

UN Doc.

1963



REPORT
OF
THE SECURITY COUNCIL
16 July 1962—15 July 1963

GENERAL ASSEMBLY

OFFICIAL RECORDS : EIGHTEENTH SESSION

SUPPLEMENT No. 2 (A/5502)

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OCT 1963
INDEX SECTION

UNITED NATIONS

(50 p.)

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UNITED NATIONS
New York, 1963

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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 1154th plenary meeting on 17 October 1962, elected Brazil, Morocco, Norway and the Philippines as non-permanent members of the Council to fill the vacancies resulting from the expiration, on 31 December 1962, of the terms of office of Chile, Ireland and the United Arab Republic and the resignation from office of Romania.

The period covered in the present report is from 16 July 1962 to 15 July 1963. The Council held twenty-three meetings during that period.

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

Part I

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

Chapter 1

LETTER DATED 22 OCTOBER 1962 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 22 OCTOBER 1962 FROM THE PERMANENT REPRESENTATIVE OF CUBA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 23 OCTOBER 1962 FROM THE DEPUTY PERMANENT REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

A. Communications received between 22 and 23 October 1962

In a letter dated 22 October 1962 (S/5181), the Permanent Representative of the United States requested an urgent meeting of the Security Council to deal with the dangerous threat to peace and security of the world caused by the secret establishment in Cuba by the Soviet Union of launching bases and the installation of long-range ballistic missiles capable of carrying thermonuclear warheads to most of North and South America. The United States maintained that it had incontrovertible evidence that the USSR had been installing in Cuba a whole series of launching facilities and offensive weapons which were far in excess of any conceivable defence requirements of that country. The size of the Soviet undertaking in Cuba made it clear that it had been planned for some months, during which the USSR had given repeated assurances, both in public and in private, that no offensive weapons were being delivered to Cuba. The United States Government, therefore, had commenced a series of measures designed to halt that offensive build-up. It had called for a meeting of the Organ of Consultation of the Organization of American States (OAS) to invoke articles 6 and 8 of the Rio Treaty, and it was initiating a strict quarantine of Cuba to interdict the carriage of offensive weapons to that country. In accordance with its obligations under the United Nations Charter, the United States was bringing before the Security Council the fact of nuclear missiles and other offensive weapons in Cuba, and proposed the prompt and effective discharge of the Council's responsibilities for the maintenance of international peace and security. The United States submitted the following draft resolution (S/5182):

"The Security Council,

"Having considered the serious threat to the security of the Western Hemisphere and the peace of the world caused by the continuance and acceleration of foreign intervention in the Caribbean,

"Noting with concern that nuclear missiles and other offensive weapons have been secretly introduced into Cuba,

"Noting also that as a consequence a quarantine is being imposed around the country,

"Gravely concerned that further continuance of the Cuban situation may lead to direct conflict,

"1. Calls as a provisional measure under Article 40 for the immediate dismantling and withdrawal from Cuba of all missiles and other offensive weapons;

"2. Authorizes and requests the Acting Secretary-General to dispatch to Cuba a United Nations observer corps to assure and report on compliance with this resolution;

"3. Calls for termination of the measures of quarantine directed against military shipments to Cuba upon United Nations certification of compliance with Paragraph 1;

"4. Urgently recommends that the United States of America and the Union of Soviet Socialist Republics confer promptly on measures to remove the existing threat to the security of the Western Hemisphere and the peace of the world, and report thereon to the Security Council."

In a letter dated 22 October (S/5183), the representative of Cuba requested, under Articles 34, 35 (1), 39, 1 (1), 2 (4) and 24 (1) of the United Nations Charter, that the Security Council consider urgently the act of war unilaterally committed by the Government of the United States in ordering the naval blockade of Cuba. Cuba charged that the United States action was in disregard of the international organizations, particularly of the Security Council, and was creating an imminent danger of war.

In a letter dated 23 October (S/5186), the Union of Soviet Socialist Republics requested that the Council be convened immediately to examine the question of "Violation of the Charter of the United Nations and threat to the peace on the part of the United States of America." In a statement attached to the letter, the Soviet Government pointed out that on 22 October the President of the United States had announced that he had given orders to the United States Navy to intercept all ships bound for Cuba, to subject them to inspection, and to turn back ships

carrying weapons which, in the judgement of the United States authorities, were offensive in character. Orders had also been given for continued and close surveillance of Cuba. At the same time, the United States had begun to land additional United States troops at its Guantanamo base in Cuba, and was placing its armed forces in a state of combat readiness. The Soviet statement further charged that the United States was taking a step towards the unleashing of a thermo-nuclear war, and was violating international law and the principles of the United Nations Charter by having arrogated to itself the right to attack foreign vessels on the high seas. The United States blockade of Cuba was a provocative act, an unprecedented violation of international law. Under the United Nations Charter, all countries had the right to organize their lives in their own way and take measures necessary to protect their own security. The Soviet Government considered it its duty to address a serious warning to the Government of the United States that in carrying out the measures announced, it was taking upon itself "a heavy responsibility for the fate of the world, and recklessly playing with fire." Soviet assistance to Cuba was designed exclusively to improve Cuba's defensive capacity and was necessitated by the continuous threats and acts of provocation of the United States against Cuba. The United States, the statement continued, was demanding the withdrawal of the military equipment which Cuba needed for its own defence—a step to which no State that prized its independence could agree. The Soviet Union considered that all foreign troops should be withdrawn from the territory of other States. If the United States was genuinely striving to ensure lasting peace, as President Kennedy had declared, it should have accepted the Soviet proposal and withdrawn its troops and military equipment and dismantled its military bases in different parts of the world.

B. Consideration at the 1022nd to 1025th meetings (23-25 October 1962)

At the 1022nd meeting on 23 October 1962, the Council decided to consider simultaneously the letters from the United States, Cuba and the USSR, and invited the representative of Cuba to participate in the discussion.

The representative of the United States stated that the transformation of Cuba into a base for offensive weapons of sudden mass destruction constituted a threat to peace in the Western Hemisphere and of the world and had led to the United States quarantine of all offensive military weapons under shipment to Cuba. Reviewing events in Cuba since 1959, he declared that the foremost objection of his Government to the Cuban régime was that it had given the USSR a bridgehead and staging area in the Western Hemisphere. The Soviet bases in Cuba were radically different from the NATO bases near the Soviet Union. Whereas the latter were of defensive character and were consistent with the principles of the United Nations, the Soviet bases in Cuba, installed clandestinely, had introduced to the Hemisphere the most formidable nuclear base outside existing treaty systems. While the Soviet Union had officially declared that the armaments and military equipment sent to Cuba were exclusively of a defensive character, it was sending thousands of military technicians and jet bombers capable of delivering nuclear weapons, and

it was installing in Cuba nuclear missiles which were clearly a threat to the Hemisphere and to the whole world. If the United States and the other nations of the Western Hemisphere were to accept that basic disturbance of the world's structure of power, they would invite a new surge of aggression. He stressed that a grave issue confronted the Council and that its action might determine the future of civilization. He informed the Council that the Organization of American States had that afternoon adopted a resolution which called for the immediate withdrawal of all missiles from Cuba and recommended to the OAS members to take all measures, individually and collectively, including the use of armed force, to ensure that Cuba could not continue to receive from the Sino-Soviet Powers military materials and supplies which might threaten the peace and security of the continent.

The representative of Cuba stated that his country had been forced to arm to defend itself against the repeated aggressions of the United States. He recalled that President Dorticos, in his address before the seventeenth session of the General Assembly, had declared that if the United States would give Cuba effective guarantee, by word and deed, that it would not commit aggression against Cuba, then Cuba would not have to strengthen its defences. The representative of Cuba said that his country had not only suffered from the United States economic boycott and pressures to isolate it within the Hemisphere, but it had been the object of armed attacks and sabotage by agents trained in the United States. He pointed out that the United States, which had charged that Cuba had become a threatening base, held the only foreign base in Cuba, at Guantanamo, against the will of the Cuban people. That base was being used to prepare an attack on the island. Obviously, the United States had reserved for itself the right to decide which bases and rockets were good and which were bad, and was pushing the world to the brink of war without presenting proof of its charges. The United States, the representative of Cuba continued, had taken a unilateral measure of war by having first sent its ships and planes towards Cuba and then consulted its allies and the international organizations. It had presented the Council with a *fait accompli* because it had no moral or legal reason upon which to base its measures of force taken against Cuba. He maintained that Cuba had always been willing to resolve its conflict with the United States by peaceful negotiations, in accordance with the United Nations Charter, but that the United States had always given a haughty reply. He declared that his Government would not accept any kind of observers in matters within its domestic jurisdiction and that the observers should be sent to the United States bases from which invaders and pirates were harassing Cuba. In his view, the United States naval blockade was an act of war which the Cubans would resist by all means and in all ways. He called for the immediate withdrawal of the United States forces from the Cuban coast, and for the cessation of the blockade, of the provocative acts at Guantanamo and of the attacks organized by the agents in the service of the United States Government.

The President, speaking as the representative of the USSR, observed that the Security Council had convened in circumstances which gave rise to the gravest concern for the fate of peace in the Caribbean and in the whole world. The naval blockade of Cuba and all the military measures which had been put into effect by the United States Government were a flagrant viola-

tion of the United Nations Charter and of the principles of international law and constituted a step towards the unleashing of a thermo-nuclear war. As a pretext for its aggressive actions against Cuba, the United States had resorted to the false and slanderous argument that the Soviet Union had allegedly set up offensive weapons in Cuba. The Soviet Government had officially declared that it had not sent and was not sending any offensive armaments to Cuba and that the Soviet military aid was intended solely for the defensive purposes which only Cuba was entitled to determine. From the first days of its existence, the Revolutionary Government of Cuba had been subjected to continual threats and provocations by the United States, including armed intervention. The Soviet Government, he said, favoured the withdrawal of all foreign forces and armaments from foreign territories, and would not object to their withdrawal under the observation of the United Nations. Furthermore, the United States decision to resort to the OAS for the implementation of its aggressive actions against Cuba was a violation of the prerogatives of the Security Council which alone could carry out enforcement measures. If the Security Council were to ignore those aggressive actions, it would be failing to fulfil its duty as the principal organ of the United Nations responsible for the maintenance of international peace and security. The USSR representative introduced the following draft resolution:

"The Security Council,

"Guided by the need to maintain peace and safeguard security throughout the world,

"Recognising the right of every State to strengthen its defences,

"Considering inadmissible interference by some States in the internal affairs of other sovereign and independent countries,

"Noting the inadmissibility of violations of the rules governing freedom of navigation on the high seas,

"1. Condemns the actions of the Government of the United States of America aimed at violating the United Nations Charter and at increasing the threat of war;

"2. Insists that the Government of the United States shall revoke its decision to inspect ships of other States bound for the Republic of Cuba;

"3. Proposes to the Government of the United States of America that it shall cease any kind of interference in the internal affairs of the Republic of Cuba and of other States which creates a threat to peace;

"4. Calls upon the United States of America, the Republic of Cuba and the Union of Soviet Socialist Republics to establish contact and enter into negotiations for the purpose of restoring the situation to normal and thus of removing the threat of an outbreak of war."

At the 1023rd meeting on 24 October, the representative of Venezuela said that he was speaking on behalf of the Latin American countries in voicing their gravest concern over the threat to their security created by the establishment of Soviet bases and nuclear missiles in Cuba which were capable of destroying any nation in the Western Hemisphere. He observed that there had been a tense situation between Cuba and the other Latin American republics because of the policy

of the Cuban communist régime to export its system to the other nations of the continent and to carry out subversive activities aimed at overthrowing their governments. In the face of an even greater danger to the peace and the stability of the Hemisphere, the OAS had already adopted a resolution which called for the dismantling of the missile sites set up in Cuba. He considered that the Council was duty bound to take measures to stop nuclear weapons from arriving in Cuba and to ensure the dismantling of the existing bases.

The representative of the United Kingdom stated that the introduction into the Western Hemisphere of Soviet nuclear missiles of mass destruction represented a situation which could not be tolerated by those responsible for the security of the Hemisphere. His country had never denied the right of the Cuban people to choose their own political régime, the right of the Cuban Government to take such defensive measures as it thought necessary for its defence, or the right of a sovereign State to call for military aid from another Government. However, in view of the nature of the weapons and the secrecy which surrounded their introduction into Cuba, his Government was forced to conclude that those bases were not for defensive purposes only and that the Soviet Government sought to gain a significant military advantage in Cuba. His Government considered that the United States had acted properly in having come to the Security Council at the first possible moment. He supported the draft resolution submitted by the United States and stated that the dismantlement and withdrawal of the missiles from Cuba was the way to restore confidence in the Western Hemisphere.

The representative of Romania maintained that the United States, in advance of the alleged discovery of offensive installations in Cuba, had made intensive military preparations for a new invasion of the island. The military blockade of Cuba, he continued, was an act of war in contravention of numerous international maritime conventions and declarations, as well as of the three conventions on the definition of aggression, concluded in July 1933, which had been recognized by the United States. His delegation considered that it was the duty of the Security Council to condemn the United States action against Cuba and to insist on the immediate cancellation of the blockade and the cessation of all interference in the internal affairs of Cuba.

The representative of Ireland said that while he understood the concern of the Revolutionary Government of Cuba for its national security, the massive military build-up which had taken place in Cuba with the aid of the Soviet Union went beyond the need for strengthening Cuba's defences. It had the effect of dangerously upsetting the existing balance of world security and constituted a deadly threat to the security of the Western Hemisphere. Moreover, the extension of nuclear bases and the spread of nuclear weapons had become an unacceptable method of solving international problems. He noted that the two sides had indicated willingness to seek a peaceful solution of the present problem and expressed the hope that negotiations would begin while there was still time.

At the 1024th meeting on 24 October, the representative of France stated that the introduction of offensive weapons in Cuba represented a serious attempt to create a new war front in a region previously free from nuclear threats. The seriousness of the situation was

demonstrated by the reaction of the Latin American countries to the problem created by the Soviet Union. In his view, the United States draft resolution was clearly an effort to seek a peaceful solution in accordance with the principles of the Charter.

The representative of China observed that the issue was not whether Cuba had the right to strengthen her own defence, but whether the Soviet Union should be allowed to install weapons of mass destruction in that strategic area with foreseeable consequences. It was quite within the right of the United States to stop the continuous flow of offensive weapons into Cuba when the security of the United States and its neighbours was being threatened. The United States, in having brought the matter promptly to the attention of the Security Council, had demonstrated its earnestness to prevent further aggravation of the situation which was fraught with grave danger. He said that the crisis had been precipitated by the Soviet military build-up in Cuba, and that it could be speedily brought to an end by the removal of the offensive weapons, if the Soviet Union wished to convince the world of her professions.

The representative of Chile stated that his Government had always maintained an objective position regarding the Cuban revolution and its hemispheric repercussions. While Chile disagreed with Cuba, it maintained normal relations with that country. The question before the Security Council, he observed, was not the Cuban revolution or the infiltration of its ideology into other Latin American countries, but the fact that an extra-continental Power had found in Cuba an open door through which to intervene in the Western Hemisphere and to threaten its security. For that reason, Chile had agreed to the convening of the Organ of Consultation of the OAS under the mutual assistance treaty of Rio. He stressed the need for the establishment of a United Nations presence in Cuba and appealed to the Cuban Government to accept that procedure or any other initiative which the Acting Secretary-General might take in seeking a peaceful solution of the crisis.

The representative of the United Arab Republic stated that his Government could not condone the unilateral decision of the United States to exercise the quarantine in the Caribbean Sea, an action which was contrary to international law and which would intensify world tensions and threaten international peace and security. The Security Council should concentrate its efforts to bring together all parties concerned to reach a peaceful settlement, in accordance with the principles of the Charter, and to avail themselves of whatever assistance the Acting Secretary-General might be able to render.

The representative of Ghana stated that there was a genuine fear that the Western Hemisphere was threatened by Cuba's military build-up, while Cuba was afraid of attack from its neighbours, including the United States, which was the reason for its defensive measures. In the circumstances, his delegation proposed that the United States should give a written guarantee to the Council that it had no intention whatsoever of interfering in the internal affairs of Cuba and of taking offensive military action against that country. Cuba also should give a similar written guarantee with respect to the countries in the Western Hemisphere. What was urgently needed was negotiation between the parties concerned to resolve the crisis on the basis

of mutual respect for each other's sovereign rights. In the light of those considerations, he observed, his delegation and that of the United Arab Republic, having consulted with a large number of Member States, submitted to the Security Council a draft resolution (S/5190) which read as follows:

"The Security Council,

"Having considered the recent serious developments in the Caribbean,

"Noting with grave concern the threat to international peace and security,

"Having listened to the parties directly concerned,

"1. Requests the Acting Secretary-General to promptly confer with the parties directly concerned on the immediate steps to be taken to remove the existing threat to world peace, and to normalize the situation in the Caribbean;

"2. Calls upon the parties concerned to comply forthwith with this resolution and provide every assistance to the Acting Secretary-General in performing his task;

"3. Requests the Acting Secretary-General to report to the Council on the implementation of paragraph 1 of this resolution;

"4. Calls upon the parties concerned to refrain meanwhile from any action which may directly or indirectly further aggravate the situation."

The Acting Secretary-General made a statement on the gravity of the situation which confronted the United Nations, and he informed the Security Council that, at the request of a large majority of the Member States, he had sent identical messages to the President of the United States and the Chairman of the Council of Ministers of the USSR. In the message, the text of which he read at the meeting, the Acting Secretary-General had made an urgent appeal that time should be given to enable the parties concerned to get together with a view to resolving the crisis peacefully and to normalizing the situation in the Caribbean through the voluntary suspension, for a period of two to three weeks, not only of all arms shipments to Cuba but also of the quarantine measures that involved the searching of ships bound for Cuba. In that context, he stated that he would gladly make himself available to all parties for whatever services he might be able to perform.

At the same meeting, the Acting Secretary-General appealed to the President and the Prime Minister of the Revolutionary Government of Cuba to suspend the construction and development of major military facilities and installations in Cuba during the period of negotiations. He also appealed to the parties concerned to enter into negotiations immediately, irrespective of any other procedures which might be available or which could be invoked. He observed that since the end of the Second World War there had never been a more dangerous or closer confrontation of the major Powers, and he stressed that the path of negotiation and compromise was the only course by which the peace of the world could be secured at that critical moment.

