated that the Federation, having acceded to full and complete independence on 20 June, wished to assume all of the new responsibilities which devolved upon it at the international level and to co-operate in the activities of the United Nations community. He submitted the application of the Federation of Mali for admission to membership in the United Nations and declared that it accepted the obligations stipulated in the Charter and was able to discharge them. The Federation of Mali solemnly undertook to abide by those obligations with absolute loyalty and confidence.

287. In letters dated 23 and 25 June (S/4348 and S/4355) respectively, the representatives of France and Tunisia requested the President to convene the Council to consider the application of the Federation of Mali.

288. The Council considered the application at its 869th meeting, on 28 June. The following draft resolution was submitted jointly by France and Tunisia (S/4350):

"The Security Council,

"Having examined the application of the Federation of Mali,

"Recommends to the General Assembly that the Federation of Mali be admitted to membership in the United Nations."

Decision: *The draft resolution submitted by France and Tunisia (S/4350) was adopted unanimously.*

D. Application of the Malagasy Republic

289. In a cablegram dated 26 June 1960 (S/4352/Rev.1), the President of the Malagasy Republic informed the Secretary-General that, on that date, the Republic had acceded to full and complete independence. Accordingly the Government of the Malagasy Republic had decided to apply without delay for admission of the Republic to membership in the United Nations. The President therefore, on behalf of his Government and in accordance with Article 4 of the Charter of the United Nations, requested the Secretary-General to submit to the Security Council the candidature of the Malagasy Republic with a view to obtaining the necessary recommendation for the matter to be placed on the agenda of the next session of the General Assembly. The Government of the Malagasy Republic declared that it accepted the obligations stipulated in the Charter and was able to fulfil them. It solemnly undertook to abide by those obligations in absolute loyalty and good faith.

290. The representatives of France and Tunisia, in letters dated 27 June (S/4353 and S/4358), requested the President of the Council to place the application of the Malagasy Republic on the provisional agenda of a meeting of the Security Council, and jointly submitted the following draft resolution (S/4354):

"The Security Council,

"Having examined the application of the Malagasy Republic,

"Recommends to the General Assembly that the Malagasy Republic be admitted to membership in the United Nations."

291. The Security Council considered the application of the Malagasy Republic and the joint draft resolution of France and Tunisia at its 870th meeting on 29 June. Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

Decision: *The draft resolution submitted by France and Tunisia (S/4354) was adopted unanimously.*

E. Application of the Republic of Somalia

292. In a cablegram dated 1 July 1960 (S/4360), the Provisional President of the Republic of Somalia submitted the application of Somalia for admission to membership in the United Nations. He further declared that the Republic of Somalia undertook to accept without reservation the obligations contained in the Charter.

293. In letters dated 1 July (S/4362, S/4364 and S/4366), the representatives of Italy, Tunisia and the United Kingdom requested the President to convene the Council in order to consider the application.

294. The application was considered by the Council at its 871st meeting, on 5 July. The following draft resolution was submitted by Italy, Tunisia and the United Kingdom (S/4363):

"The Security Council,

"Having examined the application of the Republic of Somalia,

"Recommends to the General Assembly that the Republic of Somalia be admitted to membership in the United Nations."

295. Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

Decision: *The draft resolution submitted by Italy, Tunisia and the United Kingdom (S/4363) was adopted unanimously.*

F. Application of the Republic of the Congo

296. In a cablegram dated 1 July 1960 (S/4361), the Prime Minister of the Republic of the Congo (capital: Léopoldville) submitted the application of the Republic for admission to membership in the United Nations. He further declared that the Republic of the Congo undertook to accept without reservation the obligations contained in the Charter.

297. In a letter dated 1 July 1960 (S/4370), the representative of Belgium supported the application and requested permission to participate in the consideration of the item.

298. In a letter dated 5 July (S/4368), the representative of Tunisia requested the President to convene the Council in order to consider the application.

299. The item was considered by the Council at its 872nd meeting, on 7 July. The President invited the representative of Belgium to take a place at the Council table.

300. The following draft resolution was submitted by Tunisia (S/4369):

"The Security Council,

"Having examined the application of the Republic of the Congo,

"Recommends to the General Assembly that the Republic of the Congo be admitted to membership in the United Nations."

301. Following statements by the representative of Belgium and by all its members, the Council proceeded to vote on the joint draft resolution.

Decision: *The draft resolution submitted by Tunisia (S/4369) was adopted unanimously.*

PART III
The Military Staff Committee

Chapter 9

WORK OF THE MILITARY STAFF COMMITTEE

302. The Military Staff Committee has been functioning continuously under the draft rules of procedure during the period under review and has held a total of twenty-seven meetings without making further progress on matters of substance.

PART IV

Matters brought to the attention of the Security Council, but not discussed in the Council

Chapter 10

COMMUNICATIONS RELATING TO THE PALESTINE QUESTION

A. Developments on the Israel-Syrian Armistice Demarcation Line

(i) COMPLAINTS SUBMITTED IN FEBRUARY BY THE UNITED ARAB REPUBLIC AND ISRAEL

303. By a letter dated 3 February 1960 (S/4263), the representative of the United Arab Republic complained that on 31 January Israeli forces had moved towards Arab farmers in the southern sector of the demilitarized zone north of Lake Tiberias. The next day, following the shelling of Arab positions in the southern sector, the Israelis had occupied the village of Tawafiq, but had been compelled to withdraw on the same day.

304. The representative of the United Arab Republic concluded that those acts of aggression left no room for doubt about the intention of Israel to pursue its planned aggressive policy in the demilitarized zone to occupy the area, in the manner which it had followed in occupying the Auja Demilitarized Zone, in violation of the Armistice Agreements.

305. The representative of Israel, in a letter dated 3 February 1960 (S/4264), complained that since December 1959 the area of the village of Beit Qatsir in the demilitarized zone near the Syrian border, south-east of Lake Kinneret, had been subjected to repeated harassments and attacks from Syrian military positions at Tawafiq. The representative of Israel stated that after midnight, on 1 February, the Syrian military positions had started shelling the fields of Beit Qatsir. In order to put an end to those attacks, Israel Defence Forces had cleared the positions in the demilitarized zone of Syrian military forces illegally entrenched there. The representative of Israel concluded that the acts of aggression perpetrated by Syrian military positions in the demilitarized zone had come in the wake of an intensification by the United Arab Republic of its policy of active belligerency towards Israel.

306. In a letter dated 18 February 1960 (S/4268), the representative of the United Arab Republic requested the circulation as a Security Council document of two resolutions condemning Israel regarding recent incidents in the Tawafiq area (Southern Demilitarized Zone), adopted by the Mixed Armistice Commission on 16 February. The texts of the two statements made by its Chairman at the meeting of the Commission were also included.

307. In a letter dated 25 February 1960 (S/4271), the representative of Israel, referring to his letter of 3 February 1960 (S/4264), stated that despite the clear obligations provided in the General Armistice Agreement, Syria had persistently refused to conclude

a peace settlement and had continued to pursue a policy of active hostility towards Israel.