At the 1025th meeting on 25 October, the representatives of the United States and of the Union of Soviet Socialist Republics made further statements in the course of which they read to the members of the Council the texts of the replies from their respective Governments to the appeal of the Acting Secretary-General.

President Kennedy, in his reply of 25 October, expressed his deep appreciation of the spirit which had prompted U Thant to send his message, and he stated that the existing threat had been created by the secret introduction of offensive weapons into Cuba and that the answer lay in the removal of such weapons. The President indicated that Ambassador Stevenson was ready to discuss the matter promptly with the Acting Secretary-General to determine whether satisfactory arrangements could be made. He assured the Acting Secretary-General of the desire of his Government to reach a satisfactory and a peaceful solution of the matter.

In his reply of 26 October, Chairman Khrushchev welcomed the initiative taken by the Acting Secretary-General, stating that the Soviet Government also considered the situation in the Caribbean as highly dangerous and requiring an immediate intercession by the United Nations. He said that he had carefully studied, and agreed with, U Thant's proposal which met the interests of peace.

At the same meeting, the representative of the United States said that his Government welcomed the assurance which Chairman Khrushchev had given in his letter to Earl Russell that the Soviet Union would take no reckless decision with regard to the crisis. The United States welcomed most of all the report that Mr. Khrushchev had agreed to the proposals advanced by the Secretary-General. Replying to the points raised at the previous meetings, he stated that the United States had taken prompt action in the Caribbean because of the threat created by the speedy and secretive manner in which nuclear missiles had been installed in Cuba. That threat which contravened Article 2 (4) of the Charter was one which the American Republics were entitled to meet; a delay would have meant that the nuclearization of Cuba would have been quickly completed, a risk which the Hemisphere was not prepared to take. As to the claim of the representative of the USSR that the United States maintained thirty-five bases in foreign countries, he said that those bases had been established only by a decision of the Heads of Government meeting in December 1957, which had been compelled to authorize such arrangements by virtue of a prior Soviet decision to introduce its own missiles capable of destroying the countries of Western Europe. He exhibited aerial reconnaissance photographs which, he said, afforded incontrovertible proof of the Soviet military build-up in Cuba. In addition, the Soviet Union had sent to Cuba a number of bombers capable of carrying nuclear weapons; and, to support those advanced weapons systems, it had sent a large number of military personnel to the island.

The representative of the USSR replied that the core of the problem was not what the United States had labelled as "incontrovertible facts of offensive weapons being installed in Cuba", but the aggressive intentions of the United States towards that country. However, the United States, in the attempt to launch its aggressive actions, had been confronted by world public opinion and obliged to change its tone. The interpretation which the representative of the United States had placed upon Mr. Khrushchev's letter to Bertrand Russell was completely out of keeping with the contents of that letter. He read to the members of the Council parts of the letter which stated, *inter alia*, that the USSR would do everything possible to prevent a catastrophe, but if the United States carried out its

programme of piratic actions, the USSR would have to resort to means of defence against the aggressor to defend the rights which had been set forth in international agreements and the United Nations Charter. The letter further stated that the question of war and peace was so vital that the Soviet Government considered useful a top-level meeting in order to discuss all the problems and to endeavour to remove the danger of unleashing a thermo-nuclear war. The representative of the USSR stated that his Government had made it quite clear that the USSR possessed nuclear weapons so powerful that it had no need to seek launching sites for them outside the borders of the Soviet Union. The Government of the United States had deliberately intensified the crisis and had tried to cover up that provocation by means of a discussion at the Security Council.

The representatives of the United Arab Republic, Ghana and Chile welcomed the favourable response from both sides to the appeal of the Acting Secretary-General, and they observed that the time was propitious for the parties to get together and begin negotiations with the assistance of the Acting Secretary-General.

Decision: *On motion by the United Arab Republic, supported by Ghana, the Council adjourned sine die.*

C. Communications received between 23 October and 13 December 1962

(i) Communications from Member States

In separate communications dated 24, 25 and 26 October (S/5189, S/5192, S/5194, and S/5196), Bulgaria, Czechoslovakia, Hungary and Mongolia denounced the naval blockade of Cuba as a flagrant violation of international law and the principles of the United Nations Charter. They expressed their support of the Soviet declaration of 23 October and their solidarity with the Government and the people of Cuba, and they requested the United Nations to take effective action to stop the aggressive actions of the United States. In a letter dated 24 October 1962 (S/5191), the Dominican Republic pledged its support of any measures which might be adopted to remove the threat created by the presence of missiles in Cuba. In a letter dated 25 October (S/5195), twelve African Member States (the Union of African and Malagasy States) supported the Acting Secretary-General's proposals on the Caribbean crisis, and recommended that the implementation of the proposals be supervised by the United Nations. In a letter dated 29 October (S/5199), Haiti informed the Acting Secretary-General that it had placed port and airport facilities at the disposal of the United States naval units involved in the quarantine operation. In a letter dated 30 October (S/5200), the President of Yugoslavia commended the Acting Secretary-General for his initiative in having found a peaceful solution to the Caribbean crisis, and he expressed the hope that the negotiations would lead to an effective international guarantee of the security and independence of Cuba.

(ii) Communications from the Organization of American States

By a letter dated 23 October 1962 (S/5193), the Secretary-General of the OAS transmitted to the Security Council the text of a resolution adopted by the Council of the OAS, acting provisionally as Organ of Consultation, which: (1) called for the immediate dismantling and withdrawal from Cuba of all the mis-

siles and other offensive weapons; (2) recommended that the members of the OAS, in accordance with articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, take measures individually and collectively, including the use of armed force, to ensure that the Cuban Government could not continue to receive military material from the Sino-Soviet Powers which might threaten the peace and security of the Continent and to prevent the offensive missiles in Cuba from becoming an active threat to the peace and security of the Continent; (3) expressed the hope that the Security Council would, in accordance with the draft resolution introduced by the United States, dispatch United Nations observers to Cuba at the earliest moment; and (4) requested the members of the OAS to keep the Organ of Consultation informed of measures taken by them in accordance with paragraph 2 of the resolution.

By a letter dated 29 October (S/5202), the Secretary-General of the OAS transmitted to the Acting Secretary-General notes from the Governments of Argentina, Colombia, Costa Rica, the Dominican Republic, Guatemala, Haiti, Honduras, Panama and the United States, on the implementation of paragraph 2 of the OAS resolution of 23 October 1962. The United States note contained the text of the proclamation by the President of the United States on the "Interdiction of the Delivery of Offensive Weapons to Cuba". The notes from the other OAS members contained offers of co-operation in terms of air and naval forces, port and airport facilities, and other installations, which, it was stated, were needed to carry out the collective action taken under the Inter-American Treaty of Reciprocal Assistance.

By a letter dated 8 November (S/5206), the Secretary-General of the OAS transmitted to the Security Council the text of a resolution adopted on 5 November 1962 by the Council of the OAS, serving provisionally as the Organ of Consultation, which took note of the offers of military or other assistance that had been made by the members of the OAS and recommended that Member States participating with military forces or other facilities in the defence of the Hemisphere should work out among themselves the technical measures for effective action of the combined forces.

By a letter dated 14 November (S/5208), the Secretary-General of the OAS transmitted to the Security Council the following documents related to the resolution adopted, on 23 October 1962, by the Council of the OAS acting provisionally as Organ of Consultation: reports from the Governments of Argentina, El Salvador and Venezuela concerning further offers of military and other assistance for the quarantine operations; a report from the United States which stated that the quarantine instituted by the United States Government had been lifted for a period of forty-eight hours between 30 October and 1 November 1962, and that the air surveillance of Cuba had also been suspended for two days starting 30 October 1962; and a joint note from the United States, Argentina and the Dominican Republic stating that, in accordance with the OAS Council resolution of 5 November, the three Governments had established a Combined Quarantine Force under United States command.

By a letter dated 13 December (S/5217), the Secretary-General of the OAS transmitted to the Security Council additional documents, relating to the implementation of the OAS resolution of 23 October, one of

which contained a proclamation issued by the President of the United States on 21 November 1962, terminating the quarantine operations in the vicinity of Cuba.

D. Developments subsequent to consideration by the Council

[On 25 October, the Acting Secretary-General, in messages addressed to President Kennedy and Chairman Khrushchev, proposed that, in order to permit discussions leading to a peaceful settlement of the problem in line with the United Nations Charter, the Soviet ships already on their way to Cuba might stay away from the interception area for a limited time only, and that United States vessels in the Caribbean do everything possible to avoid direct confrontation with Soviet ships in the next few days in order to minimize the risk of any untoward incident. In his reply of 25 October, President Kennedy stated that his Government would accept and abide by the Acting Secretary-General's request if the Soviet Government did likewise. He pointed out that the matter was of great urgency and that the work on offensive military systems in Cuba was still continuing. In his reply of 26 October, Chairman Khrushchev accepted the Acting Secretary-General's proposal and expressed the hope that the other side would understand that a situation in which Soviet vessels would have to be immobilized on the high seas must be temporary and not of long duration. He declared that the Soviet Government was consistently striving to strengthen the United Nations, which constituted a forum for all countries irrespective of their socio-political structure, in order that disputes might be settled not through war but through negotiation.]

By a letter dated 26 October (S/5197), the United States informed the Acting Secretary-General that development of ballistic missile sites in Cuba was proceeding at a rapid pace, with the apparent objective of achieving full operational capacity as soon as possible.

[On the same day, the Acting Secretary-General sent a message to Prime Minister Fidel Castro reiterating his earlier appeal that the construction and development of major military installations and facilities, especially those designed to launch medium range and intermediate range ballistic missiles in Cuba, be suspended during the period of negotiations. On 27 October, Prime Minister Castro replied that Cuba was prepared to accept the compromises that the Acting Secretary-General had suggested, provided that at the same time, while negotiations were in progress, the United States Government desisted from threats and aggressive actions against Cuba, including the naval blockade. The Prime Minister also invited the Acting Secretary-General to come to Cuba for direct discussions. He stressed that unreserved respect for the sovereignty of Cuba was an essential prerequisite for any solution of the problem. On 28 October, the Acting Secretary-General accepted Prime Minister Castro's invitation and expressed the hope that a solution would be reached whereby the principle of respect for the sovereignty of Cuba would be assured. It might also be possible, he added, to take measures which would reassure other countries which had felt themselves threatened by recent developments in Cuba.]

[During this period, private and separate consultations had taken place between the Acting Secretary-General and the representatives of the United States,

Cuba and the USSR. There had also been an exchange of correspondence between President Kennedy and Chairman Khrushchev.]

On 27 October, the representative of the United States addressed a *note verbale* to the Acting Secretary-General transmitting copy of a letter from President Kennedy to Chairman Khrushchev in which the former had explained the position of the Government of the United States. President Kennedy indicated in his letter, that according to the proposals which were generally acceptable to the United States, the Soviet Union would agree to remove the weapons systems from Cuba under appropriate United Nations observation and supervision and also undertake, with suitable safeguards, to halt the further introduction of such weapons systems into Cuba. The United States, on their part, would agree, upon the establishment of adequate arrangements through the United Nations to ensure the carrying out and continuation of these commitments, to remove promptly the quarantine measures and also to give assurance against an invasion of Cuba. In regard to the latter undertaking, President Kennedy indicated that he was confident that other nations of the Western Hemisphere would be prepared to do likewise.

On 28 October, Chairman Khrushchev sent a message to the Acting Secretary-General, in which he stated that the Soviet Government had directed Mr. V. V. Kuznetsov, First Deputy Foreign Minister of the Soviet Union, to proceed to New York for rendering the Acting Secretary-General co-operation in his efforts aimed at the elimination of the dangerous situation. In order to keep the Acting Secretary-General informed of the Soviet position, Chairman Khrushchev also sent him a copy of the letter that he had sent to President Kennedy on the same day. In that letter, Chairman Khrushchev had indicated that he regarded with respect and trust President Kennedy's statement that "there would be no attack, no invasion of Cuba, not only on the part of the United States, but also on the part of other nations of the Western Hemisphere". Chairman Khrushchev added that instructions had been given "to take appropriate measures to discontinue the construction of the aforementioned facilities, to dismantle them and return them to the Soviet Union".

In a letter dated 28 October (S/5228, Annex I), addressed to the Acting Secretary-General, Prime Minister Castro referred to President Kennedy's statement in his letter to Chairman Khrushchev, to the effect that the United States would agree, after suitable arrangements had been made through the United Nations, to remove the blockade and to give guarantees against an invasion of Cuba. He also referred to the decision announced by Chairman Khrushchev to withdraw strategic defence weapons facilities from Cuban territory. The guarantees mentioned by President Kennedy, Prime Minister Castro said, would be ineffective unless, in addition to the removal of the blockade, the following essential measures were adopted: first, the cessation of the economic blockade and of all the measures of commercial and economic pressure being carried out by the United States against Cuba; secondly, the cessation of all subversive activities, including the dropping and landing of weapons by air and sea, the organization of invasions by mercenaries and the infiltration of spies and saboteurs; thirdly, the cessation of piratical attacks carried out from the United States and Puerto Rico; fourthly, the cessation of viola-

tions of Cuban air space and territorial waters by United States aircraft and warships; fifthly, United States withdrawal from its military base at Guantanamo.

[On 28 October, the Acting Secretary-General expressed his gratitude to Chairman Khrushchev for having sent him a copy of the message which the Chairman had sent on 28 October to President Kennedy in reply to the latter's letter of 27 October. He said that he had noted the constructive proposals which Chairman Khrushchev had made in order to remove tension in the Caribbean area, and that he believed that when those proposals were implemented the situation in the Caribbean would be normalized. He particularly was gratified, he said, that the USSR had agreed to stop the building of missile bases, to dismantle them, and to return the missiles to the Soviet Union, and that Chairman Khrushchev was ready to come to an agreement that representatives of the United Nations might verify the dismantling of those bases. He would discuss with Mr. Kuznetsov, as well as with Premier Castro, the modalities of verification by United Nations Observers to which Chairman Khrushchev had so readily agreed, and he expressed the hope that he would be able to reach a satisfactory agreement with them.]

[On 30-31 October, the Acting Secretary-General, who had flown to Havana with some of his colleagues and advisers, conferred with President Dorticos and Prime Minister Castro. Upon his return to Headquarters on 31 October, the Acting Secretary-General declared that his discussions with the leaders of Cuba had been fruitful and that there had been agreement for continued United Nations participation in the peaceful settlement of the problem. He further stated that while in Havana he had been reliably informed that the dismantling of the missiles and their installations was already in progress and should be completed by 2 November.]

[On 15 November, Prime Minister Castro, in a communication addressed to the Acting Secretary-General, restated the position of his Government that the installation of the weapons in Cuba had been an act of legitimate self-defence against the aggressive policy of the United States, and that Cuba would not allow any unilateral inspection, national or international, on its territory. He said that while the Soviet Government, in fulfilment of its promise to President Kennedy, had withdrawn from Cuba its strategic missiles under verification by United States officials on the high seas, the United States had continued to violate Cuba's sovereignty. He warned that any warplane which violated Cuban air space would run the risk of being destroyed. On 19 November, Prime Minister Castro informed the Acting Secretary-General that the Cuban Government would not object to a decision by the Soviet Government to withdraw IL-28 medium bombers from Cuba.]

In a letter dated 26 November (S/5210), addressed to the Acting Secretary-General, the Government of Cuba referred to a statement by President Kennedy on the lifting of the blockade in return for the withdrawal by the Soviet Union of the intermediate-range ballistic missiles and IL-28 bombers from the island. In the view of the Cuban Government, however, the failure of the United States to give assurances against an invasion of Cuba on the grounds that the latter had not agreed to international inspection, was only

a pretext for not carrying out its part of the agreement and for persisting in its policy of aggression against Cuba. The Cuban Government, stressing the necessity for the adoption of the five measures which it had set forth in the communication of 28 October, maintained that the need for effective measures of control was one of the required guarantees for a genuine and final settlement of the crisis. It further stated that if the United States and its accomplices in aggression against Cuba did not agree to the United Nations inspection in their territories, Cuba would in no circumstances agree to such inspection in its own territory.

In a letter dated 5 December (S/5214), the Permanent Representative of Cuba charged that on the night of 4 December, members of counter-revolutionary organizations which operated in United States territory, manning a large vessel that had come from the north, had fired upon an area east of the town of Caibarión.

On 7 January 1963, in a joint letter to the Secretary-General (S/5227), Mr. Kuznetsov, First Deputy Minister of Foreign Affairs of the USSR, and Mr. Stevenson, the Permanent Representative of the United States, expressed their appreciation to the Secretary-General for his efforts in having assisted the two Governments to avert the serious threat to the peace which had recently arisen in the Caribbean area. They stated that, while it had not been possible to resolve all the related problems, the two Governments believed that, in view of the degree of understanding which had been reached between them on the settlement of the crisis and the extent of progress in the implementation of that understanding, it was not necessary for the item to occupy further the attention of the Security Council at that time. The two Governments expressed the hope that the actions which had been taken to avert the threat of war in connexion with the crisis would lead toward the adjustment of other differences between them and the general easing of tensions that could cause a further threat of war.

In a letter dated 7 January (S/5228), the Permanent Representative of Cuba conveyed to the Secretary-General the views of his Government that the negotiations had not led to an effective agreement acceptable to Cuba and capable of guaranteeing permanent peace in the Caribbean. The basic reason was that the United States, far from having renounced its aggressive and interventionist policy towards Cuba, had maintained its position of force in flagrant violation of international law. The Cuban Government could not regard any agreement as effective unless it took into consideration the five measures which Prime Minister Castro had put forward on 28 October as minimum guarantees for peace in the Caribbean. The mere, informal promise of the United States not to invade Cuba

would not constitute a safeguard for the Republic. The Cuban Government recalled that it had already expressed its readiness to agree to the establishment of a system of multiple verification in the countries of the Caribbean region including the United States, provided that the latter would agree to the adoption of the measures which had been requested by Cuba. In the view of the Cuban Government there was no better procedure for solving the crisis than peaceful negotiations and respect for international law. In conclusion, Cuba reserved its full right, when confronted by enemies, to take any measures and obtain any weapons it considered appropriate.