308. After reviewing the incidents along the Syrian-Israel Armistice Demarcation Line since 1951, he reiterated his Government's readiness, as an immediate step towards the elimination of tension, to meet with Syrian representatives to discuss measures for ensuring peace on the border, and with the villagers of Tawafiq in order to settle differences regarding land cultivation.

(ii) REPORT OF THE CHIEF OF STAFF

309. On 16 February 1960, Major-General Carl Carlsson von Horn, Chief of Staff of the United Nations Truce Supervision Organization in Palestine, submitted to the Security Council a report (S/4270 and Corr.1) on the dangerous situation which had developed in the Tawafiq-Beit Qatsir area (southern sector of the demilitarized zone created by article V, paragraph 5, of the Israel-Syrian General Armistice Agreement).

310. The report consisted of nine parts: I. Background; II. New disputes about the cultivation of land; III. Chronological sequence of events in the Tawafiq-Tel Qatsir area from 20 January to 31 January 1960; IV. The attack and demolition by the Israel military forces of Khirbat-At-Tawafiq (night of 31 January-1 February 1960); V. Incidents subsequent to the Israeli attack against Khirbat-At-Tawafiq; VI. Efforts to restore tranquillity in the area; VII. Emergency meeting of the Mixed Armistice Commission, 16 February 1960; VIII. Findings of the Chief of Staff issued on 20 January 1960; and IX. The present situation.

311. In his introductory remarks, the Chief of Staff stated that the foundation ten years ago of the kibbutz of Beit Qatsir and the development of cultivation by the Israeli settlers using the waters of Lake Tiberias had rapidly resulted in depriving Arab farmers in the demilitarized zone of all access to the lake and of any land between the kibbutz and the lake. Moreover, like other Israeli border settlements, in or out of the demilitarized zone, the new kibbutz had become a fortified position. Thirteen hundred metres to the east of Beit Qatsir, the Arab village of Khirbat-At-Tawafiq had viewed with anxiety the progress of Israeli cultivation in its direction. Successive Chairmen of the Mixed Armistice Commission had tried to arrange a delimitation of the lands which would be used by the Israelis and the Arabs respectively. The efforts of the Chairmen had failed. The delimitation of areas for Israeli and Arab cultivation was rendered difficult by the situation regarding land

ownership. That intricate land apportionment had not been respected and land had been used irrespective of property limits by the Israelis of Tel Qatsir to the west and the Arabs of Tawafiq to the east.

312. The Chief of Staff recalled that the Acting Mediator, in his authoritative comment on article V of the General Armistice Agreement, quoted in the Security Council resolution of 18 May 1951, had stated that civilian police would be Israeli in Israeli settlements or villages and Arab in Arab villages. However, when an incident between Arab and Israeli farmers occurred, a patrol of the border police of the State of Israel arrived on the spot, usually in an armoured vehicle. Such action contravened the provisions of article V, paragraph 5 (a). The presence of the Israel border police in the demilitarized zone had been repeatedly protested against by successive Chairmen of the Mixed Armistice Commission and by the other Party to the General Armistice Agreement.

313. The Chief of Staff noted that the difficulties encountered by the United Nations Truce Supervision Organization in the area had arisen from the progressive extension of Israel cultivation towards the east; from Arab opposition to what they considered as encroachment on their lands; from the difficulty to settle disputes owing to the situation regarding land ownership and from the show or use of force in the demilitarized zone. Difficulties had also resulted from legal positions which had hampered the action which the United Nations Truce Supervision Organization had endeavoured to take.

314. The Chief of Staff stated further that the observance of the General Armistice Agreement and of the Security Council resolution of 18 May 1951 should have permitted the settlement of legal disputes, since, when the competence of the Mixed Armistice Commission or the Chairman was challenged, an interpretation of the relevant provisions of the General Armistice Agreement by the Mixed Armistice Commission should have determined whether the Commission or the Chairman had the pertinent responsibility under the General Armistice Agreement.

315. The Chief of Staff stated that the Government of Israel had denied that the Mixed Armistice Commission was competent to deal with issues pertaining to the demilitarized zone, arguing that those issues should be dealt with by the Chairman and that he should contact the Israel delegation with a view to their settlement. On the other hand, the Government of Syria had argued that there was nothing in the Armistice Agreement which prevented its delegation from being similarly contacted. It had moreover requested that certain of its complaints relating to the demilitarized zone should be considered by the Mixed Armistice Commission in its formal regular meetings.

316. Israel's refusal to attend such meetings had resulted in a suspension, since June 1951, of regular meetings of the Mixed Armistice Commission dealing with any issue whatsoever, whether they related to the demilitarized zone or not. The admission that it would be of little use to hold regular meetings of the Mixed Armistice Commission to consider, in the absence of one of the Parties, problems relating to the demilitarized zone had thrown on the Chairman—without any assistance or directions from the Mixed Armistice Commission—the responsibility to ensure respect for the provisions of article V of the General Armistice Agreement.

317. Speaking of the current situation, the Chief of Staff stated that if disputes about land ceased, there would be no motive for Israel to send into the demilitarized zone border police in armoured vehicles, no motive either for Syria to send national guards or other personnel. That would mean that the provisions of article V, paragraph 5 (e), and of Dr. Bunche's authoritative comment relating to the employment of locally recruited civilian police would be applied without reservation and that the demilitarized zone would be what it was intended to be, viz. "demilitarized".

318. After carefully reviewing the revival of the disputes about cultivation of the land in the Tawafiq-Tel Qatsir area during the winter 1959-1960 ploughing season, the Chief of Staff had issued, on 20 January 1960, findings of a practical character which, if not opposed by force, could in his view enable both sides to carry on their activities.

319. In his findings, the Chief of Staff had stated that the tension which had developed in the southern demilitarized zone in connexion with the land dispute in the area of the Israeli settlement of Tel Qatsir and the Arab village of Tawafiq, and which had resulted in particular in a shooting incident on 24 December 1959, had not abated.

320. He had further recalled that, in October 1958, the legitimacy of the excavation by the Israelis of Tel Qatsir of a north-south ditch located between Tel Qatsir and Tawafiq had been contested by the other side and tension had increased rapidly. He had discharged the duties entrusted to the Chief of Staff of the United Nations Truce Supervision Organization, as Chairman of the Mixed Armistice Commission, concerning civilian activities in the demilitarized zone, and had forwarded his findings to both Parties. It was his conclusion that the digging of the ditch was legitimate, on the assumption that it was only a drainage ditch and would not be considered also as a limit up to which Israelis could extend their cultivation.

321. Again, with the seasonal resumption of agricultural work, disputes concerning the use of land in the area had arisen. The efforts made to bring about an agreed settlement had failed. The recurrent dispute between Israeli and Arab farmers had its origin, the Chief of Staff stated, in the fact that the use of the land in that particular area had not developed on the basis of ownership. On the whole, approximately half of the land in the area was Arab and the other half Israeli. It would be contrary to equity if one side, by extending its use of available land, should deprive the other of its share. The Arabs, in particular, feared that the development of Israeli cultivation in the direction of Tawafiq would deprive them of the land they had been using.

322. In view of the above considerations, and of existing evidence concerning present and past use of the land in the area, the Chief of Staff declared that he found that an equitable solution of the current difficulties was that the present eastern limits of Israeli cultivations should be, subject to some reservations, the limits of Arab use of lands to the west of Tawafiq.

323. In conclusion, the Chief of Staff had stated that his findings could not impair in a final settlement the validity of legal claims presented by either party. Those findings, which were of a practical character, permitted the continuance and development of existing Israeli cultivation on lands which were half Arab,

half Israeli, while leaving to the Arabs a share of those lands. They should also facilitate the return of tranquillity in the area, since the Arabs would be relieved of their apprehension of being further squeezed out of lands in the demilitarized zone, and both sides would be able to carry on their activities in a more peaceful atmosphere.

324. Finally, the Chief of Staff transmitted with his report a declaration and two resolutions adopted at an emergency meeting of the Israel-Syrian Mixed Armistice Commission on 16 February 1960, regarding the attack, and the almost total destruction by regular Israeli armed forces, of the village of Khirbat-At-Tawafiq on the night of 31 January-1 February 1960, and the overflying of four "Mystère" jet planes used by the Israeli Air Force over the area of Qunaytirah, within the Syrian territory. On 1 February 1960, according to Israeli sources, three Israelis were killed and seven wounded during the military operation on the night of 1 February 1960, against Tawafiq, while, according to Syrian sources, there were two killed and two wounded on the Arab side. In both resolutions the Commission had condemned Israel.

(iii) COMPLAINT BY ISRAEL AGAINST THE UNITED ARAB REPUBLIC CONCERNING EVENTS ALONG THE ISRAEL-SYRIAN ARMISTICE DEMARCATION LINE ON 11, 12 AND 28 JUNE 1960

325. In a letter dated 1 July 1960 (S/4365), the representative of Israel complained to the Security Council that the situation on the Israel-Syrian border was deteriorating as a result of recent acts of aggression committed by the armed forces of the United Arab Republic on 11, 12 and 28 June 1960. He cited several such acts, allegedly committed on 11 and 12 June, including the explosion of a landmine under an Israel police jeep on its routine daily patrol along the west bank of the River Jordan, and illegal fishing by a Syrian fishing boat in Lake Kinneret, under cover of a Syrian unit armed with sub-machine guns and anti-tank weapons.

326. Concerning the incident of 28 June 1960, the Israel representative stated that the Syrian military positions at Upper Tawafiq, on the Syrian side of the border, had suddenly opened machine-gun fire on an Israel police patrol, wounding the patrol commander. United Nations observers on the spot had made several attempts to persuade the Syrians to cease fire but had been met with refusal. Eventually a brief cease-fire had been arranged during which the patrol commander had been removed, but he had died later on the way to the hospital. In all those incidents, no fire had been returned at any time from the Israel side.

327. In conclusion, it was stated that the renewal of unilateral armed action by the armed forces of the United Arab Republic along the Syrian border during recent weeks was especially disquieting because it had been accompanied by a concentration of United Arab Republic troops in the border area, and also by fresh expression by the United Arab Republic leaders of their policy of active belligerency against Israel.

328. In a letter dated 6 July 1960 (S/4376), the representative of the United Arab Republic, replying to the Israel letter of 1 July (S/4365), rejected the Israel claims as being far from accurate and not corresponding to the facts. The United Arab Republic preferred not to discuss those facts because an investi-

gation was being carried out by the Israel-Syrian Mixed Armistice Commission and no decision had as yet been taken by that body. The allegations by Israel that United Arab Republic troops had been concentrated in the Syrian-Israel border area and had renewed unilateral armed action, were totally unfounded.

329. It was deplored that Israel had refused to attend meetings of the Israel-Syrian Mixed Armistice Commission since 1951. The state of tension in the demilitarized zone was the responsibility of Israel, which had changed the natural characteristics of the zone in contravention of the General Armistice Agreement, as confirmed by the Chief of Staff in reports in 1951 and 1953, on the basis of which the Council had adopted its resolution of 27 October 1953. The aggressive policy of Israel with respect to the demilitarized zone had been clearly indicated by the fact that it had committed 259 aggressive acts in the zone since 1 January 1960. The United Arab Republic wished to draw the attention of the Council to two resolutions of the Israel-Syrian Mixed Armistice Commission of 16 February 1960 condemning Israel for its hostile acts. On 30 May 1960, the Egyptian-Israel Mixed Armistice Commission had decided that Israel had committed a hostile act against the United Arab Republic air space.

330. The Government of the United Arab Republic deplored the Israel practice of using the Council as a forum for baseless allegations and tendentious propaganda.

B. Other communications

(i) COMPLAINT BY ISRAEL AGAINST THE UNITED ARAB REPUBLIC OF INTERFERENCE WITH FREEDOM OF PASSAGE THROUGH THE SUEZ CANAL

331. In a communication dated 31 August 1959 (S/4211), the representative of Israel drew the attention of the Security Council to the detention of the Danish vessel S.S. *Inge Toft* since 21 May 1959, at Port Said, by Egyptian authorities while en route to ports of call in the Far East. It pointed out further that the United Arab Republic's continued policy of arbitrary interference with freedom of navigation in the Canal reflected complete disregard for the principle of law and order in international relations and placed it in open challenge to the world community.

(ii) COMPLAINT BY THE UNITED ARAB REPUBLIC AGAINST ISRAEL CONCERNING AN INCIDENT ON 18 SEPTEMBER 1959 IN THE SOUTHERN PART OF SINAI

332. In a letter dated 7 October 1959 (S/4226 and Corr.1), the representative of the United Arab Republic requested the circulation of the text of a resolution condemning Israel, adopted by the Egyptian-Israel Mixed Armistice Commission regarding the expulsion, on 18 September 1959, and on the days following that date, of a number of Bedouin estimated at about 350 of the Azazme tribe, from the area under Israel control across the international frontier into United Arab Republic territory.

333. In reply, the Israel representative, in a communication dated 21 October (S/4231), considered that the Egyptian-Israel Mixed Armistice Commission had not been in effective operation since 1956. In those circumstances the Egyptian representative on the Military Armistice Commission constituted a majority

and consequently could automatically carry any resolution which he submitted to that body.

334. Turning to the allegations submitted in the letter of the representative of the United Arab Republic (S/4226 and Corr.1), he stated that, on 7 September 1959, Yair Peled, an officer in the Israel Defence Forces, while proceeding alone through the Makhtesh Ramon area of Israel, was attacked and killed by Bedouin of the Azazme tribe who had illegally infiltrated into Israel territory from the Sinai peninsula.

325. Should it be established that the Bedouin who had crossed the border into Sinai following the search for the murderers of Yair Peled included any Israeli

nationals, the Israel authorities were willing to permit their return.