On 8 January, the Secretary-General, in letters (S/5229 and S/5230) addressed to the Permanent Representative of the United States and the First Deputy Minister of Foreign Affairs of the Union of Soviet Socialist Republics, expressed his confidence that all Governments concerned would refrain from any action which might aggravate the situation in the Caribbean area in any way. In a letter dated 9 January (S/5231) to the Permanent Representative of Cuba, the Secretary-General took note of the position of the Revolutionary Government of Cuba as explained in its letter of 7 January, and he expressed his confidence that the Governments concerned would refrain from any action which might aggravate the situation in the Caribbean area in any way.

By a letter dated 11 March (S/5259), the Permanent Representative of Cuba transmitted to the President of the Security Council the text of a letter, dated 4 March 1963, which had been sent by the Minister for Foreign Affairs of Cuba to the Secretary-General. The letter stated that since the end of the diplomatic negotiations in connexion with the Caribbean crisis, new threats and tensions had again been created by the United States policy of aggression against Cuba. Referring to developments within the Organization of American States, the Cuban Government accused Venezuela and other Latin American countries of advocating aggression against Cuba.

In connexion with document S/5259 there was an exchange of correspondence between the representatives of Venezuela, Costa Rica and Paraguay and the President of the Security Council (S/5260, S/5264, S/5266, S/5267, S/5268, S/5269, S/5271, S/5272 and S/5273).

By a letter dated 1 May (S/5299), the Permanent Representative of Cuba transmitted to the President of the Security Council the text of a note which his Government had sent on 26 April to the Government of the United States. The note protested against an attempt to bomb a refinery in Cuba, which had allegedly been carried out on 25 April by a United States citizen in an aircraft operating from United States territory.

Chapter 2

LETTER DATED 10 APRIL 1963 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF SENEGAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In a letter dated 10 April 1963 (S/5279), the Acting *Chargé d'Affaires* of Senegal requested an early meeting of the Security Council to discuss "The repeated violations of Senegalese air space and territory". He added that on 9 April four Portuguese aircraft had violated Senegal's air space and had dropped four

grenades on the village of Bougniack. The letter recalled that in December 1961 Senegal had drawn the attention of the Security Council to earlier violations of a similar nature. In view of the recurrence of such acts, Senegal had no recourse but to appeal to the Security Council. In a subsequent corrigendum (S/5279/Corr.1)

Senegal stated that the incident referred to had taken place on 8 April and not on 9 April.

In a letter of the same date, the representative of Portugal stated (S/5281) that after a careful investigation by his Government it could be declared categorically that the charge of violation contained in the Senegalese letter was "without the slightest foundation". On the day in question, no Portuguese military aircraft had overflown the area referred to or any other area along the border of Senegal. As regards Senegal's reference to the alleged earlier violations, Portugal had already replied to them in its letter of 10 January 1962 (S/5055). Portugal regretted that Senegal had seen fit to combine those old complaints with a new and entirely unfounded allegation in order to create an atmosphere of hostility against Portugal in the furtherance of certain political objectives. In the circumstances, Portugal considered that the convening of the Security Council would be entirely unwarranted.

The Security Council included the item in its agenda at its 1027th meeting on 17 April 1963, and invited the representatives of Senegal and Portugal to participate, without vote, in its consideration. At its 1028th meeting on 18 April, the Council agreed to accede to the requests of the representatives of the Congo (Brazzaville) and Gabon (S/5286 and S/5288 respectively) to participate in the discussion at the appropriate time. The Council considered the item at its 1027th to 1033rd meetings (inclusive) between 17 and 24 April 1963.

At the 1027th meeting of the Security Council on 17 April 1963, the representative of Senegal stated that it was not the first time that such incidents had taken place. As early as 1 December 1961 motorized units of the Portuguese Colonial Army had penetrated into the Senegalese village of Bakaka creating a sense of terror in the population of that village. Portugal had continued that policy with similar actions, including flights of Portuguese jet fighters over Senegalese territory. Senegal had requested the Security Council to consider those incidents at the time but had been advised to seek a direct arrangement with Portugal. Even though Senegal had followed that procedure it now unfortunately had to appear before the Security Council because even graver incidents had occurred than those of 1961.

On 8 April 1963, the Senegalese village of Bougniack had been bombarded by four aircraft of the Portuguese Colonial Army. Two small aircraft had first flown over and had been followed by two heavier bomber aircraft. They had dropped bombs on the village of Bougniack and had strafed the village with machine-gun fire. A team of Senegalese Government officials had found the tail pieces of rockets and machine-gun cartridges. One person had been wounded and hospitalized. The Portuguese authorities at Bissau had admitted that on 8 April combined air and land manoeuvres had taken place in the region in which the village of Bougniack was located.

Besides the bombardment of the village of Bougniack, a second element of tension resulted from a systematic policy of division of the border population. The Portuguese were massacring and terrorizing the population of Diola who were of Portuguese nationality in order to induce them to fight the nationalists and incite them against the local inhabitants on the Senegalese side, who were called Mandjakes. Such a situation was fraught with considerable danger because if foreigners

were to cross the border to attack its nationals, Senegal would be forced to take action. A third element of tension had resulted from the arrest of two Senegalese drivers who had been attacked and later arrested after entering Portuguese Guinea on normal business. The Senegalese Government had not been able to establish any contact with them. Among other factors aggravating the situation was the operation of a Portuguese espionage network on Senegalese territory. Two spies who had been arrested had confessed to working for Portugal.

Portugal had often accused Senegal of harbouring annexationist aims regarding Portuguese Guinea. Senegal's record in the United Nations and its support for the principle of self-determination and national independence refuted such charges. Moreover, in all matters relating to frontiers of former colonies, Senegal adhered strictly to the juridical principle that whenever a colony became independent its territorial boundaries must remain the same as when it had been a colony. The tension on the border was due solely to the policy pursued by Portugal. In fact, the atmosphere was so tense and storm-laden that it could lead to armed conflict, and constituted a threat to international peace and security. His delegation therefore considered that the Council should condemn Portuguese incursions on Senegalese territory and the attacks made on Senegalese villages. It also asked the Council to take all measures to make Portugal conform to international law and apply Assembly resolution 1514 (XV) on decolonization.

The representative of Portugal stated that consideration of Senegal's alleged grievances was irregular and premature in terms of the Charter of the United Nations. Senegal's request for a meeting fell under Chapter VI of the Charter which provided that the parties to a dispute should first of all seek a solution by negotiation, inquiry, mediation or other peaceful means. Only after those steps had been tried and failed could an approach be made to the Security Council. But Senegal had not even made a show of attempting any of those methods of settlement as provided in Article 33 of the Charter, and his Government had only learned of the alleged grounds of the dispute through the press. Yet Portugal had always tried to maintain with the present Government of Senegal only the most correct and good neighbourly relations, as was becoming to States having common frontiers.

The representative of Portugal then said that on 9 April 1963, no Portuguese military aircraft, based in the province of Guinea, had taken to the air, and, therefore, no Portuguese aircraft could have overflown the village of Bougniack or any other area along the border of Senegal. Furthermore, all Portuguese forces in the province of Guinea had the strictest orders to respect scrupulously the sovereignty and integrity of the Republic of Senegal. Senegal had later claimed that the alleged incident had taken place not on 9 April but on the previous day. It was not quite clear why Senegal had waited for seven days to correct such an important point. His Government's inquiry had shown clearly that on 9 April no military planes had taken to the air in Portuguese Guinea and that on 8 April there had been only small-scale military exercises, but no bomb or grenades had been used by the planes and all operations had taken place strictly within Portuguese territory. It appeared that the Senegalese authorities were neither certain of the date on which the

incident had occurred nor were they certain about the damage that was alleged to have been done. It was to avoid confused situations such as the present that reference to the provisions of Article 33 of the Charter was recommended to the parties to a dispute. He emphasized that it had become quite clear that there was no ground for complaint. No overflights or bombings of any part of Senegalese territory had taken place.

Senegalese complaints regarding the incidents of December 1961 had been cleared up at the time. It had been explained that they were due mostly to errors in navigation and that no deliberate violation of Senegalese territory had been intended. Portugal had also then expressed its regrets and offered explanation in a manner which placed its good faith and sincerity beyond doubt. The complaint that motorized columns of the Portuguese army had trespassed on Senegalese territory was without any foundation, and, along with the other complaints, had been dealt with in S/5055. Concerning the charge that agents of Portuguese police were operating in Senegal, he could say that the allegation was devoid of foundation and that the men arrested by Senegal were not agents of Portugal. As for the allegation regarding the arrest of two Senegalese drivers, it was the first time that he had heard about that charge, but he would assume that it was a routine case and he was certain that if the men had been found innocent they must have been released. In any event, the alleged incident provided no basis for a complaint to the Council. He concluded by stating that his country was always willing to co-operate and discuss with Senegal matters of common interest in order to reach acceptable solutions.

At the 1028th meeting of the Council on 18 April, the representative of Senegal noted that Portugal had charged Senegal with not having made use of the provisions of the Charter to seek conciliation of the dispute. That did not imply that Portugal was all of a sudden an ardent follower of the Charter of the United Nations, because Portugal's defiance of the Charter was well-known. Moreover, after the incidents of 1961 and at the beginning of 1962, Senegal had done its best to settle its differences with Portugal through negotiation but those talks had been without success. Senegal had had to realize the inescapable fact that there could be no possible dialogue with Portugal. Portugal denied everything and even in its letter of 10 April 1963 it had described Senegal's complaint as groundless and as at best of a trivial nature. Senegal was left with no choice but to bring its complaint before the Security Council.

Portugal had tried to confuse the issue by stating that the Senegalese complaint was vague and also that the date of the incident had been corrected in a subsequent telegram. The date of the first telegram was due to an error in transmission. The communiqué issued by the Portuguese authorities of Bissau would prove that there had been aggression and that there had been aerial manoeuvres in the frontier region. The first Senegalese communiqué had spoken of hand grenades because it was based on the report then received. Precise information was given in the second communiqué of the Senegalese Government. However, the details of aggression aside, the important thing was that it had been proved that Senegalese air space had been violated, a Senegalese village had been bombed, and the lives of Senegalese nationals had been endangered, one citizen being seriously wounded. To the representative of Portugal

all that might seem trivial, but to Senegal it was a matter of very serious consequence. Portuguese action had caused great tension on the borders of Senegal. That tension was also due to Portugal's general policy in Africa. The United Nations had debated and condemned that policy for many years. The Security Council could not do a greater service to Portugal than to make it realize how far behind it had been in the implementation of General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples. Senegal also hoped that the Security Council would help it to re-establish peace and tranquillity on its borders with so-called Portuguese Guinea by forcing Portugal to understand better the principles which regulated relations between neighbouring States.

At the same meeting, the representative of Ghana stated that after an examination of the statements made before the Council his delegation was convinced that the Council's meeting was regular and important. Under Article 35 of the Charter, any Member State could submit to the Council a dispute or a situation which was likely to endanger international peace and security. Ghana believed that there was such a threat to international peace due to the incidents reported to the Council by Senegal. Senegal had tried earlier to settle its dispute with Portugal bilaterally, but, since the incidents had persisted and since Senegal had broken off diplomatic relations with Portugal, there was no question of continuing those negotiations. Moreover, the violation of Senegalese territory by Portugal stemmed from the existence of a Portuguese colony on the borders of Senegal, i.e., so-called Portuguese Guinea. Senegal's complaint was indeed a complaint from the whole of Africa. To the African States, the provocative and arrogant display of force by Portugal in so-called Portuguese Guinea and in Senegal and other parts of Africa was a matter of great concern. In terms of material damage and casualties, one might be tempted to describe the incidents on Senegalese soil as "trivial" but, in fact, they had real significance for the Council because they revealed a situation of tension which was building up on the frontier between Senegal and so-called Portuguese Guinea as a result of Portuguese policies. That situation was fraught with the gravest consequences for international peace and the Security Council could not in all sincerity ignore it. The Senegalese complaint was only one of the many incidents that were happening in Africa. It could not be viewed in isolation as it was part of the whole question of Portuguese colonialism. To stop such incidents it was necessary that the Portuguese military buildup in Africa should be liquidated and frontier incursions, violations of air space and sporadic attacks on villages be deplored.

In view of Portugal's categorical denial of the incident, and of the increasing tension on the border, the representative of Ghana believed that an on-the-spot investigation would be helpful. He therefore suggested that a Security Council commission be appointed to visit the area and to report back to the Council with recommendations to avoid recurrence of similar incidents. He believed that such action would also have a salutary effect in other areas of Africa where similar problems existed.

The representative of the Union of Soviet Socialist Republics stated that the Security Council was faced with an act of aggression resulting from the violation

of Senegalese air space by Portuguese military aircraft and the bombardment of the village of Bougniack. The case was rendered even more grave by the fact that it was not the first time that Portugal had committed such aggression. Portugal had tried to minimize the significance of its latest act of aggression and had even described the Senegalese charges as "trivial". Would Portugal consider the violation of its own air space and the bombardment of its territory as trivial? Portugal had also used the old technique of the colonialists of denying that it had committed aggression. However, the authorities in so-called Portuguese Guinea had admitted that in the course of what they had described as combined military operations, "bombardment of ground targets from the air had taken place". Thus, while on the one hand, Portugal had declared in an official communiqué that there could not be any possibility of Portuguese violation of Senegalese air space or of any other act of aggression, there was, at the same time, an equally official Portuguese statement declaring that both on 8 and 9 April, Portuguese military aircraft had undertaken several flights over Senegalese territory and that during those flights bombardment of ground targets had taken place. It was quite clear that even for Portugal it was not easy to deny facts. Portugal had also complained that Senegal had not made use of those provisions of the Charter which urged peaceful settlement of disputes between Member States. Leaving aside the fact that Senegal had tried to do so in 1961 when three acts of aggression had taken place against it, it would indeed be a mockery of the Charter and of common sense that an appeal for peaceful settlement be advocated by a country which had repeatedly committed aggression and had constantly violated the provisions of the Charter. Portugal's aggression against Senegal was not an isolated action. It was a part of the policy followed in co-operation with other colonialist Powers in order to restore their crumbling position in Africa. Thus the Portuguese authorities in Angola and the British company, Benguela Railway, had co-operated in the organization of supplies of weapons and equipment to Tshombé. Portugal would not be able to repress the national liberation movement of the peoples of the Portuguese colonies without the support and assistance of other members of NATO. It was quite clear that such a policy was a serious threat to international peace and security. In its resolution 1807 (XVII) of 14 December 1962, the General Assembly had already noted with concern that Portugal's policy and actions in respect of territories which were under its administration had created a very serious threat to world peace and security. The Committee of Twenty-Four had also drawn the attention of the Security Council to the situation which had been created as a result of Portuguese actions and had asked the Council to take appropriate measures, including sanctions, against Portugal. By its latest act, Portugal had proved conclusively that it was violating systematically and stubbornly the principles of the Charter and it was, therefore, absolutely indispensable that the Council should take immediate and decisive action.

At the 1030th meeting of the Council on 19 April, the representative of Portugal stated that the tone and contents of the statements of the representative of Senegal and of those who had supported him had made it quite clear that the Senegalese complaint was indeed part of a carefully considered plot to prepare the ground for an unwarranted Council discussion of matters ex-

clusively within the domestic jurisdiction of a sovereign State. The incidents reported by Senegal were of little significance and all subsequent charges of "repression", "barbarities", and "atrocities" were without any foundation. The Senegalese representatives had used indiscriminately the terms "grenades, hand grenades, bombs and rockets". There was an obvious attempt to create confusion and to cover discrepancies regarding the date of the incident and the facts of the alleged damage. Even the documents (S/5287) submitted later by the Senegalese delegation and circulated at its request were not a proof that the bullets or rockets in question had actually been fired from Portuguese aircraft on the day in question, whether it was 8 or 9 April. Furthermore, there was no proof that they had been fired at the village of Bougniack. The statements recorded by the Senegalese Government in support of its case appeared to have been made by individuals who were natives of Portuguese Guinea and who had gone to Senegal to avoid an inquiry by the Portuguese authorities. Moreover, there was no indication as to the date when those statements had been made or the manner in which they had been authenticated.

The representative of Portugal then said that mention of the alleged tension on the border between Senegal and Portuguese Guinea was made only to reinforce the original Senegalese complaint. In point of fact, there was absolutely no tension on the border save for those occasions when agitators entered into Portuguese Guinea, claiming that they were nationalists, when in fact they were *agents provocateurs*. Similarly, there was no truth to the charge that Portugal was operating "a network of espionage" on its territory against Senegal.

Senegal had tried hard to assure that it harboured no expansionist designs on Portuguese Guinea. However, in September 1961, when Senegal had broken off its diplomatic relations with Portugal, one of its reasons had been that Portugal had refused to give up its province of Guinea. It was with that end in view that Senegal had utilized subtle methods of pressure against Portugal. Radio broadcasts had carried subversive anti-Portuguese propaganda. Groups of terrorists had been granted facilities for aggressive raids into Portuguese territory. Planes, presumably coming from Senegal, had made a number of over-flights of Portuguese Guinea. Portugal still desired to discuss with Senegal matters of common interest and to co-operate with it in reaching an acceptable solution. Moreover, as there were conflicting versions about the alleged attack on Bougniack, Portugal would suggest that a small commission be appointed to carry out an investigation *in loco* of the subject matter of the Senegalese complaint. That commission should be constituted of an equal number of competent technicians to be named by each party and presided over by a neutral acceptable to both sides. Portugal was submitting that proposal in a spirit of good faith and out of a genuine desire for conciliation.

The representative of Gabon stated that his delegation had requested to participate in the discussion because Gabon was bound by bilateral defence agreements with Senegal and it felt that if Senegal had a conflict with any State, Gabon was justifiably interested in that question. The present conflict was not merely confined to the two parties but was also a concern of the allies of Senegal and the African States in general. He had been authorized by the States constituting the African and Malagasy Union to extend their un-

conditional support to the Republic of Senegal. The repeated terror of the motorized elements of the Portuguese Army and the violation of Senegalese air space had furnished unquestioned proof that the Portuguese Colonial army was ready to use every means to maintain its presence on the African Continent. The United Nations, however, could not remain indifferent to that situation and allow Portugal to continue to refuse the right of self-determination to the people of Portuguese Guinea or to carry out its raids against neighbouring countries.

The representative of the Congo (Brazzaville) said that it was indeed ironic that Portugal, which had an unenviable record of deliberately ignoring the resolutions of the General Assembly and of refusing to cooperate with all the Committees set up to solve the problems of decolonization, and which had repeatedly committed aggression against African States, should ask for bilateral talks when such talks had previously failed. Similarly, Portugal had attempted to minimize the importance of the Senegalese complaint. Nevertheless, whatever confusion might have been due to an error regarding the date of the occurrence or the terms used, the fact remained that aggression had taken place and that it was not the first time that Portugal had been guilty of such an act. Moreover, the Congo (Brazzaville) on its frontier with Cabinda had also suffered incidents similar to those Senegal had undergone. Those incidents were indeed a reflection of the tragic situation that Portugal had created in different parts of Africa because of its obstinate policy of not recognizing the legitimate aspirations of the people which were unfortunately under its administration. Since the people of Africa and, in particular, the people under Portuguese administration, had rejected the so-called multi-racial society of Portugal, the latter had no alternative but to carry out a highly repressive policy in those territories. If the Security Council failed to take strong action to stop Portugal from following its repressive policy, it might be called upon to deal with more serious incidents involving Portugal against the united African nations.

At the 1031st meeting of the Council on 22 April, the representative of Senegal said that his delegation had proved clearly that the incidents resulting from Portugal's action touched the very roots of the independence of the African States. If Portugal could drop bombs on Senegal, it could with impunity bomb any other African State. The very existence of independence was being endangered. The Portuguese representative had not put forward any argument except to deny everything. Portugal had accused Senegal of carrying on a campaign through radio and publicity against Portugal. In the first place, broadcasts from Radio-Senegal were only intended to inform the Senegalese people on the conduct of Portugal in Africa. Moreover, Senegal, like other African States, was determined to uphold the right of people to self-determination and would continue to proclaim its attachment to liberty, justice and human dignity for all the peoples in the world. All the States which could not accept the backward policy of Portugal had officially defined and outlined their legal position and the means that they would deem appropriate to hasten the liberation of the oppressed peoples in the Portuguese colonies. Portugal's offer to establish a committee of enquiry was only a dilatory move and its sole purpose was to prevent the Security Council from taking a just and efficient decision.

At the 1032nd meeting of the Council on 23 April, the representative of Morocco stated that Senegal had given ample proof of its desire to base its relations with Portugal on mutual respect and international law. But the incidents which had taken place since December 1961, and the frustrated efforts of Senegal to settle those incidents amicably, had clearly established which side had continuously failed to observe mutual obligations. Portugal had tried to minimize the importance of the incidents and had even suggested that Senegal should have resorted to Article 33 of the Charter before submitting its complaint to the Security Council. As Senegal itself had pointed out, a country which had obstinately ignored not only the resolutions of the United Nations, but had paid little attention to the fundamental principles of the Charter, had clearly demonstrated the futility of bilateral discussions. It was for that reason that Morocco had given its complete support to Senegal in bringing the present question before the Council. Moreover, the incident referred to by Senegal was not an isolated affair. It was a characteristic act of aggression perpetrated by Portuguese imperialism against the territorial sovereignty and integrity of Senegal. For in point of fact, Portugal's continued presence in Guinea was of such a nature as to compel Senegal to run the risk of new violations which would inevitably be committed by the armed forces of Portugal. Portugal had tacitly accused Senegal of giving refuge to Guinea nationalists and had described Senegal's action in that respect as constituting an act of belligerence. If that were so, Portugal would find itself in a state of war with all the countries of Africa and many others who might wish to give support and shelter to the nationalists of Angola, Guinea and Mozambique. However, leaving aside for the moment the larger implications of the Bougniack incident and confining itself to the actual fact of aggression in a precise locality, the Moroccan delegation could not but consider it truly a violation by Portugal of the territorial integrity of Senegal. The Council must, therefore, take appropriate action to meet that situation. It was for that reason that his delegation, together with that of Ghana, was submitting the following draft resolution (S/5292) :

"The Security Council,

"Deploring the incidents that have occurred near the frontier between Senegal and Portuguese Guinea,

"Noting with concern that the state of relations in this area between the two parties concerned may lead to tension on the occasion of any incident, and expressing the hope that such tension will be eliminated in accordance with the provisions of the Charter,

"Taking note of the declared intention of the Portuguese Government scrupulously to respect the sovereignty and territorial integrity of Senegal,

"1. Deplores any incursion by Portuguese military forces into Senegalese territory as well as the incident which occurred at Bougniack on 8 April;

"2. Requests the Government of Portugal, in accordance with its declared intentions, to take whatever action may be necessary to prevent any violation of Senegal's sovereignty and territorial integrity;

"3. Requests the Secretary-General to keep the development of the situation under review."

The representative of Morocco added that his delegation recognized that the above draft resolution (S/

5292) fell far short in adequately expressing the feelings and sentiment of the African States regarding Portuguese behaviour in Africa. In submitting it they had tried to secure a spirit of co-operation and unanimity among the members of the Council regarding a fundamental principle of the Charter. Any division of opinion on the issue would not only be prejudicial to the Council's authority, but would also have serious repercussions throughout Africa.

The representative of Ghana said that his delegation also realized that the draft resolution (S/5292) which it co-sponsored did not measure up to the seriousness of Senegal's complaint. There was serious tension on Senegal's borders due to Portugal's actions. Portugal had not denied the incident, but had sought to play it down. The representative of Ghana emphasized the third operative paragraph of the draft which requested the Secretary-General to keep the situation under review.

The representative of France stated that his delegation had not taken lightly the concern expressed by Senegal to which France was bound by close ties. However, that close sympathy did not prevent his delegation from examining the matter objectively. According to information available to it from different sources, the French delegation was certain that on 8 April an incident had taken place during which the village of Bougniack had been struck by bullets and at least one rocket fired by planes based in Portuguese Guinea. Indeed, there was really no contradiction between the facts as presented by Senegal and the information from Portuguese sources. However, the regrettable incident was not of such gravity as to threaten international peace. In such matters France considered that the broadest use should be made of the procedures mentioned in Article 33 of the Charter. Accordingly, the Portuguese proposal for a commission of investigation would not have been considered by his delegation inappropriate if the consent of Senegal had been obtained. Since the relations between the two Governments concerned had not made such an arrangement possible, the French delegation might give its support to the joint draft resolution (S/5292) before the Council.

At the 1033rd meeting of the Council on 24 April, the representative of Venezuela stated that the events mentioned in the Senegalese complaint, if considered in isolation, would not be of any great gravity, but because of their repetition and because they had occurred against the background of tension resulting from the colonial policies of Portugal, they had acquired a much greater significance. Incidents involving violation of the territory and air space of a country could not be ignored. Since diplomatic relations between the parties did not exist and there was tension between them, growing out of nationalist movements in Portuguese Guinea that had enlisted the sympathies of Senegal and other African States, it had not been possible to settle the present incident through bilateral talks. It was, therefore, up to the Council to consider the truth of the matter and make a decision. From statements before the Council and from information available from other sources, it was established that on 8 April Portugal had carried out manoeuvres on the border resulting in projectiles being dropped both in Portuguese Guinea and Senegal. Doubtless, the damage had been caused unwittingly, but because of the tension between the two countries such mistakes could give rise to serious conflict. It would, therefore, be

quite appropriate for the Security Council to deplore the events that had occurred and ask Portugal to take in future all necessary precautions to prevent a recurrence of those events.

The representative of the United States said that since the underlying cause of tension between Portugal and the States contiguous to Portuguese Guinea—the question of self-determination—was not likely to be resolved at present, the best course to pursue would be to help to reduce the current tension. The Council was primarily asked to deal with one specific incident. That incident had been presented against the background of previous similar problems in 1961. In all cases, the incidents were minor, and on some previous occasions, Portugal had acknowledged that unintentional violations had occurred and, having expressed regret, had reiterated its policy of respecting Senegalese sovereignty and showed a willingness to take measures to avoid further difficulties. The United States, therefore, did not believe that there was any evidence of a pattern of incursions into Senegalese territory.

While it was true that under Article 35 of the Charter a Member State could draw the attention of the Security Council to a dispute or situation similar to the one submitted by Senegal, the United States delegation believed that in circumstances like those of the present case the provisions of Article 33 should have been resorted to in the first instance. It therefore hoped that in the event of a recurrence of any such minor incidents, the parties concerned would use the measures provided by the Charter.

The representative of the United States then said that the geographical relationship between the two villages with the same name on both sides of the border and the configuration of the poorly demarcated border in that area were factors that had lent themselves to a high degree of risk of accidental violation during air operations. From the reports of witnesses and other evidence, it had, however, to be concluded that an incident along the lines as stated in the Senegalese complaint had in fact happened. The Portuguese statement before the Council, nevertheless, made it clear that no incursion had been intended and it also reaffirmed the policy of the Portuguese Government of scrupulously respecting the sovereignty and the territorial integrity of Senegal. The suggestions for impartial investigation, while presenting difficulties in modalities, had demonstrated moderation and good faith. Senegal had also expressed its desire to utilize peaceful approaches and the machinery of the Charter to help provide it with assurances against infringement of its territory. To the United States that was the proper and constructive approach. For that reason, the United States would support the joint draft resolution (S/5292) because it kept the incident concerned within an acceptable perspective, including recognition of Portugal's stated policy, and at the same time responded adequately to the complaint submitted to the Council by Senegal.

The representative of the United Kingdom stated that the Council had under discussion a complaint about an incident which was minor in itself but could lead to larger things. Size was not the only relevant question in assessing its importance. At the same time, it would be wrong to ignore the provisions of Article 33 of the Charter which emphasized the importance of direct negotiations. The United Kingdom delegation regretted that the parties had been unable to come together both

to establish the facts and to discuss how to prevent similar problems in the future. Since the Council was considering the case, it must first establish the facts and form an opinion on them and, secondly, see what could be done to remedy the situation and reduce the tension in the area. Although the evidence submitted to the Council was not complete and it was not possible to be entirely certain about all that had happened, Her Majesty's Government were inclined to accept that a minor incident had occurred on 8 April in the village of Bougniack in Senegalese territory. For that reason, the United Kingdom delegation could accept operative paragraph 1 of the joint draft resolution (S/5292). There was certainly nothing to show that the Bougniack incident had been an act of deliberate aggression. His delegation was inclined to the opinion that what had occurred was in all probability the result of a genuine error or miscalculation.

As for what the Council could recommend to ease the situation, it seemed to the United Kingdom delegation that the essential point in any problem regarding an ill-defined frontier should be to avoid scrupulously any trespass, incursion or action which could lead to a frontier incident. It therefore welcomed Portugal's assurances that it would respect the sovereignty and territorial integrity of Senegal and that the Portuguese forces had the strictest instructions to that effect. The United Kingdom delegation hoped that Portugal, as suggested in the draft resolution, would take all measures to prevent any incidents on its borders and felt sure that it could rely on Senegal to do the same. If, in the future, minor incidents were alleged to occur, then the two Governments could hold consultations with a view to taking preventive measures. This appeared to be the thought underlying the third preambular paragraph of the draft resolution. Portugal's offer to participate in a joint commission of enquiry was evidence of its willingness to propose ways of co-operating in settling the dispute. The United Kingdom delegation regretted that that offer was unacceptable to Senegal. However, looked at from the practical point of view, the fact remained that such a commission could only be useful with the agreement of both parties. Moreover, it was perhaps doubtful whether some time after that kind of event a commission would be able to add much to the Council's knowledge of the facts. The United Kingdom delegation considered that the joint draft resolution submitted by Morocco and Ghana was appropriate to the circumstances and would support it.

The representative of Norway said that in presenting its case Senegal had made it clear that it was concerned not only with the incident of 8 April and with previous incidents in December 1961 but also with the general tension on its borders. There was a fear that if that tension continued unabated, it might result in aggravating the situation at the border. Senegal had pointed out that it did not possess the requisite arms and equipment with which to patrol the border and prevent violations. The Norwegian delegation had sympathy and understanding for Senegal's position and hoped that the Security Council's action might ease the tension and relieve Senegal's expressed fears. In that respect, it also welcomed Portugal's assurances that the Portuguese armed forces had the strictest orders to respect scrupulously the sovereignty, the integrity and the air space of Senegal. In spite of the contrasting viewpoints submitted to the Council—a

frequent feature in cases of border disputes—it seemed to his delegation that it had clearly been brought out that there was tension along the border between Senegal and Portuguese Guinea and that a Portuguese incursion had taken place at the Senegalese village of Bougniack on 8 April. In the circumstances, it would be better for the Council to focus its attention on the preventive aspect of the matter and to take such steps as would alleviate the natural anxiety of Senegal. Inasmuch as the draft resolution submitted by Ghana and Morocco had those aims in mind, the Norwegian delegation welcomed it and believed that a Security Council resolution on those lines would go a long way towards preventing further episodes along the frontier, and that the request to the Secretary-General to keep the situation under review would have a particularly beneficial effect.

The representative of the Philippines said that while the Senegalese complaint involved also the question of the relationship between African States and Portugal, the Council at present was dealing with the dispute precipitated by the specific incident of 8 April. That incident showed that the air space and territory of a Member State had been violated which the Council must deplore. Although the present occasion was not one to examine the problem of Portuguese territories in Africa, the Philippine delegation took into account the larger issues involved in Senegal's complaint. It therefore particularly approved the inclusion in the joint draft resolution (S/5292) of operative paragraph 3 which requested the Secretary-General to keep the situation under review. The Philippine delegation also hoped that the Council's action would put an end to further incidents between the two countries and would help remove tensions between them.

The representative of Brazil stated that since the Council was confronted with diametrically opposed versions of the incident under its consideration, it was not in a position to take a decision on the substance of the complaint. If it were to do so, it would be necessary to make an impartial investigation of the case and then examine it in the light of those findings. It would, however, be quite proper for the Council to recommend that the parties resort to other means of peaceful settlement as set forth in Article 33 of the Charter. In the present case also, the Council must act in accordance with Chapter VI of the Charter. The Brazilian delegation would therefore support the joint draft resolution because it sought to confine itself to the issue at hand and was imbued with the spirit of Chapter VI of the Charter. Brazil, however, had one reservation related to the first operative paragraph, which was worded in a way that might be interpreted as representing a decision by the Council on the substantial aspects of the question. The Brazilian delegation would, therefore, ask for a separate vote on that paragraph so that it might abstain on it. Except for that reservation, it favoured the draft resolution as a whole.

The President, speaking as the representative of China, said that the statements by the parties concerned, although contradictory, had been made in good faith. Portugal, while admitting that some small-scale manoeuvres had taken place on 8 April, had denied that any overflight of Senegalese territory had taken place. As the representative of France had noted, however, Portugal might not have been able to verify the accidental impact of bullets and other projectiles on Senegalese territory. Thus each party was telling the

truth according to its own lights. In normal circumstances, such an incident might have been settled by direct negotiations but direct talks in the present case had been difficult because of the existing strained relations between the parties. It was, however, gratifying that no further incidents had occurred since 8 April. The fact that there had been no deterioration of the situation showed that Senegal had no intention of aggravating it. Similarly, it was also gratifying that Portugal had given assurances of fully respecting Senegal's sovereignty and territorial integrity. Since the draft resolution before the Council sought to effect an immediate relaxation of the existing tension, the Chinese delegation would vote in its favour.

Commenting on the joint draft resolution (S/5292), the representative of the Union of Soviet Socialist Republics said that the draft, as the sponsors had themselves pointed out, was indeed very weak. Its principal shortcoming lay in the fact that it did not reflect the whole essence of the situation that had been brought about by Portugal's numerous aggressive actions against Senegal. There was no direct condemnation of those actions, despite the fact that Senegal had furnished convincing evidence about them. The Soviet delegation was, however, aware of the desire of the African members of the Council, a desire which it shared and respected, to reach a generally acceptable solution of the question.

Despite its shortcomings the draft resolution clearly and unequivocally expressed a negative evaluation by the Security Council of the hostile actions of Portugal against Senegal. The Council was duty bound not to ignore the appeals of Senegal and other African States for a solution of the problem created by Portugal's actions.

In a further statement, the representative of Portugal reaffirmed his Government's stand that the results of its investigations carried out at different stages had made it impossible for it to accept responsibility for any incident alleged to have occurred in the village of Bougniack. There had been no over-flights of Senegalese territory, nor any bombing of any Senegalese villages or populations. It was alleged that there was a contradiction between the version of events issued from Lisbon and that given out at Bissau. That was not correct. Senegal had complained to the Security Council that an incident had taken place in the village of Bougniack on 9 April. The Portuguese Government at Lisbon issued a communiqué denying it, based on its investigation. Then the Portuguese authorities in Bissau also denying the Senegalese allegations, volunteered the information that military exercises had taken

place on 8 April and that in the course of those exercises, two soldiers of the Portuguese Army had been wounded. The Portuguese delegation failed to see any contradiction in that because the two statements referred to two different dates. In a skilful move, the Senegalese delegation had altered the date of the alleged incident from 9 to 8 April—and that only after seven days—and, basing itself on the statement of the authorities at Bissau, had argued that its complaint had been substantiated. In any case, Portugal had suggested a commission of inquiry in a spirit of good faith and with a desire to bring about conciliation in accordance with the provisions of Article 33 of the Charter. It was regrettable that the uncompromising attitude of Senegal had made the establishment of such a commission impossible. Instead, a resolution had been drafted which prejudged the main issue without even making an effort to appreciate the Portuguese side of the question. Much as the Portuguese delegation regretted that, it could not in fairness deny that the terms of the draft resolution reflected his Government's repeatedly declared policies based on respect for the sovereignty of Senegal and its desire for close co-operation.

Before the joint draft resolution (S/5292) was put to the vote, the representative of Morocco, as co-sponsor, appealed to the representative of Brazil not to press his delegation's request for a separate vote on operative paragraph 1 so that the Council might adopt the draft resolution unanimously. The representative of Brazil said that in view of that appeal his delegation would not press its request but noted that if a separate vote had taken place, the Brazilian delegation would have abstained on that paragraph.