(iii) COMPLAINT BY THE UNITED ARAB REPUBLIC AGAINST ISRAEL CONCERNING AN INCIDENT ON 4 NOVEMBER 1959 OVER THE INTERNATIONAL FRONTIER AT SINAI

335. In a letter dated 14 November 1959 (S/4240), the representative of the United Arab Republic requested the circulation of the text of a resolution condemning Israel adopted by the Egyptian-Israel Mixed Armistice Commission, on 12 November, regarding a violation by a least four Israel jet fighter aircraft of the international frontier at Sinai.

Chapter 11

COMMUNICATIONS CONCERNING THE INDIA-PAKISTAN QUESTION

337. In a letter dated 7 August 1959 (S/4202), the representative of India drew attention to a Radio Pakistan broadcast of 17 July 1959 stating that the construction of the Mangla Dam was to be stepped up that year. India called it a further violation by Pakistan of its territory in the State of Jammu and Kashmir and of the provisions of the Security Council resolution of 17 January 1948. India recalled that it had protested twice already to the Security Council in connexion with the Mangla Dam project. On its own admission, as recorded by the United Nations Commission for India and Pakistan (UNCIP), Pakistan had committed aggression on the Indian Union territory of Jammu and Kashmir. Pakistan had been asked by the Commission to vacate that aggression, and it had agreed to do so. However, the aggression had not yet been vacated. Now, with the beginning of the construction of the Mangla Dam, Pakistan's aggression against Indian territory had been further aggravated.

338. In a letter dated 9 September 1959 (S/4217), the representative of Pakistan stated that according to a report published in the Indian Press the Government of India was contemplating the extension of the jurisdiction of its Supreme Court and the Election Commission to the Indian-occupied part of Jammu and Kashmir in violation of the Security Council resolutions, particularly those of 30 March 1951 and 24 January 1957. According to those resolutions, India had been asked not to introduce any measures calculated to perpetuate its hold on the State of Jammu and Kashmir until the question of accession of the State had been decided. The representative of Pakistan also recalled that, in his letter of 28 March 1958 (S/3981), he had already drawn the attention of the Security Council to the integration of the services of Jammu and Kashmir with the rest of India and to the extension of the jurisdiction of the comptroller and of the auditor general of India to the State's executive, and he considered that the present Indian move was a link in the same chain aimed at the systematic and full integration of the State with India.

339. In a letter dated 11 September 1959 (S/4219), replying to India's communication of 7 August 1959 (S/4202), the representative of Pakistan said that the Mangla Dam, as previously stated by his Government, was being executed as a joint venture of the Governments of Azad Kashmir and Pakistan for the mutual benefit of their peoples. It was evident that

the co-operation of two parties in a scheme of such mutually beneficial nature did not imply assertion of authority by one over the other.

340. As regards India's contention that Pakistan, "on its own admission", had committed aggression, it should be recalled that neither the Government of Pakistan nor the United Nations was aware of any such admission. On the contrary, Pakistan had shown at the very inception of the dispute that the so-called accession of the State of Jammu and Kashmir was fraudulent and illegal, and that it could not make the territory of the State a part of the Indian Union. The United Nations resolutions had laid down clearly that the future status of the State should be decided by free and impartial plebiscite. In such circumstances the assumption that the State was Indian territory was wholly unwarranted.

341. In a letter dated 12 October 1959 (S/4228), the representative of India, in reference to Pakistan's letter of 9 September 1959 (S/4217), stated that since its accession towards the end of October 1947 the State of Jammu and Kashmir had been a constituent state of the Indian Union. It was therefore surprising that Pakistan, which had repeatedly stressed its preference for democratic measures and the rule of law, should, in the case in point consider it necessary to object to normal democratic, legal and administrative processes introduced in the territory of the Indian Union at the request of the Government of the constituent State.

342. In another letter, dated 29 October 1959 (S/4234), the representative of India, in reply to Pakistan's communication of 11 September 1959 (S/4219), stated that Pakistan's contention that neither its Government nor the United Nations had made any admission of aggression by Pakistan stood denied by the records of the United Nations. After quoting from the reports of the United Nations Commission for India and Pakistan and from a book entitled *Danger in Kashmir* by Dr. Josef Korbel, formerly a member of that Commission, the representative of India stated that the aggression on the Indian Union territory of Jammu and Kashmir by Pakistan and the obligation accepted by Pakistan to vacate that aggression were on record. As regards Pakistan's reference to the plebiscite proposals contained in the UNCIP resolution of 5 January 1959, it should be remembered that that reso-

lution was supplementary to the UNCIP resolution of 13 August 1948. Obviously, the "consultations" envisaged in part III could not take place unless parts I and II had been implemented. Pakistan had not only not implemented part II of the 13 August 1948 resolution, but had repeatedly violated the terms and the spirit of the obligations assumed by it in the first two parts of that resolution.

343. In a letter dated 12 November 1959 (S/4238), the representative of India referred to a report in the Pakistan Press to the effect that the *Asad* Kashmir Government had decided to sell all property belonging to Jammu and Kashmir State in West Pakistan, and then said that since the Government of Jammu and Kashmir was the only legal Government of the State, the proposed sale would be an unlawful and fraudulent action in violation of the Security Council resolution of 17 January 1948 and the two UNCIP resolutions.

344. In a letter dated 3 December 1959 (S/4242), the representative of Pakistan, after referring to press reports regarding events in the eastern part of the province of Ladakh of the State of Jammu and Kashmir, stated that while his Government was not in a position to ascertain the veracity of those reports or to determine the actual extent of the encroachment by a foreign Power into the area in question, and was not able to endorse the reasons for action and for counter-action taken by either side, it would, nevertheless, wish to emphasize that the current situation in Ladakh should not be allowed to obscure or detract from the decisions of the Security Council embodied in its resolutions of 21 April 1948, 30 March 1951 and 24 January 1957 and in the UNCIP resolutions of 13 August 1948 and 5 January 1949. The substance of those decisions was that the final disposition of the State should be made in accordance with the will of the people expressed through a free and impartial plebiscite. Pending the implementation of those decisions, the situation in Jammu and Kashmir would continue to be a matter with which the Security Council remained closely concerned. The preservation of the international frontiers of the State was therefore a matter which fell directly within the primary responsibility of the Security Council, and no Government could take any action with regard to those frontiers, save in consonance with the decisions of the Security Council. While leaving to the Council to judge itself the precise extent to which the current situation along the border between Ladakh and China impinged upon its responsibilities, Pakistan was, however, bound to declare that, pending a determination of the future of Kashmir, no positions taken or adjustments made by either of the parties to the present controversy would be valid or affect the status of the territory of Jammu and Kashmir and the imperatives of the demilitarization and self-determination of the State as laid down in the above-mentioned Security Council resolutions.

345. In a letter dated 22 December 1959 (S/4249) the representative of India, in reply to Pakistan's communication of 3 December 1959 (S/4242), stated that his Government failed to understand why at that juncture Pakistan had chosen to send its letter of 3 December, which was full of factual inaccuracies. Apparently that letter had been sent only with one objective, namely to put pressure on India and aggravate the situation caused by Chinese incursions into the Indian Union territory of Ladakh.