Decision: *At the 1033rd meeting on 24 April 1963, the joint draft resolution submitted by Ghana and Morocco (S/5292) was adopted unanimously.*

After the vote, the representative of Senegal expressed his delegation's gratification at the unanimity of the Council's decision, although his Government would have preferred a formal condemnation of Portugal's aggression and a more concrete action on the part of the Council to meet it. However, the Council had clearly deplored the violation of Senegalese territory by Portugal and in particular, the incident which had occurred on 8 April 1963. Furthermore, the Council had implicitly condemned Portugal by asking that country to refrain from similar action. Senegal attached particular importance to the request made to the Secretary-General to keep the development of the situation under review.

Chapter 3

TELEGRAM DATED 5 MAY 1963 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF HAITI ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

A. Communications to the Council

In a letter dated 28 April 1963 (S/5301), the Secretary-General of the Organization of American States (OAS) informed the Security Council that the Council of the OAS had decided, in response to the request of the Government of Costa Rica, to convene a Meeting of Consultation of Ministers for Foreign Affairs to

study the situation which had arisen between the Dominican Republic and Haiti, and to constitute itself as the provisional Organ of Consultation, pursuant to Article 12 of the Inter-American Treaty of Reciprocal Assistance.

By a letter dated 3 May (S/5307), the Secretary-General of the OAS further informed the Security

Council that the Council of the OAS had appointed a Committee of five members to study on the spot the events denounced by the Dominican Republic, and that it had requested the Governments of the Dominican Republic and Haiti to refrain from any act which might result in a breach of international peace.

In a telegram dated 5 May (S/5302), the Minister for Foreign Affairs of the Republic of Haiti requested a meeting of the Security Council to examine as a matter of urgency the grave situation existing between Haiti and the Dominican Republic. Haiti maintained that the situation had been caused by the repeated threats of aggression and acts of interference on the part of the Dominican Republic which infringed upon the sovereignty and territorial integrity of Haiti and endangered international peace and security.

In a letter dated 6 May (S/5304), the Chairman of the Council of the OAS informed the President of the Security Council that the Council of the OAS was continuing to study the current dispute between the Dominican Republic and Haiti and that it had appealed to both Governments for their co-operation to bring about a peaceful settlement.

In a *note verbale* dated 6 May (S/5306), the Permanent Mission of the Dominican Republic transmitted to the Secretary-General of the United Nations the texts of a note which the Secretary of State for Foreign Affairs of the Dominican Republic had sent to the Foreign Minister of Haiti, and of a message sent by the President of the Dominican Republic to the Organization of American States. In these communications the Dominican Republic stated that it could not accede to the request of the Haitian Government for the withdrawal of the Dominican diplomatic mission until it had received from that Government the safe-conduct requested for the Haitian citizens who had taken refuge at the Dominican Embassy at Port-au-Prince, or guarantees permitting them to remain in Haiti under the protection of some friendly missions.

In a cable dated 7 May (S/5309), the Chairman of the OAS Council communicated to the Security Council the reply of the President of the Dominican Republic to his appeal of 6 May. The President had stated that his Government would have recourse to the use of force only in the event of continuation of the acts of aggression to which the Dominican Embassy in Haiti had been subjected.

B. Consideration at the 1035th to 1036th meetings (8 and 9 May 1963)

The Security Council included the item on its agenda at the 1035th meeting on 8 May. The representatives of Haiti and of the Dominican Republic were invited to participate in the discussion.

The representative of Haiti stated that the Government of the Dominican Republic had threatened Haiti with an invasion and had issued a twenty-four hour ultimatum on alleged violations of the Dominican Embassy at Port-au-Prince by the Haitian police. The aim of the hostile actions of the Dominican Government was to destroy Haitian institutions and to crush the undaunted determination of the Haitian people to defend their sovereignty and independence. He charged that the Government of the Dominican Republic had continued to give assistance to Haitian exiles, and that it had allowed them to engage in activities hostile to

the Government of Haiti in violation of the existing treaties between the two countries and of the principles governing the question of asylum in inter-American law. Moreover, the Dominican Embassy had given asylum to several Haitian military officers who had been permitted to retain machine guns and other weapons. One of the officers, Captain François Benoit, who had taken asylum on 23 April 1963, had been enabled to make an attempt on the lives of the children of President Duvalier, and had later returned safely to the Embassy. He reaffirmed his Government's faith in the peaceful settlement of disputes provided for in the United Nations Charter, and expressed the hope that the Security Council would take the necessary steps to safeguard peace in the Caribbean.

The representative of the Dominican Republic stated that the tension between his country and Haiti had been caused by the policies of President Duvalier who, in his desire to perpetuate himself in power, had kept his country in a state of terror and chaos. The attacks made by Haitian security forces against the Dominican Embassy at Port-au-Prince constituted undeniable acts of provocation and were the culmination of a series of irresponsible acts by which the Haitian Government was attempting to flout the dignity and challenge the sovereignty of the Dominican nation. The deployment of troops along the Dominican-Haitian border could not be considered an act of aggression. The troops had been deployed for purposes of legitimate defence and to prevent any military incursions into Dominican territory by Haitian forces. He stated that the dispute between the two countries was under consideration by the Organization of American States, which, as the proper organization to deal with the matter, had already taken steps with a view to finding a solution of the problem. He pointed out that Article 52 of the United Nations Charter implemented the principles set forth in Articles 33 and 36 of the Charter to the effect that in the solution of international problems the peaceful means chosen by the parties were to be paramount and that the Security Council should take into consideration any procedures for the settlement of the dispute which had already been adopted by the parties. He trusted, therefore, that the Security Council would suspend its consideration of the question and leave it in the hands of the OAS.

At its 1036th meeting on 9 May, the President of the Security Council drew attention to the text of a resolution which had been transmitted to the Council by the Secretary-General of the OAS (S/5312). Under the resolution, the Council of the OAS made a further appeal to the two Governments to continue their valuable co-operation and refrain from any act incompatible with the obligations imposed by the Charter of the OAS, and it authorized the Chairman of the Council of the OAS to increase, if necessary, the membership of the fact-finding Committee.

At the same meeting, the representative of Haiti denied that there had been any violation of the Dominican Embassy in Haiti and stated that Haitian sentries guarded the Embassy at the request of the Chief of the Dominican Mission. His Government had already granted safe conduct and passports to fifteen exiles in the Dominican Embassy, and to the exiles in other Latin American Embassies. The arguments advanced by the representative of the Dominican Republic were only pretexts for striking a mortal blow at Haiti. His country, therefore, was within its rights

in having appealed to the Security Council under Articles 34 and 35 of the Charter. However, if the Council considered that, in spite of the gravity of the situation, it should await the results of the peace mission of the OAS, Haiti would agree, provided the Security Council remained seized of the question and resumed consideration of it whenever necessary.

The representative of the Dominican Republic stated that Haiti's appeal to the Security Council was intended only to distract attention from Haiti's internal situation. He felt that the OAS should continue to deal with the question and expressed the hope that the measures it would adopt would be effective in re-establishing harmony between the two nations.

The representative of Venezuela observed that both Haiti and the Dominican Republic were bound by Article 20 of the Charter of Bogota (OAS) which provided for peaceful settlement of disputes and was in accord with Article 52 (2) of the United Nations Charter. Under Article 102 of the Charter of Bogota and Article 52 (4) of the United Nations Charter any member States of the OAS had the right to bring a regional controversy to the Security Council, but it was logical that action by the Security Council should take place only when efforts for a peaceful settlement of the conflict at the regional level had failed. Any other interpretation would render meaningless Article 20 of the Charter of Bogota as well as paragraph 2 of Article 52 of the United Nations Charter. In the opinion of his delegation, therefore, the proper course for the Security Council to follow would be to recognize the action taken by the OAS in the case, and to keep the matter before that Organization in accordance with Article 52 (3) of the Charter.

The representative of Brazil stated that his delegation had no doubts whatsoever that the Security Council, under Articles 24, 34, 35, 52 (4) and 103 of the United Nations Charter, was competent to deal with a matter which was already under the consideration of the OAS. Furthermore, Article 20 of the Charter of Bogota should be interpreted in the light of Article 102 of the same Charter which stated that none of the provisions of that Charter should be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations. Article 20 of the Charter of Bogota did not stipulate that a Member State should await action by the regional organization, but only that the dispute should be settled through one of the methods envisaged in the Charter of the OAS. Moreover, Article 36 of the United Nations Charter authorized the Security Council to take up at any time any dispute of the nature referred to in Article 33 of the same Charter. In the view of his delegation, the Charter of the United Nations did not deprive a member of the OAS of the right of requesting the Security Council to consider any matter within its competence at any time. In fact, a country which was a member of both the OAS and of the United Nations was highly privileged to use two different bodies to expedite the settlement of disputes. The tension between Haiti and the Dominican Republic stemmed from a controversy over the right of asylum, a typically Latin American institution which had taken root in Latin American international law because of particular political and social conditions prevailing in the region. For that reason, and having taken into account Article 36 (2) and Article 52 (3) of the United Nations Charter, his delegation considered that, at the

present stage, the question could be satisfactorily settled by the Council of the OAS which, at the request of both parties concerned, had already taken steps to restore peace and harmony in the area.

The representative of Ghana said that his delegation fully agreed with the views expressed by the representative of Brazil concerning the competence of the Security Council. Article 52 (4) made it clear that any member of a regional organization which harboured a legitimate grievance had an absolute right to come before the Council.

The explosive nature of the tension between Haiti and the Dominican Republic had been made clear by the statements of the representatives of those countries. In that connexion, he said that his Government had always maintained that the political complexion of a government was a matter for the people of that country to decide; the complexion of the present régime of Haiti could not be an issue before the Security Council. There was a genuine fear on the part of Haiti of an invasion from the Dominican Republic. In that situation it was encouraging to note that both parties were willing to resolve their differences by peaceful means and had pledged their full support to the OAS. However the action by the regional organization should not prejudice the ultimate responsibility of the Security Council to maintain international peace and security. He proposed that the Council should: (1) formally appeal to Haiti and the Dominican Republic to resort to peaceful means to settle their differences; (2) exhort the OAS, in conformity with Article 52 of the Charter, to continue its efforts towards a solution of the problem; (3) allow the item to remain in its agenda; and, (4) request that the results of the negotiations be communicated to the President of the Security Council and to the Secretary-General.

The representative of the Union of Soviet Socialist Republics stated that the tense situation created in the island of Hispaniola and the character of the events which were taking place in the area were a danger to peace and security and made it necessary for the Council to deal with the problem and to take concrete measures. The argument that the question was being considered by the OAS and that therefore the Security Council need not deal with the matter could not withstand criticism from a legal point of view. The Charter of the United Nations and the responsibilities of its Members had priority over the Charter and responsibilities of any regional organization, in particular the OAS. Regional agreements under the United Nations Charter were permissible and effective only to the extent to which they were compatible with the principles and purposes of the Organization. They could not, and should not, be a hindrance to the rights and obligations of the Organization. The practice of the Security Council and other organs of the United Nations also showed that the United Nations had on numerous occasions considered questions which had arisen in countries within the sphere of the OAS, irrespective of whether the question had or had not been examined by the regional organization.

The question before the Council was not one of sympathy or antipathy for any particular régime, but one of relations between States. The danger of the situation in the island of Hispaniola lay not only in the attitude of the Dominican Government in regard to the Duvalier régime but also in the actions of the United States which, as press reports showed, was

openly interfering in the situation. The appearance of the United States Navy on the shores of Haiti, he said, was to dictate to that country in what direction its political life was to proceed. The United States was again attempting to practice its gunboat diplomacy in the area.

The Soviet delegation considered that the Security Council should call upon the Dominican Republic, Haiti and the United States to refrain from further actions which might increase tension in the area; call for the immediate withdrawal of all land, sea and air forces from the shores of Hispaniola, and for the immediate cessation of all foreign interference in the internal affairs of Haiti.

The representative of the United States regretted that the Soviet representative had introduced the "cold war", with its familiar and baseless accusations, into the Council's debate.

While the provisions of Articles 52 (2) and (3) and 33 of the United Nations Charter and of Article 20 of the Charter of Bogota did not, of course, derogate from the responsibilities of the Security Council under the Charter, they did prescribe the procedures and priorities under which local disputes would normally be dealt with. The United States, he added, strongly believed that the proper agency for action in this particular situation was the OAS, especially since that organization had taken prompt and effective measures to restore peace in the area. In that connexion, he noted with pleasure the responses of the parties to the appeals sent by the Chairman of the Council of the OAS.

The representative of Norway stated that his delegation had been guided by the fact that the Charter of the United Nations encouraged the use of regional organizations to settle local disputes. Moreover, the origin of the dispute in question involved the right of asylum. The agreements and doctrines on this subject were unique, and were principally limited to the area of the OAS. Consequently, the course which offered the best prospects for a peaceful settlement lay in the procedures initiated by the OAS. He expressed the hope that the OAS would be successful in its efforts and that the parties concerned would restrain themselves in words and actions in order to facilitate the work of the OAS.

The representative of the Philippines said that in the light of the important diplomatic activity undertaken by the OAS, and considering the provisions of Articles 33, 52 and 54 of the United Nations Charter which were relevant to the present case, his delegation believed that the OAS should continue to seek a peaceful settlement of the dispute between the Dominican Republic and Haiti, which was grave enough to constitute a serious threat to peace and security in the Caribbean.

The representative of China, expressing similar views, said that it would be wise for the Security Council to await the results of the action undertaken by the regional organization before taking measures of its own. It was incumbent upon the Security Council, he said, to encourage the pacific settlement of local disputes through regional agencies as envisaged in Article 52 of the United Nations Charter. That did not prejudice in any way the position of either party to

the dispute or the continuing concern of the Security Council in the matter.

The representative of Morocco supported the view that the Security Council had full competence to take up the matter. By Latin American tradition, in fact, it was the Council, which under international law, took precedence in dealing with the matter. Haiti as a Member of the United Nations and of the OAS had considered its dual membership as an enrichment and not as a restriction of its rights, and had accordingly brought the matter to the Security Council. In a spirit of conciliation the representative of Haiti had now agreed that the question should continue to be dealt with by the OAS, but had reserved the right to return to the Council if necessary. The Council should remain seized of the matter, leaving it to the OAS for the time being.

The representative of the United Kingdom welcomed the procedures initiated by the OAS for a peaceful settlement of the dispute, which were in accordance with the United Nations Charter and should be allowed to continue without any impediment. In view of the lessening of tensions in the area and the co-operation given the OAS by the parties concerned, it would be superfluous, he thought, for the Security Council to intervene at that hopeful stage of developments.

The President, speaking as the representative of France, stated that in the present case the applicability of Article 52 could not validly be questioned. He shared the view of the majority of the Council members that at the present juncture the Security Council should ensure that it did not hamper the action of the OAS.

Speaking as President, he noted that the majority of members felt it preferable, for the present, to leave the initiative to the regional organization which was trying to bring about an amicable settlement. The two parties had indicated that they saw no objection to that procedure. The question would remain on the agenda of the Council.

C. Communications received after 9 May

In a cable dated 14 May 1963 (S/5314), the Minister for Foreign Affairs of Haiti informed the President of the Security Council that Dominican troops were still deployed on the Dominican-Haitian frontier by order of the President of the Dominican Republic, and that they represented a continued threat of aggression and a flagrant violation of the principles underlying the conciliation procedures which had already been started by the OAS.

In a letter dated 17 May (S/5315) addressed to the President of the Security Council, the Permanent Representative of the Dominican Republic denied that the Dominican troops had any aggressive designs against Haiti as alleged by the Haitian communication of 14 May. The Dominican Government, he stated, desired to arrive at a peaceful settlement of the crisis and had shown by its willingness to co-operate with the OAS an attitude which was in contrast with the reluctance of the Haitian Government to provide that organization with the means to carry out its work of conciliation.

REPORTS BY THE SECRETARY-GENERAL TO THE SECURITY COUNCIL CONCERNING DEVELOPMENTS RELATING TO YEMEN

A. Reports by the Secretary-General

On 29 April 1963, the Secretary-General reported to the Security Council (S/5298) that since the fall of 1962 he had been consulting regularly with the representatives of the Governments of the Arab Republic of Yemen, Saudi Arabia and the United Arab Republic concerning certain aspects of the situation in Yemen of external origin, with a view to making his office available to the parties for such assistance as might be desired towards ensuring against any developments in that situation which might threaten the peace of the area. As a result of a fact-finding mission in the area carried out on his behalf by Mr. Bunche, after clearance with the Governments concerned, and an independent but similar mission by Mr. Ellsworth Bunker of the United States of America, he had received from each of the three Governments concerned, in separate communications, formal confirmation of their acceptance of identical terms of disengagement in Yemen.

The Government of Saudi Arabia would terminate all support and aid to the Royalists of Yemen and would prohibit the use of Saudi Arabian territory by Royalist leaders for the purpose of carrying on the struggle in Yemen. Simultaneously, the United Arab Republic undertook to begin withdrawal from Yemen of the troops sent on request of the new Government, the withdrawal to be phased and to take place as soon as possible. There would be an end to any actions on Saudi Arabian territory by forces of the United Arab Republic. A demilitarized zone was to be established to a distance of twenty kilometres on each side of the Saudi Arabian-Yemen border, and impartial observers were to be stationed there to check on the observance of the terms of disengagement. They would also certify the suspension of activities in support of the Royalists from Saudi Arabian territory and the outward movement of the United Arab Republic forces and equipment from the airports and seaports of Yemen. General Von Horn was to visit the three countries concerned to consult on terms relating to the nature and functioning of United Nations observers in implementation of the terms of disengagement. As to the financing of any such activity by the United Nations, the Secretary-General reported that he had it in mind to proceed under the provisions of resolution 1862 (XVII) concerning unforeseen and extraordinary expenses.

In a further report submitted on 27 May (S/5321), the Secretary-General concluded, on the basis of information provided by General Von Horn, that United Nations observers in the area were vitally necessary and should be dispatched with the least possible delay. The personnel required would not exceed 200 and it was estimated that the observation function would not be required for more than four months. On 3 June the Secretary-General reported to the Security Council (S/5323) on the estimated costs of the mission. On 7 June, the Secretary-General informed the Council (S/5325) that Saudi Arabia had agreed to accept "a proportionate share" of the costs of the operation, while the United Arab Republic agreed in principle to provide assistance in an amount equivalent to \$200,000

for a period of two months, which would be roughly half of the cost of the operation over that period. It was not precluded, of course, that an appeal to the Government of the United Arab Republic for additional assistance could be made at the end of two months, should it be found necessary to extend the operation beyond that period. There were therefore no financial implications for the United Nations in getting the Yemen Observation Mission established and the operation under way, or for its maintenance for an initial period of two months.

B. Consideration at the 1037th to 1039th meetings (10-11 June 1963)

In a letter dated 8 June (S/5326), the representative of the USSR requested the convening of the Security Council to consider the reports of the Secretary-General, since those reports contained proposals concerning possible measures by the United Nations to maintain international peace and security, on which, under the Charter, decisions are taken by the Security Council.

The Security Council considered the question at its 1037th to 1039th meetings, held on 10 and 11 June 1963.

At its 1037th meeting on 10 June the Secretary-General stated that his four reports indicated his conception of a United Nations observation function which might be taken in fulfilment of the agreed terms of disengagement. There were at this time no financial implications for the United Nations in view of the fact that Saudi Arabia and the United Arab Republic had agreed to defraying the expense of the operation for two months. Reports, he concluded, underscored a growing urgency for the operation.

At the 1038th meeting on 11 June, the Secretary-General stated that he had the firm impression that everyone, including the parties concerned, agreed that the United Nations observation function should be provided. He was prepared to commence the operation immediately. It would be a modest mission whose duration should not exceed four months, and it could be concluded in two. If more than two months should be required, he would report this fact to the Council in advance. He concluded his remarks with the warning that the agreement on the terms of disengagement might be jeopardized if the United Nations observation personnel were not on the spot.

At the same meeting the representative of the USSR declared that there had been foreign interference in the domestic affairs of the Republic of Yemen. It was natural that in those circumstances the Government of Yemen, in accordance with the right of self-defence, had taken military action in order to protect its independence. The consultations mentioned in the report of the Secretary-General showed that the Governments of the United Arab Republic and Yemen were trying to settle the conflict between Yemen and Saudi Arabia through peaceful means. The agreement reached among the three parties concerned had precisely that aim and could only be welcomed. However, that aspect of the

agreement involving the sending of United Nations observers required some observations since it affected the entire problem of United Nations action in the maintenance of international peace and security.

Recent years had shown, he continued, that the despatch of United Nations forces was a method used by the imperialist Powers to establish their own control over specific regions. Therefore it was essential to point out that the most effective safeguard against the continuation or renewal of aggression on the part of any one consisted in measures aimed at resolutely bridling the aggressor, and not in the deployment of United Nations forces or observers on the borders between a foreign aggressor and its victim. In view of the fact, however, that in the present case the Governments of the UAR and Yemen considered that the despatch of United Nations observers to the border area between Yemen and Saudi Arabia might prevent further hostile actions against Yemen, the USSR delegation would not object to a decision by the Security Council—the only organ competent to take decisions relating to United Nations action for the maintenance of international peace and security—to the effect that a limited number of observers be sent to the region for a two-month period. As regards the expenses arising from the operation, which were listed in the estimates submitted to the Security Council by the Secretary-General, the Soviet Union still held the view that the cost of eliminating the consequences of aggression should be borne by the aggressor. Since, however, the parties concerned had agreed to pay the expenses of the observation mission and since the United Nations would have no financial obligations in that connexion, there was no reason to believe objections would be advanced.

The representative of Morocco introduced a draft resolution, co-sponsored by Ghana and Morocco (S/5330), which read as follows:

“The Security Council,

“Noting with satisfaction the initiative of the Secretary-General as mentioned in his report S/5298 ‘about certain aspects of the situation in Yemen of external origin’, and aimed at achievement of a peaceful settlement and ‘ensuring against any developments in that situation which might threaten the peace of the area’,

“Noting further the statement by the Secretary-General before the Security Council on 10 June 1963,

“Noting further with satisfaction that the parties directly concerned with the situation affecting Yemen have confirmed their acceptance of identical terms of disengagement in Yemen, and that the Governments of Saudi Arabia and the United Arab Republic have agreed to defray the expenses over a period of two months of the United Nations observation function called for in the terms of disengagement,

“1. Requests the Secretary-General to establish the observation operation as defined by him;

“2. Urges the parties concerned to observe fully the terms of disengagement reported in document S/5298 and to refrain from any action which would increase tension in the area;

“3. Requests the Secretary-General to report to the Security Council on the implementation of this decision.”

The representative of Morocco explained that the draft resolution was intended to define precisely the framework which would make United Nations action legal and allow it to assume responsibility in the conflict which threatened international peace and security. He emphasized that the draft resolution must not be considered as a precedent, either from the political point of view as far as solutions to problems were concerned, or as regards the financial aspects of the situation. The crisis in Yemen could be described as *sui generis* and any solution must also be of a *sui generis* nature. The elements of the solution could not, he believed, change or amend or hamper the principles of the Charter regarding the definition of solutions, finances and measures which the United Nations might have to adopt in order to ensure international peace and security.

At the 1039th meeting the representative of the United Kingdom stated that the policy of his country had been one of strict non-involvement and non-interference, its sole interest being to see stability restored to Yemen and to prevent the conflict from spreading. He added that the new mission undertaken by the Organization was consistent with the peace-keeping duties laid upon it by the Charter and would contribute to the peace of Yemen and to the stability of the Near East.

Decision: *The joint draft resolution (S/5330) was adopted by 10 votes to none, with 1 abstention (USSR) (S/5331).*

The representative of the United States stated that it had been his Government's hope that the Secretary-General might have proceeded promptly and without objection, on the basis of his reports, to the despatch of the requested observation mission. Although the delay was unfortunate in view of the great urgency of the planned disengagement, the resolution adopted was generally satisfactory. He emphasized, however, that the disengagement between the parties involved placed no limit upon the duration of the United Nations operation to two months or any other time. The reference to two months arose solely because of the presently agreed financing arrangements but without prejudice to the manner of financing thereafter if a longer operation should prove necessary. As to the financing of the operation, it was proper, in his opinion, that the resolution made no provision therefor and merely noted the agreement of the parties to pay the costs for a limited time.

The representative of the USSR stated that the resolution just adopted did not fully meet the needs of the situation and therefore would not seem to be adequate. First of all, the resolution contained no direct indication as to the specific time interval during which the observation mission would operate. It was evident from the Secretary-General's statement at the Security Council meeting on 10 July, however, that it was intended to send the observers for a specific, limited period. If the mission was to remain in the border region between Saudi Arabia and Yemen after two months had elapsed, that question, he emphasized, must be considered at that time by the Security Council and a corresponding decision must be taken. Referring to the significance from the financial point of view of the duration of the mission, the representative of the Soviet Union said that, although the Security Council had in essence considered the question of the sources of finance for the operation, because the Secretary-

General had submitted financial estimates to it and also because it had taken note of the Secretary-General's statement that all the expenditure in question would be borne by the parties concerned, the facts relating to the sources of financing the operation were not duly reflected in the resolution. He stressed that the Soviet delegation had consistently adhered to the position that the Security Council, in keeping with the letter and spirit of the Charter, must adopt decisions connected with actions on behalf of the United Nations for the maintenance of international peace and security only when all aspects of the case, including the material and financial circumstances involved in the implementation of the decisions of the Council, were taken into account.

Explaining his support of the resolution, the representative of Brazil said that it had the merit of not establishing as a *cas d'espèce* controversial principles, a fact that had advantages for the Organization in its present situation, and at the same time maintained the confidence of Member States in the efficacy of the United Nations.

The representative of the Philippines stated that, as the representative of Morocco had said, this was a unique situation calling for a unique solution and that it should not, therefore, be considered as a precedent, particularly with regard to the assumption that only the Security Council could authorize peace-keeping operations or that it was the only body that could initiate action to keep the peace.

The representative of France stated that the financing of the operation constituted an important aspect of the problem on which the Security Council was competent to pronounce itself. If the observation mission were to be prolonged beyond two months, the period for which the decision of the Security Council was valid, and if the expenses paid by the parties were no longer to be defrayed by them, the Council would be obliged to reconsider the problem.

The representative of China explained that his delegation voted in favour of the resolution because it believed that the resolution would have the Council

see to it that the agreement between the parties was speedily and fully carried out and that all elements of external origin, wherever they might have come from, were removed from the civil strife in Yemen with the least possible delay.

The representative of Ghana emphasized that if the observation team had to continue its efforts after the two-month period, then the Security Council would have to approve of further action in the area.

C. Developments subsequent to consideration by the Council

In a letter to the Secretary-General dated 17 June (S/5333), the representative of Saudi Arabia reported that on 6 and 8 June Egyptian war-planes had carried out raids on Saudi Arabian territory, inflicting loss of life and constituting a violation of international law and of the Charter. His Government's self-restraint should not be misconstrued as a sign of weakness. It was because of Saudi Arabia's deep desire for peace that his Government relied on the Secretary-General to ensure that the recent agreement with reference to Yemen should be implemented in good faith.

In a reply to the Secretary-General on 20 June (S/5336), the representative of the United Arab Republic stated that at the request of the Yemen Arab Republic, his country had placed military forces at the disposal of the Yemeni Supreme Command, in accordance with the Mutual Defence Pact concluded between the two Governments, to repel foreign aggression against Yemen. Saudi Arabia had been found to be engaged in playing a predominant role in the aggression. The Governments of the Yemen Arab Republic and the United Arab Republic had in good faith accepted the terms of disengagement providing for a United Nations observation mission whose main aim was the termination of outside military intervention against Yemen. Therefore the Government of Saudi Arabia should be the last to protest; offensive action against a peaceful people was a violation of the Charter and a threat to international peace and security.

Part II

OTHER MATTERS CONSIDERED BY THE COUNCIL

Chapter 5

ADMISSION OF NEW MEMBERS

A. Application of the Republic of Rwanda

In letters dated 27 June 1962 (S/5137) and 1 July 1962 (S/5137/Add.1) the Minister for Foreign Affairs of the Republic of Rwanda and in a telegram dated 2 July 1962 (S/5137/Add.2) the President of the Republic of Rwanda submitted the application of the Republic of Rwanda for admission to membership in the United Nations. They declared that the Republic of Rwanda undertook to accept without reservation the obligations contained in the Charter.

In a letter dated 19 July 1962 (S/5146) the representative of Belgium supported the application and requested permission to participate in the consideration of the item.

The item was considered by the Security Council at its 1017th meeting on 26 July. The President, with the consent of the Council, invited the representative of Belgium to participate in the discussion.

The following draft resolution was submitted by France, Ghana, Ireland, the United Arab Republic and Venezuela (S/5147):

"The Security Council,

"Having examined the application of the Republic of Rwanda for admission to the United Nations,

"Recommends to the General Assembly to admit the Republic of Rwanda to membership of the United Nations."

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 France, Ghana, Ireland, the United Arab Republic and Venezuela was adopted unanimously (S/5149).*

B. Application of the Kingdom of Burundi

In a telegram and a letter dated 4 July 1962 (S/5139 and Add.1) the Prime Minister of the Kingdom of Burundi submitted the application of the Kingdom of Burundi for admission to membership in the United Nations, together with a declaration of acceptance of the obligations contained in the Charter.

In letter dated 19 July 1962 (S/5146) the representative of Belgium supported the application and requested permission to participate in the consideration of the item.

The Security Council considered the application of the Kingdom of Burundi at its 1017th meeting on 26 July. The President, with the consent of the Coun-

cil invited the representative of Belgium to participate in the discussion.

The following draft resolution was submitted by France, Ghana, Ireland, the United Arab Republic and Venezuela (S/5148):

"The Security Council,

"Having examined the application of the Kingdom of Burundi for admission to the United Nations,

"Recommends to the General Assembly to admit the Kingdom of Burundi to membership of the United Nations."

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 France, Ghana, Ireland, the United Arab Republic and Venezuela was adopted unanimously (S/5150).*

C. Application of Jamaica

In a telegram dated 6 August 1962 (S/5154) the Prime Minister and Minister of External Affairs of Jamaica submitted the application of Jamaica for admission to membership in the United Nations. He declared that Jamaica undertook to accept without reservation the obligations contained in the Charter.

The application was considered by the Security Council at its 1018th meeting on 12 September. The following draft resolution was submitted by Ghana and the United Kingdom (S/5164):

"The Security Council,

"Having examined the application of Jamaica for admission to the United Nations,

"Recommends to the General Assembly to admit Jamaica to membership of the United Nations."

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

Decision: *The draft resolution submitted by Ghana and the United Kingdom was adopted unanimously (S/5166).*

D. Application of the State of Trinidad and Tobago

In telegrams dated 6 and 8 September 1962 (S/5162 and Add.1) the Prime Minister and Minister of External Affairs of the State of Trinidad and Tobago submitted the application of Trinidad and Tobago for admission to membership in the United Nations. He declared that the State of Trinidad and Tobago under-

took to accept without reservation the obligations contained in the Charter.

The application was considered by the Security Council at its 1018th meeting on 12 September. The following draft resolution was submitted by Ghana and the United Kingdom (S/5165):

"The Security Council,

"Having examined the application of the State of Trinidad and Tobago for admission to the United Nations,

"Recommends to the General Assembly to admit the State of Trinidad and Tobago to membership of the United Nations."

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

Decision: *The draft resolution submitted by Ghana and the United Kingdom was adopted unanimously (S/5167).*

E. Application of the Democratic and Popular Republic of Algeria

In a telegram dated 30 September 1962 (S/5172/Rev.1) the Head of Government of the Democratic and Popular Republic of Algeria submitted the application of the Democratic and Popular Republic of Algeria for admission to membership in the United Nations. He declared that the Democratic and Popular Republic of Algeria undertook to accept without reservation the obligations contained in the Charter.

The application was considered by the Security Council at its 1020th meeting on 4 October. The following draft resolution was submitted by Chile, France, Ghana, Ireland, Romania, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom, the United States of America and Venezuela (S/5173):

"The Security Council,

"Having examined the application of the Democratic and Popular Republic of Algeria for admission to the United Nations,

"Recommends to the General Assembly to admit the Democratic and Popular Republic of Algeria to membership of the United Nations."

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

Decision: *The draft resolution submitted by Chile, France, Ghana, Ireland, Romania, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom, the United States of America and Venezuela was adopted by 10 votes to none, with 1 abstention (China) (S/5174).*

F. Application of Uganda

In a telegram dated 9 October 1962 (S/5176) the Prime Minister of Uganda submitted the application of Uganda for admission to membership in the United Nations. He declared that Uganda undertook to accept

without reservation the obligations contained in the Charter.

The application was considered by the Security Council at its 1021st meeting on 15 October. The following draft resolution was submitted by Ghana, the United Arab Republic and the United Kingdom (S/5177):

"The Security Council,

"Having examined the application of Uganda for admission to the United Nations,

Recommends to the General Assembly to admit Uganda to membership of the United Nations."

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

Decision: *The draft resolution submitted by Ghana, the United Arab Republic and the United Kingdom was adopted unanimously (S/5179 and Corr.1).*

G. Application of Kuwait

In a letter dated 20 April 1963 (S/5294) the Minister for Foreign Affairs of Kuwait requested reconsideration by the Security Council at an early meeting of the application of Kuwait submitted on 30 June 1961 (S/4852).

At its 1034th meeting on 7 May 1963, the Security Council considered the application and invited the representative of Iraq, pursuant to his request (S/5305), to participate, without vote, in the discussion.

The representative of Iraq expressed the conviction that postponement of consideration of the application would have provided an opportunity to settle the problem in conformity with his Government's policy of a peaceful solution. His Government had no alternative but to declare unequivocally its reservations regarding any decision to be taken and to state that it reaffirmed its legitimate rights and would never allow anything to affect the historical ties with Kuwait and its people.

The Council then agreed to the request of the representative of Kuwait for permission to give the views of his Government on some of the matters raised by the representative of Iraq. The representative of Kuwait declared that his Government felt that there was no justification for any postponement and that the overwhelming majority of the United Nations shared his Government's belief that there was no problem between Kuwait and Iraq. His Government had demonstrated, in the exchanges that had taken place with members of the new régime in Iraq, its willingness and desire to see an end to this so-called "claim" by Iraq which his Government did not accept.

Following statements by all the members of the Council, the President drew the conclusion that the Council unanimously recommended the admission of Kuwait to membership in the United Nations, and read out the text of a letter to the Secretary-General requesting him to inform the General Assembly of the Council's recommendation.

Decision: *The Council approved the President's statement without objection.*

RECOMMENDATION FOR THE APPOINTMENT OF THE SECRETARY-GENERAL OF THE UNITED NATIONS

On 3 November 1961, the General Assembly, acting in accordance with the recommendation of the Security Council, had appointed His Excellency U Thant as Acting Secretary-General of the United Nations for a term of office expiring 10 April 1963. Accordingly, an item entitled "Appointment of the Secretary-General of the United Nations" was placed on the agenda of the seventeenth session of the General Assembly. In accordance with Article 97 of the Charter, the Secretary-General is appointed by the Assembly upon the recommendation of the Security Council.

At its 1026th meeting held in private on 30 November 1962, the Security Council took up the question of such a recommendation and unanimously decided to recommend to the General Assembly the appointment of U Thant as Secretary-General of the United Nations for a term expiring on 3 November 1966. On the same day, the President of the Council informed the President of the General Assembly of the Council's recommendation.

Part III

THE MILITARY STAFF COMMITTEE

Chapter 7

WORK OF THE MILITARY STAFF COMMITTEE

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

Part IV

MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT DISCUSSED IN THE COUNCIL DURING THE PERIOD COVERED

Chapter 8

COMMUNICATIONS RELATING TO THE PALESTINE QUESTION

A. Communications from Jordan and Israel regarding the construction of Salt Pans

In a letter dated 20 July 1962 (S/5144), the representative of the Hashemite Kingdom of Jordan complained against Israel for having constructed Salt Pans across the Jordan-Israel Armistice Demarcation Line on the Jordanian soil to the south of the Dead Sea, thus constituting a breach of the General Armistice Agreement. The letter referred to the resolution of the Mixed Armistice Agreement of 12 December 1961, which had called on Israel to stop the use of and the work on the Salt Pans which fell across the Demarcation Line on the Jordan side. The Israel authorities, the letter added, had not shown any willingness to abide by that resolution.