346. In its letter, Pakistan had made a further

attempt to mislead the Council by making the suggestion that a sovereign authority to look after the security of the State of Jammu and Kashmir had still to be evolved and that in the meanwhile the responsibility for the security of the State had been assumed by the Security Council. However, a reference to the Security Council resolution of 17 January 1948, the two UNCIP resolutions and the assurances given by the United Nations Commission to the Prime Minister of India would show conclusively that the proposals made by UNCIP and the Security Council to resolve the situation created by Pakistan's aggression had been based on the sovereignty of the Jammu and Kashmir Government over its entire territory and on the responsibility of the Union of India for its defence, including maintenance of law and order. While doing its best to resolve, by peaceful means, the situation created by Chinese incursions into the Indian Union territory of Ladakh, India would, in pursuance of its inherent right of self-defence, take all such measures as might be necessary against any violation of its territory. The fact that the situation created by an earlier aggression on the Indian Union territory of Jammu and Kashmir had not yet been resolved did not in any way detract from the inherent right of India to take all necessary measures to resolve the situation created by aggression from any other quarter.

347. In a letter dated 22 January 1960 (S/4259) the representative of Pakistan, with reference to India's communication of 12 October 1959 (S/4228), stated that India's contention that the State of Jammu and Kashmir had been a constituent State of the Indian Union since October 1947 was not supported by facts relating to the Kashmir dispute. Furthermore, India's moves towards integration of the State with the Indian Union were not even remotely of a democratic character and lacked all semblance of normalcy. The so-called "Government of the constituent state" was not a legally constituted government but a puppet régime sustained only by India's overwhelming military presence in Kashmir. Therefore, any request emanating from the clique installed in authority by India could not be quoted in justification of any move which involved a breach of India's international commitment.

348. In a letter dated 2 March 1960 (S/4273), replying to Pakistan's communication of 22 January 1960 (S/4259), the representative of India said that his Government's stand relating to the State of Jammu and Kashmir being a constituent State of the Indian Union had been all along recognized by the Security Council, the United Nations Commission and in the assurances given to the Prime Minister of India. It appeared that Pakistan's objective in pursuing its obstructive tactics had been to consolidate its own position in the area which it had unlawfully occupied. In complete violation of the assurances given to the Prime Minister of India and of the Security Council resolutions, Pakistan's armed forces were still in Jammu and Kashmir.

349. The UNCIP resolution of 13 August 1948 had declared that the Government of India would undertake to ensure that the Government of the State of Jammu and Kashmir would take all measures within its power to make it publicly known that peace, law and order would be safeguarded and that all human and political rights would be guaranteed. The extent to which the Government of Jammu and Kashmir had safeguarded peace and law and order, and had carried

out the guarantee of human and political rights, could be judged by statements made by independent observers who had visited Kashmir from time to time, including the statements of Mr. Khrushchev, the Soviet Prime Minister; Earl Attlee, a former British Prime Minister; and General Nadir Batmanghlidj, a former Minister of the Interior of Iran.

350. In a letter dated 24 March 1960 (S/4278), the representative of Pakistan expressed his Government's regret that the Government of India, in its communication of 22 December 1959 (S/4249), had construed Pakistan's letter of 3 December 1959 (S/4242) as a means of putting pressure on India and aggravating a situation caused by the Chinese incursions into Ladakh. The aim of Pakistan's communication was indeed to clarify and to place on record its position regarding a development of extreme importance to the peace of the entire Southeast Asian region concerning a territory in dispute which was being dealt with by the Security Council. In its resolution of 17 January 1948, the Security Council had placed an obligation upon both India and Pakistan to keep the Council apprised of all important developments in regard to the situation in the State of Jammu and Kashmir and to consult with it thereon. Although the Chinese incursions into the territory of Jammu and Kashmir State had created a grave situation in that area, India had not consulted the Security Council on that development. Pakistan, therefore, had considered it its duty to draw the attention of the Council to that material change in the situation in the disputed State and to make its own position clear in that respect. Pakistan was confident that the Security Council would react to the situation in Ladakh on the basis that no dispute over the territory of Jammu and Kashmir or any part thereof could be settled except in accordance with the freely expressed will of the people concerned.

351. In a letter dated 29 March 1960 (S/4292), the representative of Pakistan said that India, in its letter of 29 October 1959 (S/4234), had raised issues which had already been resolved by the decisions of the Security Council. Moreover, India had based its conclusions upon portions which had been lifted from the text of the proceedings of the Security Council and those of the United Nations Commission for India and Pakistan, and an attempt had been made so to juxtapose them as to lead to inferences which were alien to the intention of the documents. A more complete quotation from those documents would show that India's contentions, as stated in its letter of 29 October 1959, were not upheld by those documents.

352. The representative of Pakistan further said that as regards the Indian allegation that Pakistan had failed to implement parts I and II of the UNCIP

resolution of 13 August 1948, the Council would recall that Ambassador Gunnar Jarring of Sweden, acting on behalf of the Security Council, had proposed to India that that precise question could be investigated impartially through a method which would be more "a determination of facts" than an act of arbitration. India's rejection of that proposal and Pakistan's acceptance of it demonstrated beyond any doubt that the Government of India knew that its allegation lacked any factual basis whatsoever.

353. In a letter dated 20 May 1960 (S/4317), the representative of India said that Pakistan, in its communication of 24 March 1960 (S/4278), had denied that it had intended to put pressure on India and to aggravate the situation created by the Chinese incursions into Ladakh. Pakistan's denial, however, followed the pattern of its other previous denials to which India had already drawn attention. The recent incursion by China into the territory of the Indian Union did not give Pakistan, itself an older aggressor on Indian territory, the right to exploit to its advantage a similar aggression from another quarter. Pakistan had not yet vacated that aggression and was using its unlawful occupation of part of the State of Jammu and Kashmir to instigate subversion and sabotage in the territory of the Indian Union.

354. In a letter dated 27 May 1960 (S/4327), the representative of India, after quoting paragraphs 128 and 129 of the interim report of the United Nations Commission for India and Pakistan, said that those portions of the Commission's report clearly showed that Pakistan's allegations, contained in its communication of 29 March 1960 (S/4292), that India had lifted portions from the proceedings of the Security Council and those of the United Nations Commission in order to lead to inferences which were alien to the intention of those documents, were entirely baseless. The United Nations Commission had clearly held the view that Pakistan had violated the Security Council resolution of 17 January 1948.

355. Pakistan had also questioned the factual basis of the Indian Government's view that Pakistan had failed to implement parts I and II of the UNCIP resolution of 13 August 1948. The factual basis for India's view was the findings of the United Nations Commission itself, which were on record. In the opinion of the Government of India there was no need for a fresh determination of facts which had already been determined by the Commission. As for the non-implementation by Pakistan of part II of the resolution of 13 August 1948, even the Government of Pakistan had not claimed that it had withdrawn its armed forces from the State of Jammu and Kashmir. India's claim that Pakistan had failed to implement parts I and II of the resolution was, therefore, incontestable.

Chapter 12

REPORTS ON THE STRATEGIC TRUST TERRITORY OF THE PACIFIC ISLANDS

356. The report of the Trusteeship Council to the Security Council on the strategic Trust Territory of the Pacific Islands, covering the period from 2 August 1958 to 6 August 1959 (S/4206), was transmitted to the Council on 10 August 1959.