In reply, in a letter dated 1 August (S/5152), the representative of Israel stated that the allegation of Jordan was unfounded since the international boundary had never been demarcated and since the location and operation of the Salt Pans had not been contested by Jordan for six years after withdrawal of its 1954 complaint in 1955. Israel had informed Jordan and the Secretary-General, he added, that it was prepared to co-operate in a joint demarcation of the boundary in order to enable Jordan to implement its own plans for the extraction of minerals south of the Dead Sea.

B. Communications from Israel and the Syrian Arab Republic

In a letter dated 11 March 1963 (S/5258), the acting representative of the Syrian Arab Republic complained against a series of aggressive acts committed by Israel between 24 January and 3 March 1963 along the Armistice lines and particularly along the eastern and north-eastern shores of Lake Tiberias. The letter said that these Israeli incursions and provocations constituted a grave danger to peace in the area and were a violation of the terms of the Armistice Agreement.

In reply, the representative of Israel, in a *note verbale* dated 15 March (S/5261), denied the Syrian allegations and listed incidents on the Lake in Israel territory which had been the subject of complaints to the Mixed Armistice Commission between 4 January and 14 March. The situation was disturbing but entirely due to Syrian violations of the General Armistice Agreement since a series of decisions of the Mixed Armistice Commission had confirmed that any access

to the Lake from the Syrian side constituted a violation of the Agreement. Responsibility for constant harassment of Israel civilian activities on Lake Tiberias and illegal incursions across the Armistice Demarcation Line rested squarely on the Syrian Government.

In a letter dated 10 June (S/5329), the representative of the Syrian Arab Republic informed the Council that on 9 June, in violation of the General Armistice Agreement, an Israel gunboat had approached the eastern shore of the Sea of Galilee and opened fire on Syrian positions and that Israel jets had attacked the Syrian village of El Douga with machine guns and rockets.

In reply, the representative of Israel, in a letter dated 11 June (S/5332), stated that on 9 June an Israel police launch had returned fire from Syrian army positions overlooking the eastern shore of Lake Tiberias and denied that Israel planes had attacked El Douga with machine guns and rockets. Syrian gun positions were now reverting to the practice of shooting at routine Israel police launches and at Israel farmers in order to disrupt Israel civilian activities in the border area and ultimately to try to establish Syrian territorial control beyond the borders of Syria. These acts were in violation of the General Armistice Agreement.

C. Other communications

In a letter dated 29 April 1963 (S/5297), the representative of Israel drew the attention of the Security Council to the joint declaration of 17 April 1963 by the United Arab Republic, the Syrian Arab Republic and Iraq on the establishment of a Federation between these three States which called for the "liberation of Palestine". Such a declaration was incompatible with the obligation of all Members of the United Nations to refrain from the threat or use of force against the territorial integrity or political independence of any State.

In reply, the representatives of Iraq, the Syrian Arab Republic and the United Arab Republic, in a letter dated 1 May (S/5300), said that the joint declaration of 17 April 1963 reiterated and reaffirmed the views of their Governments which they had expressed, separately and jointly, in the United Nations and elsewhere, that the rights of the Palestinian people should be fully safeguarded. In raising the question now, Israel was in fact covering up for possible military action against the Arab States.

COMMUNICATIONS RELATING TO THE ITEM: "LETTER DATED 13 JULY 1960 FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL"

On 20 August 1962 a report to the Secretary-General by the Officer-in-Charge of ONUC on developments relating to the application of the Security Council resolutions of 21 February and 24 November 1961 was circulated in document S/5053/Add.11. Referring to developments following the Adoula-Tshombé talks, the report stated that on 26 June, after the inconclusive end of the talks in Leopoldville, Mr. Tshombé had returned to Elisabethville on an ONUC aircraft with the other members of the Katangese delegation. A parade had been staged in the centre of Elisabethville. Addressing the crowd, Mr. Tshombé had pointed out that the Leopoldville discussions, at which three parties had been pursuing three different policies in the name of the well-being and happiness of the Congo peoples, had raised very complex problems. It had been futile to try to solve them all during the second phase of the talks. The position of the Katangese delegation had been very reasonable; it had agreed to the establishment of commissions to study the problems and make proposals to the Central Government and the Government of Katanga. The Katangese delegation had made it clear at the outset that these commissions must be advisory bodies, whereas the Central Government had tried in various ways to give the commissions power to take final and binding decisions. Repeated attempts had been made to induce the Katangese delegation to adopt amendments which would have changed the character of the commissions, but the Katangese delegation had not been taken in by the manoeuvres. Mr. Tshombé had emphasized that he had signed nothing. They had tried to convince him that he had been committed by press communiqués as if communiqués had represented a commitment. The report went on to state that, on 27 June, Mr. Tshombé had informed the Secretary-General and the Officer-in-Charge that the Katangese authorities had decided to transfer an amount of 100 million francs to the Central Government through the United Nations (annexes III and IV). On 2 July, Mr. Tshombé had informed the Secretary-General, the Officer-in-Charge and Prime Minister Adoula that Katanga had appointed the persons who were to serve on the four commissions decided upon during the discussions at Leopoldville.

On 28 July, Mr. Bomboko, the Minister of Foreign Affairs of the Central Government, had addressed a letter to the Acting Secretary-General asking him to appoint jurists specialized in international public law, and specially in federal constitutions, to help the Central Government in drawing up a federal constitution (annex XI). At the same time the Central Government had released a communiqué calling for the adoption of a new constitution of the federal type, so drawn up as to give wide autonomy to the Member States while reserving certain rights to the Central Government (annex XII). After consultations between the Officer-in-Charge and the Central Government in regard to Mr. Bomboko's request, the Secretary-General had obtained the services of the following four jurists, whose appointment had been approved by Prime Minister Adoula: Jean Beetz (Canada), Professor of Constitutional Law, University of Montreal; B. Malik (India),

retired Chief Justice of Allahabad, former adviser on constitutional questions in Malaya and Kenya; Dietrich Schindler (Switzerland), Professor of Constitutional and International Law, University of Zurich; Chief H. O. Davies, Q.C. (Nigeria), author and constitutional lawyer. The jurists would render advice to the Congolese Government in their personal capacities as experts; their views would not necessarily represent those of the United Nations. In the meantime, Mr. Tshombé had taken the occasion to make a statement to the consular corps calling for the appointment of a fifth commission to deal with the drafting of a federal constitution (annex XIII).

The report also referred to the celebration of the second anniversary of the so-called independence of Katanga in which 2,000 military personnel of the *gendarmérie* had taken part, in addition to 800 police, although Mr. Tshombé had stated that only token Katangese forces would participate in the parade. The incident of 17 July, during which ONUC troops had been attacked at Avenue Tombeur in Elisabethville by a mob of women, was also reported. An international ONUC commission which had been appointed to investigate the incident had found that: (a) the demonstration had been carefully planned and fully supported by the Katangese authorities; (b) despite extreme provocation, the United Nations soldiers had conducted themselves with exemplary discipline and restraint; (c) the charges that a Katangese woman and a boy had been killed as a result of fire from ONUC troops had been completely unfounded (annex XXIII).

Appearing before the Advisory Committee on the Congo on 24 July, the Officer-in-Charge had emphasized that: (a) in nominating members of the four commissions, Katanga had described them as preparatory, advisory, and in no way executive; (b) during the course of the negotiations in Leopoldville, the Katangese had been at the same time very busily engaged in preparing for the celebration of their "independence", a separate occasion from the independence of the Congo; (c) in the local Press, over the radio, and by general announcements in Katanga, the idea of a state, a country, a nation, had been popularized.

Comments of the Acting Secretary-General to the report of the Officer-in-Charge were circulated in the same document. Commenting on the Congo problem in general, the Acting Secretary-General reported that, after the breakdown on 26 June of the Adoula-Tshombé talks, he had called a meeting of the Advisory Committee on the Congo, on 29 June, with a view to consulting it on a possible course of action for the future and informing it of his own thinking. He had also consulted with a number of delegates at Headquarters. Moreover, in the course of his visits to certain European capitals in July, he had taken the opportunity for a useful exchange of views with the Governments concerned on the problems confronting the United Nations in the Congo.

The incidents referred to earlier by the Officer-in-Charge, namely the celebration of the so-called Independence Day in Katanga on 11 July and the carefully staged assault by thousands of Katangese women and

children on United Nations troops at a roadblock in Elisabethville, had tended to increase tension and also the impression that the will to find an agreed solution by conciliation of the differences between the Central Government and the authorities of the Province of Katanga was, on the side of Katanga, weaker than ever.

It was with this situation in mind that he had resumed consultation with the Advisory Committee on 24 July, with the Officer-in-Charge also present at his request, and again on 31 July. He had put to the Committee the situation as he had seen it, in the light of recent events as well as his consultations in Europe and elsewhere. At these meetings, as in the course of discussions with delegations and Governments, he had endeavoured to make clear that vigorous and effective action to fulfil the United Nations mandate in the Congo was imperative if chaos was to be averted in the Republic and in that area of Africa in general.

When he had raised the question of the necessity or advisability of a meeting of the Security Council with a view to formulating a new mandate for the United Nations operation or to clarifying and strengthening the existing mandate, the consensus of the Committee had been that the present United Nations mandate was adequate and that there seemed to be no necessity for further Security Council action.

He had also raised the question of the possible application by Member States of economic pressure on Katanga to achieve the objectives of the United Nations, having in mind also the possible political consequences of such action. The Acting Secretary-General went on to state that while not underestimating the possibilities of the draft federal constitution now being elaborated by the Prime Minister and his colleagues as a basis for future agreement, he had thought it advisable, in view of the growing urgency, both for the United Nations and the future of the Congo, of an early solution of the Katangese problem, to take certain steps towards this end. He had outlined these steps in his letters to all Member States (annex XXV), to the Foreign Minister of Belgium (annex XXVI), to Prime Minister Adoula (annex XXVII) and to the Universal Postal Union in Berne (annex XXVIII).

With regard to proposals which the Acting Secretary-General was reported to have in mind, he stated that the crux of the Congo trouble being the Katanga problem, it had been his purpose to exert every effort to ensure by means other than military force the unity of the Congo by bringing to an end through agreed constitutional arrangements the attempted secession of Katanga. He had instructed his representative in Leopoldville to present a programme of measures to Prime Minister Adoula and to Provincial President Tshombé, concerning the preparation of a constitution for a federal system of government, the division of revenues between the Central and Provincial Government and the regulations and procedures for the utilization of foreign exchange, the unification of currency, the integration and unification of the Congolese army, the conduct of foreign affairs, the reconstitution of the Central Government, a general amnesty for political prisoners and the co-operation of all Congolese authorities with the United Nations.

The Acting Secretary-General believed that the Katanga authorities would agree to the programme. Failing such agreement, he said, he had in mind economic pressure upon the Katangese authorities of a

kind that would bring home to them the realities of their situation and the fact that Katanga was not a sovereign state and was not recognized by any Government in the world as such.

An addendum (S/5053/Add.11/Add.1) to the report of the Officer-in-Charge was circulated on 23 August. It related to clashes between the ANC and the *gendarmérie* in North Katanga and to the detention of Mr. Antoine Gizenga. One ANC officer and one mercenary had been killed on 14 August when the *gendarmérie* had attacked the ANC in the Kitenga area.

On 17 August, the Officer-in-Charge had sent a letter to the Katangese authorities warning them that if the Katangese *gendarmérie* did not stop its attacks, ONUC would be forced to intervene with all the means at its disposal (annex XXIX).

On the same day, Mr. E. Kimba, Acting President of the Provincial Government of Katanga, had replied that necessary instructions to cease all military movements had been issued (annex XXX).

With regard to the detention of Mr. Antoine Gizenga, it was recalled that the former Vice-Prime Minister was being held in custody by the Central Government on the island of Bulabemba in the estuary of the Congo River. On 20 August, a commission comprising the ANC base commander of Banana, the commander of Mr. Gizenga's guard and a member of the guard, a representative of the *Sûreté nationale*, two doctors and a delegate of the International Committee of the Red Cross had visited Mr. Gizenga. In the report submitted by the Red Cross delegate it had been stated that Mr. Gizenga was in good health.

A further report (S/5053/Add.12) circulated on 8 October 1962 by the Officer-in-Charge of ONUC gained detailed information about the build-up of Katangese mercenary strength. The report stated that the continued presence and some influx of foreign mercenaries in the Katanga armed forces had been noted in spite of the pledge made after the Kitona Declaration by Mr. Tshombé and other Katangese spokesmen with regard to the elimination of mercenaries. While the ONUC-Katanga Joint Commissions on mercenaries had been unable either to confirm or deny the reports from various sources indicating that foreign mercenaries still remained in the province of Katanga, reliable evidence had come into the possession of the United Nations, including documentary evidence, relating to the presence and activities of mercenaries in Katanga as from the beginning of 1962. Annex I attached to the report contained the names, the nationalities and the dates of presence of a number of them. Another list, supplied by a highly reliable source and attached as annex II named thirty-six Belgian nationals who were reported present in Katanga and who might still be active as mercenaries. The report pointed out that other less specific evidence from observers of varying reliability had put the figure of foreign personnel in the Katanga armed forces at between 300 and 500. An additional list of foreign military personnel reliably reported to ONUC to have been at large in Katanga as from January 1962 was circulated on 13 November as document S/5053/Add.12/Add.1. The report went on to state that the conclusion to be drawn from the documentary evidence in the possession of the United Nations, and supplementary reports from other sources, was that the mercenary element, if temporarily in eclipse

at the end of 1961, had been built up to its past strength from the first few months of 1962 onwards. It continued to be the case, however, that in general the mercenaries in Katanga were affecting civilian garb and employment, which made it difficult to distinguish them from the local population of European origin. Accordingly, actual apprehension of mercenaries was much more difficult than earlier.

In its paragraphs 10 to 14 the report referred to individual cases of mercenaries either killed during clashes between ANC troops and the Katanga *gendarmérie* or in regard to whom there was evidence that they had served in the Katanga armed forces. The report also mentioned the case of Mr. Hubert Fauntleroy Julian, a United States national, whose statements to ONUC officials together with documents found on him had established clearly that he had been dealing in arms, ammunition and military equipment on behalf of the Katangese secessionist authorities.

Referring to the build-up of the Katangese air power, the report stated that evidence about the increase in air strength included the reported purchase and arrival in Katanga of new aircraft (combat and operational training planes), the construction and extension of airstrips and runways, and the influx of foreign mercenaries who were known to be pilots and aircraft technicians.

The report contained information, which had been verified by the United Nations Command, about the arrival of a number of aircraft in Katanga since the beginning of 1962. Much of this information had been confirmed by direct aerial photography. It was indicated that the Katanga air force's main air base was Kolwezi-Kengere. Work to improve this airfield had been in progress since January 1962. Semi-underground shelters for aircraft, usually well-camouflaged, had been dug into an underground bay. It was believed that the Kolwezi-Kengere airfield had been reinforced with a number of anti-aircraft batteries. This was also believed to be the case at Kipushi. Elsewhere in Katanga, the construction of new runways at Kipushi, Lengwe, Pepa and on the Sakania road had been in progress since January 1962. The total number of foreign personnel employed in the Katanga air force was not known. However, it was believed that there were approximately twenty to fifty experienced pilots and technicians in the service of the Katanga authorities.

A number of incidents which had taken place in Katanga were also reported. On 12 September a clash had occurred at the Martini track junction at Elisabethville when a regular patrol of twenty men of the ONUC forces had been attacked by about 100 members of the Katangese *gendarmérie*. During the incident two *gendarmes* had allegedly been killed. The ONUC forces had suffered no casualties.

On 24 September, an ONUC patrol, on a routine reconnaissance of the Martini track, had suffered some casualties through the explosion of a mine laid by the Katangese *gendarmérie*.

On 20 September an ONUC aircraft on a reconnaissance flight had been shot down at Kamunzu. One member of the crew had been killed, and another had died from his injuries soon after the incident. A board of inquiry had been unable to make a specific finding as to the origin of the firing, since it had been established that both ANC and the Katangese ground forces were in the area at the time of the incident.

In a report (S/5053/Add.13) issued on 26 November, the Officer-in-Charge of ONUC said that the programme of measures which had been proposed by the Acting Secretary-General and which had come to be known as "the Plan of National Reconciliation" or "the Plan", had been received in Leopoldville on 19 August 1962 for submission to the Central Government and, with the latter's agreement, to Mr. Moïse Tshombé. According to the constitutional arrangements suggested by the Plan, the Central Government would by September present and support in Parliament, until it was placed in effect, a draft constitution that would establish a federal Government for the Congo. To this end, the Central Government had requested the United Nations to make available to it the service of international experts in federal constitutional law. Taking into consideration the views of all Provincial Governments and interested political groups in the Congo on the provisions to be included in this constitution, the Central Government would give the experts the necessary instructions for the final preparation, by September, of a draft constitution which would divide the powers as follows: (a) foreign affairs, (b) national defence (other than local police functions), (c) customs, (d) currency, exchange control, and fiscal policy, (e) interstate and foreign commerce, (f) taxing powers sufficient for Central Government needs, (g) nationality and immigration and (h) post and telecommunications would be reserved exclusively to the Central Government. The Provincial Governments would have control over their own administration and would be given all powers not expressly reserved to the Central Government, including local police powers as well as taxing powers sufficient to meet the costs of local government activities.

Beside the elaboration of a federal constitution, the other main elements covered by the Plan were the division of revenue and foreign exchange earnings between the Central and Provincial Governments, the unification of currency, the integration and unification of all military, para-military or *gendarmérie* units into a national army and *gendarmérie* structure, the withdrawal of all provincial representatives and diplomatic or consular missions abroad not serving under the authority of the Central Government, the proclamation of a general amnesty, and the re-constitution of the Central Government to provide representation for all political and provincial groups (S/5053/Add.13/Corr.1). The report of the Officer-in-Charge went on to state that on 20 August, the Plan had been presented to Prime Minister Cyrille Adoula in Leopoldville, and on 24 August to the Katangese authorities in Elisabethville. In his discussions with Prime Minister Adoula, as well as with Mr. Tshombé's representative, the Officer-in-Charge had made it clear that the Plan, as submitted to them, was to be accepted or rejected in its entirety, and was not negotiable.