357. On 13 April 1960, the Secretary-General transmitted to the Security Council the report (S/4303)

received from the representative of the United States of America on the administration of the Trust Territory for the period 1 July 1958 to 30 June 1959.

358. The report of the Trusteeship Council to the Security Council on the Trust Territory, covering the period from 6 August 1959 to 30 June 1960 (S/4380), was transmitted to the Council on 12 July 1960.

COMMUNICATIONS FROM THE ORGANIZATION OF AMERICAN STATES

359. In a letter dated 30 July 1959 (S/4208), the Secretary-General of the Organization of American States transmitted to the Secretary-General for the information of the Security Council the text of a resolution adopted by the Council of the Organization on 28 July 1959, following the submission of a report by the fact-finding Committee established on 4 June 1959 by that Council acting provisionally as Organ of Consultation in connexion with a request of the Government of Nicaragua.⁶ Under the resolution, the Council terminated the activities of the above-mentioned Committee; cancelled the convocation of a Meeting of Consultation of the Ministers of Foreign Affairs; terminated the Council's provisional action as Organ of Consultation; and recommended that the Governments of the member States of the Organization of American States strengthen measures designed to maintain peace, observing the principle of non-intervention. A copy of the Committee's report, dated 26 June 1959, was also included.

360. By a letter dated 31 May 1960 (S/4333), the Acting Chairman of the Inter-American Peace Committee transmitted to the Secretary-General copies of the following reports: (1) "Report of the Inter-American Peace Committee on the Case Presented by the Government of Ecuador"; (2) "Special Report on the Relationship Between Violations of Human Rights or the Non-Exercise of Representative Democracy and the Political Tensions that Affect the Peace of the Hemisphere", together with a statement relative to the Committee's current activities made by the

⁶ See *Official Records of the General Assembly, Fourteenth Session, Supplement No. 2* (A/4190), p. 34.

Chairman at a meeting of the Council of the Organization of American States on 19 April 1960. The first report, dated 12 April 1960, described the activities of the Committee in connexion with a dispute between the Governments of Ecuador and the Dominican Republic over the safety of Dominican citizens who had taken asylum at the Ecuadorian Embassy in Ciudad Trujillo. The second report, dated 14 April 1960, contained the Committee's views and conclusions on the question of violations of human rights in general in the Caribbean area which the Committee had studied pursuant to resolution IV of the Fifth Meeting of the Ministers of Foreign Affairs of the American States, held in Santiago, Chile, in August 1959.

361. By a letter dated 10 June 1960 (S/4337), the Chairman of the Inter-American Peace Committee transmitted to the Secretary-General a "Report of the Inter-American Peace Committee on the Case Presented by the Government of Venezuela", submitted to the Council of the Organization of American States, on 8 June 1960, as well as a statement made on that date by the Chairman regarding the Committee's current activities. It was stated in the report that, on 17 February 1960, the Government of Venezuela had requested the Inter-American Peace Committee to investigate violations of human rights by the Government of the Dominican Republic which were aggravating tensions in the Caribbean. On the basis of its investigation, the Committee concluded that flagrant and wide-spread violations of human rights in the Dominican Republic had aggravated international tensions in the Caribbean region.

Chapter 14

RESOLUTION ADOPTED ON 10 SEPTEMBER 1959 BY THE DISARMAMENT COMMISSION

362. By a letter dated 11 September 1959 (S/4218) addressed to the Secretary-General, the Chairman of the Disarmament Commission transmitted to the Security Council the text of a resolution (DC/146) adopted by the Disarmament Commission at its 65th meeting on 10 September 1959. By that resolution the Commission, *inter alia*, welcomed the resumption of the consultations on disarmament as announced in a communique issued by France, the Union of Soviet Socialist Republics, the United Kingdom and the United States; welcomed the declared intention of the

countries concerned to keep the Disarmament Commission appropriately informed of the progress of their deliberations; expressed the hope that the results achieved in those deliberations would provide a useful basis for the consideration of disarmament in the United Nations; and recommended to the General Assembly that the Disarmament Commission as set up in General Assembly resolution 1252 D (XIII) should continue in being and be convened whenever deemed necessary.

Chapter 15

COMMUNICATIONS CONCERNING THE SITUATION IN THE SOUTHERN PART OF THE ARABIAN PENINSULA

363. In a letter dated 15 October 1959 (S/4229), the representative of Yemen charged that British aircraft had on a number of occasions violated Yemeni air space. The letter stated that, on 4 October 1959, a British plane had flown in a provocative manner over the town of Al-Baidha and that similar violations had taken place during September and October over the cities of Al-Baidha, Katabah and Taiz. In addition, British armed forces had on 5 October 1959 waged an unprovoked attack against Al-Baidha, causing loss of life and destruction of property.

364. By a letter dated 22 October 1959 (S/4232), the deputy representative of the United Kingdom replied to those charges and stated that full investigations had shown that no British aircraft had crossed the frontier on 4 October; his Government had therefore rejected the protest made to it in that connexion by the Government of Yemen. Concerning the alleged attack on Al-Baidha on 5 October, it had been found that no British troops had fired shots in the area on that day. As to the general allegations of violations of Yemeni air space during September and October, the

representative of the United Kingdom stated that strict instructions were in force to prevent such violations, and that investigations had failed to establish the truth of an earlier allegation that British military aircraft had circled over Taiz on 12 September. The

United Kingdom Government was perturbed by those unsubstantiated allegations at a time when there appeared reason to hope for a steady improvement in Anglo-Yemeni relations.

Chapter 16

COMMUNICATIONS FROM THE REPRESENTATIVES OF TUNISIA AND FRANCE

365. In a letter dated 28 April 1960 (S/4307), addressed to the President of the Security Council, the representative of Tunisia charged that French forces stationed in Algeria had recently committed grave violations of Tunisian territory. The letter listed several violations that had occurred in the period since January 1960, including shelling of Tunisian territory, incursions by French army patrols and violations of Tunisian air space by French aircraft. The violations, it was stated, constituted a serious infringement of Tunisian sovereignty and threatened international peace and security in that part of the world. The gravity of the situation which had been created, in spite of the official protests made by the Tunisian Government, might cause it to exercise, if necessary, its right of self-defence in accordance with article 51 of the United Nations Charter.

366. In a letter dated 2 May 1960 (S/4309), the representative of France stated that continual incidents were provoked on the Algerian-Tunisian frontier

by armed rebel units based on Tunisian territory. The number of attacks against Algerian territory by those units had increased from fifty-two in the last three months of 1959 to 128 during the first three months of 1960. Each of those incidents had been the subject of a protest from the French Government to the Tunisian Government. The letter cited several cases of attacks and firing on French forces. The French Government noted that the incidents were due to the fact that Tunisia allowed its territory to be used as a base for acts of aggression, and, in those circumstances, it was surprised that the Tunisian Government should invoke the right of self-defence. The allegations that French troops had violated Tunisian territory or air space were unfounded. Some of the incidents had not been brought to the attention of the French Government, and the other incidents had been denied or clarified in replies to notes from the Tunisian Government.

Chapter 17

LETTER DATED 11 JULY 1960 FROM THE MINISTER FOR FOREIGN AFFAIRS OF CUBA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

367. In a letter dated 11 July 1960 (S/4378), the Minister for Foreign Affairs of Cuba stated that a grave situation, endangering international peace and security, had arisen as a result of threats, reprisals and aggressive acts to which Cuba had been subjected by the Government of the United States of America.

368. The situation had begun to take concrete shape from the moment when the Revolutionary Government of Cuba had adopted measures to safeguard the national resources and to improve the conditions of the Cuban people. With the object of promoting plans for intervention, a campaign had been launched which was intended to obscure the national, anti-feudal and democratic character of the Cuban revolution. The Cuban Government and people had vainly expressed their desire to live in peace and harmony and to extend, on a basis of equality, their diplomatic and economic relations with the Government and people of the United States. However, the Cuban Government was unwilling to negotiate its dispute with any State which, instead of conforming to the principles of international law, took up positions of strength.

369. The letter charged, *inter alia*, that the United States had offered protection to Cuban war criminals

and had provided facilities to counter-revolutionary elements, that aircraft proceeding from the United States had frequently violated Cuban air space, and that leading figures of the three branches of Government in the United States had made statements derogatory to Cuban rights of self-determination. The letter further stated that threats of economic strangulation had been put into effect through the refusal of American oil companies to refine oil owned by the Cuban State and through the extraordinary powers conferred upon the President of the United States to reduce the Cuban sugar quota. Those acts constituted a policy of intervention in Cuba's domestic affairs and of economic aggression contrary to international treaties and agreements and to the fundamental principles of the Charter, and had created a situation seriously affecting international peace.

370. The Revolutionary Government of Cuba therefore requested that the Council should be immediately convened in order to consider the situation.

371. The communication was included in the provisional agenda of a meeting of the Council scheduled to take place beyond the period covered by the present report.

APPENDICES

I. Representatives and deputy, alternate and acting representatives accredited to the Security Council

The following representatives and deputy, alternate and acting representatives were accredited to the Security Council during the period covered by the present report:

Argentina

Dr. Mario Amadeo
Dr. Raul A. J. Quijano

Canada^a

Mr. C. S. A. Ritchie
Mr. John G. H. Halstead

Ceylon^b

Sir Claude Corea
Mr. H. O. Wijegoonawardena

China

Dr. Tingfu F. Tsiang
Mr. Yu-chi Hsueh
Dr. Chun-ming Chang

Ecuador^b

Dr. José A. Correa
Dr. Francisco Urbina
Mr. Luis Valencia

France

Mr. Armand Bérard
Mr. Pierre de Vauclles
Mr. Louis Dauge
Mr. Pierre Millet

Italy

Mr. Egidio Ortona

^a Term of office ended on 31 December 1959.

^b Term of office began on 1 January 1960.

Mr. Eugenio Plaja
Mr. Ludovico Barattieri di San Pietro

Japan^a

Dr. Koto Matsudaira
Mr. Masayoshi Kakitsubo
Mr. Shinichi Shibusawa

Panama^a

Dr. Jorge E. Illueca
Mr. Ernesto de la Ossa

Poland^b

Mr. Jerzy Michalowski
Mr. Bondan Lewandowski
Mr. Jacek Machowski

Tunisia

Mr. Mongi Slim
Mr. Mahmoud Mestiri
Mr. Zouhir Cheili

Union of Soviet Socialist Republics

Mr. Arkady Aleksandrovich Sobolev
Mr. Georgy Petrovich Arkadev
Mr. Platon Dmitrievich Morozov

United Kingdom of Great Britain and Northern Ireland

Sir Pierson Dixon
Mr. Harold Beeley
Mr. A. R. Moore

United States of America

Mr. Henry Cabot Lodge
Mr. James J. Wadsworth
Mr. James W. Barco
Mr. Francis O. Wilcox

II. Presidents of the Security Council

The following representatives held the office of President of the Security Council during the period covered by the present report:

China

Dr. Tingfu F. Tsiang (16 to 31 July 1959)

France

Mr. Armand Bérard (1 to 31 August 1959)

Italy

Mr. Egidio Ortona (1 to 30 September 1959)

Japan

Dr. Koto Matsudaira (1 to 31 October 1959)

Panama

Dr. Jorge E. Illueca (1 to 30 November 1959)

Tunisia

Mr. Mongi Slim (1 to 31 December 1959)

Union of Soviet Socialist Republics

Mr. Arkady Aleksandrovich Sobolev (1 to 31 January 1960)

United Kingdom of Great Britain and Northern Ireland

Sir Pierson Dixon (1 to 29 February 1960)

United States of America

Mr. Henry Cabot Lodge (1 to 31 March 1960)

Argentina

Dr. Mario Amadeo (1 to 30 April 1960)

Ceylon

Sir Claude Corea (1 to 31 May 1960)

China

Mr. Tingfu F. Tsiang (1 to 30 June 1960)

Ecuador

Dr. José A. Correa (1 to 15 July 1960)

III. Meetings of the Security Council during the period from 16 July 1959 to 15 July 1960

<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
846th (private)	Report of the Security Council to the General Assembly	20 August 1959	857th	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	23 May 1960
847th	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	7 September 1959	858th	Ditto	24 May 1960
848th	Ditto	7 September 1959	859th	Ditto	25 May 1960
849th	Election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge José Gustavo Guerrero	29 September 1959	860th	Ditto	26 May 1960
850th	Admission of new Members	26 January 1960	861st	Letter dated 23 May 1960 from the representatives of Argentina, Ceylon, Ecuador and Tunisia addressed to the President of the Security Council	26 May 1960
851st	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	30 March 1960	862nd	Ditto	27 May 1960
852nd	Ditto	30 March 1960	863rd	Ditto	27 May 1960
853rd	Ditto	31 March 1960	864th	Admission of new Members The date of election to fill a vacancy in the International Court of Justice	31 May 1960
854th	Ditto	31 March 1960	865th	Letter dated 15 June 1960 from the representative of Argentina addressed to the President of the Security Council	22 June 1960
855th	Ditto	1 April 1960	866th	Ditto	22 June 1960
856th	Ditto	1 April 1960	867th	Ditto	23 June 1960
			868th	Ditto	23 June 1960
			869th	Admission of new Members	28 June 1960
			870th	Ditto	29 June 1960
			871st	Ditto	5 July 1960
			872nd	Ditto	7 July 1960
			873rd	Letter dated 13 July 1960 from the Secretary-General of the United Nations addressed to the President of the Security Council	13 July 1960

IV. Representatives, Chairmen and Principal Secretaries of the Military Staff Committee

A. REPRESENTATIVE OF EACH SERVICE

CHINA

Lt. General Ho Shai-lai, Chinese Army	16 July 1959 to present time
Captain Wu Chia-hsun, Chinese Navy	16 July 1959 to present time

FRANCE

Lt. Colonel H. Houel, French Army	16 July 1959 to 23 September 1959
Général de brigade P. Gouraud, French Army	23 September 1959 to present time
Contre-Amiral P. Poncet, French Navy	16 July 1959 to present time
Général de division aérienne J. Bézy, French Air Force	16 July 1959 to 29 January 1960
Général de division aérienne H. de Rancourt de Mimerand, French Air Force	29 January 1960 to present time

UNION OF SOVIET SOCIALIST REPUBLICS

Major General V. A. Dabovik, Soviet Army	16 July 1959 to 31 December 1959
Major General A. I. Rodionov, Soviet Army	31 December 1959 to present time

Period of service from 16 July 1959

A. REPRESENTATIVE OF EACH SERVICE (continued)

UNION OF SOVIET SOCIALIST REPUBLICS (continued)

Period of service from 16 July 1959

Colonel A. M. Kuchumov, USSR Air Force	16 July 1959 to 31 December 1959
Major General M. N. Kostiuk, USSR Air Force	31 December 1959 to present time
Lt. Commander Y. D. Mvashnin, USSR Navy	16 July 1959 to 10 September 1959
Captain Third Grade A. L. Epifanov, USSR Navy	10 September 1959 to 31 December 1959
Rear Admiral B. D. Yashin, USSR Navy	31 December 1959 to present time

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Vice-Admiral Sir Geoffrey Thistleton-Smith, Royal Navy	16 July 1959 to present time
Air Vice-Marshal W. C. Sheen, Royal Air Force	16 July 1959 to present time
Major General J. N. Carter, British Army	16 July to 28 June 1960
Major General J. M. McNeill, British Army	28 June 1960 to present time

UNITED STATES OF AMERICA

Lt. General B. M. Bryan, US Army	16 July 1959 to 1 March 1960
Lt. General F. J. O'Neill, US Army	1 March 1960 to present time
Vice-Admiral T. S. Combs, US Navy	16 July 1959 to 31 March 1960
Vice-Admiral C. Wellborn, Jr., US Navy	1 April 1960 to present time
Lt. General W. E. Hall, US Air Force	16 July 1959 to present time

B. LIST OF CHAIRMEN

<i>Meeting</i>	<i>Date</i>	<i>Chairmen</i>	<i>Delegation</i>
369th	16 July 1959	Vice-Admiral T. S. Combs, US Navy	United States
370th	30 July 1959	Lt. General B. M. Bryan, US Army	United States
371st	13 August 1959	Lt. General Ho Shai-lai, Chinese Army	China
372nd	27 August 1959	Lt. General Ho Shai-lai, Chinese Army	China
373rd	10 September 1959	Général de division aérienne J. Bézy, French Air Force	France
374th	24 September 1959	Général de division aérienne J. Bézy, French Air Force	France
375th	8 October 1959	Lt. General V. A. Dubovik, Soviet Army	USSR
376th	22 October 1959	Lt. General V. A. Dubovik, Soviet Army	USSR
377th	5 November 1959	Major General J. N. Carter, British Army	United Kingdom
378th	19 November 1959	Major General J. N. Carter, British Army	United Kingdom
379th	3 December 1959	Lt. General B. M. Bryan, US Army	United States
380th	17 December 1959	Vice-Admiral T. S. Combs, US Navy	United States
381st	31 December 1959	Vice-Admiral T. S. Combs, US Navy	United States
382nd	14 January 1960	Lt. General Ho Shai-lai, Chinese Army	China
383rd	28 January 1960	Lt. General Ho Shai-lai, Chinese Army	China
384th	11 February 1960	Général de division aérienne H. M. de Rancourt de Mimerand, French Air Force	France
385th	25 February 1960	Général de brigade P. Gouraud, French Army	France
386th	10 March 1960	Major General A. I. Rodionov, Soviet Army	USSR
387th	24 March 1960	Major General A. I. Rodionov, Soviet Army	USSR
388th	7 April 1960	Vice-Admiral Sir Geoffrey Thistleton-Smith, Royal Navy	United Kingdom
389th	21 April 1960	Air Vice-Marshal W. C. Sheen, Royal Air Force	United Kingdom
390th	5 May 1960	Lt. General E. J. O'Neill, US Army	United States
391st	19 May 1960	Vice-Admiral C. Wellborn, Jr., US Navy	United States
392nd	2 June 1960	Captain Wu Chia-hsun, Chinese Navy	China
393rd	16 June 1960	Captain Wu Chia-hsun, Chinese Navy	China
394th	30 June 1960	Captain Wu Chia-hsun, Chinese Navy	China
395th	13 July 1960	Général de brigade P. Gouraud, French Army	France

C. LIST OF PRINCIPAL SECRETARIES

<i>Meeting</i>	<i>Date</i>	<i>Principal Secretary</i>	<i>Delegation</i>
369th	16 July 1959	Colonel P. Shepley, US Air Force	United States
370th	30 July 1959	Colonel P. Shepley, US Air Force	United States
371st	13 August 1959	Lt. Colonel J. Soong, Chinese Army	China
372nd	27 August 1959	Lt. Colonel J. Soong, Chinese Army	China
373rd	10 September 1959	Capitaine de corvette S. Petrochilo, French Navy	France
374th	24 September 1959	Capitaine de corvette S. Petrochilo, French Navy	France
375th	8 October 1959	Colonel V. A. Sazhin, Soviet Army	USSR
376th	22 October 1959	Colonel D. F. Polyakov, Soviet Army	USSR
377th	5 November 1959	Wing Commander T. F. Neil, Royal Air Force	United Kingdom
378th	19 November 1959	Captain I. G. Mason, Royal Navy	United Kingdom
379th	3 December 1959	Colonel P. Shepley, US Air Force	United States
380th	17 December 1959	Colonel P. Shepley, US Air Force	United States
381st	31 December 1959	Captain R. A. Theobald, Jr., US Navy	United States
382nd	14 January 1960	Lt. Colonel J. Soong, Chinese Army	China
383rd	28 January 1960	Lt. Colonel J. Soong, Chinese Army	China
384th	11 February 1960	Capitaine de frégate S. Petrochilo, French Navy	France
385th	25 February 1960	Capitaine de frégate S. Petrochilo, French Navy	France
386th	10 March 1960	Colonel D. F. Polyakov, Soviet Army	USSR
387th	24 March 1960	Colonel D. F. Polyakov, Soviet Army	USSR
388th	7 April 1960	Captain I. G. Mason, Royal Navy	United Kingdom
389th	21 April 1960	Captain I. G. Mason, Royal Navy	United Kingdom
390th	5 May 1960	Lt. Colonel P. V. Fahey, US Army	United States
391st	19 May 1960	Lt. Colonel P. V. Fahey, US Army	United States
392nd	2 June 1960	Lt. Colonel J. Soong, Chinese Army	China
393rd	16 June 1960	Lt. Colonel J. Soong, Chinese Army	China
394th	30 June 1960	Lt. Colonel J. Soong, Chinese Army	China
395th	13 July 1960	Capitaine de frégate A. Gélinet, French Navy	France