After Prime Minister Adoula and Mr. Tshombé had accepted the Plan, two identical letters enclosing a detailed programme for the immediate implementation had been sent to them on 10 September. The programme *inter alia* had called for: (a) completion of the draft of a federal constitution by the end of September and its subsequent submission to Parliament; (b) drafting of a financial law on the division of revenue and foreign exchange earnings to be integrated in the constitution and submitted to Parliament; (c) the immediate taking of an oath of allegiance to the Presi-

dent of the Republic by the Commanders of all military, para-military or *gendarmérie* units who had not yet done so; (d) proclamation of an amnesty by the Central Government authorities; (e) dissolution of the Katangese "Ministry of Foreign Affairs" by Mr. Tshombé and the withdrawal forthwith of all Katangese representatives and missions abroad; and (f) an offer on the part of the Central Government to assign to members of the Conakat Party certain Ministries in a reconstituted Central Government as soon as possible. The programme of implementation had also called for the creation of mixed commissions to work out the practical details embodied in the military and financial provisions of the Plan (annex VI).

In accordance with the first clause of the Plan for National Reconciliation, a draft federal constitution had been prepared by the constitutional experts provided by the United Nations. The experts had taken into consideration some "preliminary observations" submitted by the Katangese authorities (annex IX) as well as the proposals of other provinces and groups. The draft Federal Constitution, together with an explanatory memorandum and detailed comments on its various clauses, had been submitted to Prime Minister Adoula on 27 September, and transmitted by him to the Bureaux of the two Chambers of Parliament on 13 October (annex XI). It had been subsequently submitted to a conference of Provincial Presidents held at Leopoldville from 16 to 23 October. The Katangese authorities, though invited, had not attended. The Conference had adopted a resolution inviting Mr. Tshombé "to co-operate constructively and sincerely with the Central Government and other Provinces".

As called for by the programme of implementation, three commissions composed of representatives of the Central and Katangese authorities, assisted by United Nations experts, had been set up to establish administrative modalities for the implementation of the Plan's military provisions as well as those concerning revenue and foreign exchange. The Commissions had held a number of meetings. On 16 October, the Military Commission had reached a cease-fire agreement calling *inter alia* for an immediate cessation of ANC and Katangese troop movements in North Katanga and of the supply of arms and ammunition to these forces, the removal of all roadblocks by both parties in the area concerned, an exchange of prisoners and a mutual undertaking not to increase the military forces in the operational zones of North Katanga.

The Acting Secretary-General had directed the Officer-in-Charge on 30 October to draw the attention of the Central Government and of the Katangese authorities to the commitments which they had made in accepting the Plan. This had been the subject of identical letters to Prime Minister Adoula and Mr. Tshombé dated 1 and 2 November respectively, to which had been attached a note on "the requirements of the Plan" listing the actions that were to be carried out by the Central and Katangese Governments, as well as an assessment of actions in fact taken by them.

In a cable to the Acting Secretary-General dated 9 November, Prime Minister Adoula had reaffirmed his support for the Plan of National Reconciliation but had pointed out the risks involved in not keeping strictly to the time limits outlined in it. Subsequently, the Prime Minister had explained in detail, in an annex attached to a letter dated 13 November, measures taken and the position adopted by his Govern-

ment with regard to the implementation of the Plan. He had maintained that everything possible had been done by his Government to apply the relevant provisions of the Plan, often in the face of great provocation on the part of the Katangese authorities (annex XVIII).

After the Officer-in-Charge had gone to Elisabethville to impress upon Mr. Tshombé the need for a positive response, expected before 15 November, to the Acting Secretary-General's note on the requirements of the Plan, Mr. Tshombé had informed him in a letter dated 12 November that he was determined to apply the Plan, denying that Katanga had persisted in adopting a separatist attitude and placing full responsibility for the difficulties encountered in the implementation of the Plan on the Central Government (annex XIX). On 12 November, Mr. Tshombé had issued a press communiqué in which he had blamed the Central Government for failure to implement the Plan and had claimed that the United Nations had been looking for pretexts to justify its use of force (annex XIX-a).

In a letter dated 16 November to Mr. Tshombé, the Officer-in-Charge had asked him to take the following measures: (a) send without delay Katanga's senior officers to Leopoldville to take the oath of allegiance to the President of the Republic, it being understood that if necessary ONUC would guarantee their safety and facilitate their transport; (b) announce immediate measures for applying the provisions of the Plan concerning revenue, finances and foreign exchange; (c) authorize the Central Government's customs and immigration officials to carry out their functions in Katanga as elsewhere in the Congo; (d) allow complete freedom of movement to all ONUC personnel in Katanga, including Jadotville, Kipushi and Kolwezi, and (e) co-operate with ONUC in order to eliminate all mercenaries from the *gendarmérie*.

With regard to the proclamation of the general amnesty recommended by the Plan of National Reconciliation, an addendum (S/5053/Add.13/Add.1) circulated on 28 November reproduced the Proclamation issued on 26 November by the President of the Republic, Mr. Kasa-Vubu. The President stated that he deeply regretted the misguided behaviour of some of "our brothers in South Katanga" who, he hoped, would hearken to "our appeal for a return to the fold". He added that the doors were open to all those who wished to return and that in the spirit which had prevailed at the time of the meeting at Lovanium in July-August 1961, when the most serious enmities and differences of view had been overcome and buried, he solemnly renewed the offer which he had made on that occasion and hereby proclaimed that a general and complete amnesty would be granted to all those who returned to the Congo whatever political offences they might have committed.

In a report (S/5053/Add.14) on the events in Katanga from 26 November 1962 to 4 January 1963, the Officer-in-Charge stated that Mr. Tshombé had taken no significant steps to achieve the reintegration of Katanga. The Secretary-General's Plan had enunciated a programme of specific measures which were to be taken in a specified time sequence, at the end of which Katanga would have been reintegrated in a federal Republic of the Congo. Mr. Tshombé had paid only weak lip-service to this and his acts had belied even that.

At the same time, Katanga's provincial authorities had been engaged in an increasingly intensive campaign of harassment against ONUC forces and civilian personnel in the Elisabethville area, who had found themselves more and more in a position akin to a siege. The case of five Tunisian ONUC soldiers who had been reported missing or abducted by the *gendarmerie* was mentioned. On 18 December Mr. Tshombé had informed the United Nations Representative in Elisabethville that the return of the five men would only take place ten days before the repatriation of the Tunisian contingent, a position which the United Nations Representative had refused to accept. The case of two ONUC civilian employees who had been arrested on 4 December was also mentioned. Strenuous efforts made by the United Nations Representative in Elisabethville to secure their release had been fruitless. One of the men arrested had escaped from *gendarmerie* custody on 22 December 1962 and had reported that the other had been shot and was feared dead. During the night of 7 December, seven ONUC officers who had been travelling in a jeep had been arrested by the Katangese *gendarmerie* and policemen, it was reported. They had been slapped and beaten by the policemen and by General Moke. Commander of the *gendarmerie*, before their release to ONUC military authorities.

Gradually, Mr. Tshombé's campaign against the United Nations had been extended to nationals of Member States of the Organization whose Governments had been co-operating in the implementation of the Secretary-General's Plan and the United Nations mandate in the Congo.

The report also referred to clashes between ANC and Katangese troops, to bombings and destruction in North Katanga and stated that the wanton destruction of the country's vital infrastructure had been vigorously protested by the Officer-in-Charge by a letter of 8 December in which Mr. Tshombé had been further informed that an ONUC military detachment had been despatched to Kongolo which the ANC forces had entered, to maintain law and order and prevent civil war and fratricidal clashes (annex IX). On 14 December, United Nations troops had entered Kongolo and had remained there.

With regard to the implementation of the Plan of National Reconciliation, it was pointed out that no action had been taken by Mr. Tshombé's authorities during the period under review to carry out Katanga's part of the Plan. Accordingly, Mr. Tshombé had been informed that phases II-IV of the Course of Action of the Plan (S/5063/Add.13, annex I) would be applied and that ONUC would press for compliance with the United Nations resolutions on the Congo.

On 11 December, the Secretary-General had appealed to the Belgian Government, as one of the original supporters of the Plan, for assistance in bringing to a peaceful end the problem of Katanga. The Belgian Government had been requested to exert every possible influence on the Union Minière du Haut Katanga to cause it to desist forthwith from paying revenues to Katanga Province (annex XIII).

The Secretary-General had also appealed to the Governments of Portugal, the Republic of South Africa and the United Kingdom to take the necessary measures to prohibit the shipment of Katangese copper ore through the territories under their jurisdiction, until such time as the question of payment of UMHK reve-

nues to the Central Government and their division with Katanga was settled (annexes XIV and XV).

On 11 December, Prime Minister Adoula had addressed identical letters to seventeen interested Governments requesting them, pursuant to Phase II of the Plan, to refuse to permit the import of copper and cobalt from Katanga into their territories. This request had been supported by the Secretary-General.

On 12 December Mr. Tshombé had communicated to the Secretary-General an "offer" concerning the question of foreign exchange, under the Plan of National Reconciliation, but it had been impossible to work out the details of this offer.

From 24 to 28 December, the report went on to state, sporadic firing by the *gendarmerie* in and around Elisabethville had taken place, causing a number of casualties among ONUC troops. When the withdrawal of the roadblocks and siege positions from which the firing was being carried out had been requested by the United Nations, a statement had been issued by the Katangese authorities calling for resistance against ONUC troops threatening to blow up bridges, dams and other installations (annex XXVIII).

From 28 to 31 December the United Nations had launched the necessary action to restore the security of ONUC troops in the Elisabethville area and their freedom of movement by clearing the *gendarmerie* roadblocks. The action had been carried out successfully and the captured strongpoints had been the following: Jadotville Road, Kasapa Golf Course, Kipushi Road, Avenue Tombeur, Munama and Naviundu. ONUC forces were in effective control of the general area extending approximately 20 kilometres around Elisabethville and the first phase of the United Nations operation at Elisabethville had been completed.

Continuing their action to secure freedom of movement, the United Nations forces, in the period 31 December to 4 January, had moved towards strongholds in Katanga and then into Jadotville, a major mining city in which mercenaries had been concentrated. ONUC forces had reached this city on 3 January, and had been greeted with cheers of the population.

The Jadotville operation had been the first experience of a strictly United Nations armed force under United Nations command with combat conditions in the field. The stress and strain of battle had revealed serious deficiencies in communication and co-ordination among United Nations Headquarters in New York, the Leopoldville Headquarters of the Congo Operation, and the military detachments in action in the field.

The report added that from 28 December highest readiness had been maintained by ONUC fighter aircraft armed with cannon and rockets, but not bombs. In the event of action being necessary, the specific task defined for United Nations aircraft had been to prevent any Katangese air activity against ONUC. The plan had been to destroy Katangese aircraft found in the air or at Kolwezi-Kengere military airfield and other airfields in South Katanga likely to be used for Katangese air activity in the Elisabethville area. From 28 December to 4 January inclusive, a total of seventy-six sorties, comprising more than 100 hours flying time, had been carried out. Seven United Nations fighter aircraft and one reconnaissance plane had been hit by ground fire during the operations, but none of the pilots had been injured.

Referring to the casualties sustained by ONUC forces from 24 to 28 December while under *gendarmerie* fire and in the course of their subsequent operations from 28 December to 4 January, the report put at nine the number of dead and seventy-two the number of wounded.

It was pointed out that during the operations ONUC civilian and military authorities had made strenuous efforts to maintain law and order as well as essential civilian services and that beginning 3 January, certain Central Government officials had begun arriving in Elisabethville to explore the problem of restoring proper relationships, communications and liaison between Leopoldville and Elisabethville authorities.

Reporting on relations with the Katangese authorities after the recent operations in a further report (S/5053/Add.15), the Officer-in-Charge stated that Mr. Tshombé, after leaving Elisabethville on 28 December and after paying a visit to Salisbury, the capital of the Federation of Rhodesia and Nyasaland, had proceeded through Northern Rhodesia to Kolwezi, the last important mining centre still occupied by the Katangese *gendarmerie*. He had subsequently been reported to have continued to show an interest in renewing discussions with ONUC officials but also to have said that, if pressed, the Katangese would fight to the last degree and would carry out a "scorched earth" policy, including the destruction of valuable mining installations, power plants and bridges, especially at Kolwezi. The threat of a "scorched earth" policy had become increasingly serious in view of the extensive and wanton destruction of bridges already wrought during the recent operations (a list of bridges and other installations destroyed or damaged in Katanga from November to 14 January was reproduced in annex I attached to the report).

After his return to Elisabethville on 8 January, Mr. Tshombé had informed United Nations officials that he had returned to Elisabethville for the sole purpose of restoring peace and calm to Katanga and all its people as soon as possible. However, in the course of a press conference on 9 January, he had made clear that he had not renounced the "scorched earth" policy and that the question of freedom of movement for ONUC troops was still "open for discussion".

The Secretary-General had at once issued a statement in which he had reiterated four basic points on which the United Nations had requested assurance from Mr. Tshombé if there was to be contact with him on other matters. These points had been (1) the categorical renunciation by Mr. Tshombé of the scorched earth and sabotage policy frequently attributed to him; (2) the renunciation of his often-repeated intention to fight to the last man; (3) the taking of immediate practical steps for the implementation of the Plan of National Reconciliation which he had accepted many months ago; and (4) the assurance of immediate recognition of the right of ONUC to freedom of movement throughout all Katanga (annex III).

On 12 January, Mr. Tshombé had driven off precipitately to the Rhodesian border and had flown back to Kolwezi. It had been learned at this time that *gendarmes* and mercenaries had thoroughly mined the large industrial and mining installations at Kolwezi and had been intent on blowing them up if ONUC troops had sought to approach that town. The bridge over the Lualaba River near Kolwezi, the Delcom-

mune Dam and the Lufira power plant had been also in danger of destruction.

On 17 January, Mr. Tshombé had agreed to meet United Nations representatives at ONUC headquarters in Elisabethville in order to discuss the modalities of ONUC's entry into Kolwezi. At the end of the meeting he had pledged himself to facilitate ONUC's peaceful entry into Kolwezi which would take place by 21 January 1963. He had been permitted to have a small personal guard.

United Nations troops had accordingly entered Kolwezi on the afternoon of 21 January. Mr. Tshombé had subsequently reiterated his sincere determination to carry out the Secretary-General's Plan of National Reconciliation.

The Officer-in-Charge also reported on military operations which had taken place during the period covered. These operations which had permitted the United Nations Force to have under control all important centres hitherto held by the Katangese, had generally met with minimal resistance. By 21 January United Nations troops had restored law and order at all places. The Katangese *gendarmerie* as an organized fighting force had ceased to exist. The military actions begun on 28 December had thus ended.

Referring to the question of mercenaries, the report stated that during the last week of December and the first two weeks of January, nine mercenaries or suspected mercenaries had been apprehended by United Nations troops.

On the whole, however, it had been found that the mercenary element in the Katangese *gendarmerie* in December, although numbering about 400 according to most sources, had soon appeared to be disorganized and demoralized. It had been found incapable of stiffening the morale of, or of giving effective leadership to, the Katangese *gendarmerie* as it had done in the past. Before the entry of ONUC forces into Kolwezi, a large number of mercenaries had been reported to have departed by train for Dilolo on the Angolan border, and no mercenaries had since been encountered by ONUC troops.

In the same report, the Officer-in-Charge outlined the restoration of services and the steps taken towards the reintegration of Katanga.

During the first week of January 1963, twenty-two officials and officers representing the Central Government had been flown to Elisabethville. They had made up the Administrative Commission which had gradually established itself, setting up offices and making preliminary contacts, but had not concerned itself with law and order, which had remained the over-all responsibility of ONUC, working in co-operation with the Katangese police. On 16 January, the President of the Republic of the Congo had nominated Mr. Joseph Ileo as Minister of State, Member of the Council of Ministers, resident at Elisabethville with the special duty of ensuring the necessary contacts with the provincial institutions and of facilitating the process of reintegration of South Katanga within the Republic. Mr. Ileo and his party had arrived at Elisabethville on 23 January to assume his duties.

Discussions between the representatives of the Union Minière du Haut Katanga and of the Congolese Government had taken place from 4 to 15 January and resulted in an agreement on foreign exchange, providing that the UMHK should remit all its export

proceeds to the Monetary Council, which should in turn allocate to the UMHK the foreign exchange required for meeting its essential needs and maintaining its activities, provided that the utilization of such foreign exchange be made under the supervision of the Monetary Council.

With regard to the integration of the Katangese *gendarmérie*, it was reported that, following a declaration by Prime Minister Adoula on 7 January, an increasing number of *gendarmes* had begun to come to ONUC or the Central Government representative in Elisabethville with requests to be reintegrated in the ANC.

In a report on the implementation of the Security Council resolutions of 14 July 1960, 21 February and 24 November 1961 (S/5240) circulated on 4 February, the Secretary-General stated that the latest report of the Officer-in-Charge (S/5053/Add.15) indicated that an important phase of the Operation in the Congo had been completed and that he felt it appropriate and timely for him to report to the Security Council in order to present an accounting of the extent to which the mandates given to ONUC by the Security Council resolutions had been fulfilled, of the aspects of those mandates that remained to be implemented, and to suggest what a look ahead might indicate as to the task to be fulfilled and the resources that would be required for that purpose.

Referring to the recent military actions undertaken by ONUC troops to secure its full freedom of movement throughout Katanga, the Secretary-General said they had been highly successful. But it was a matter of great regret to him that they had been attended by some loss of life and by some damage to property. For a peace force, even a little fighting was too much and only a few casualties were too many, he added.

The Secretary-General recalled that the policies and purposes of the United Nations with respect to the Republic of the Congo, as set out by the Security Council in its resolutions, were the following:

- (a) To maintain the territorial integrity and the political independence of the Congo;
- (b) To assist the Central Government of the Congo in the restoration and maintenance of law and order;
- (c) To prevent the occurrence of civil war in the Congo;
- (d) To secure the immediate withdrawal and evacuation from the Congo of all foreign military, paramilitary and advisory personnel not under the United Nations Command, and all mercenaries; and
- (e) To render technical assistance.

With regard to the maintenance of territorial integrity and political independence, the Secretary-General said that the most serious threat had been the secessionist activity carried on since 11 July 1960 by the provincial authorities of Katanga. Despite frequent statements by Mr. Tshombé that he had accepted reintegration, no real progress in that direction had been achieved until after the recent military operations in Katanga.

The Secretary-General, however, pointed out that, given an absence of alertness or a too rapid withdrawal of the ONUC troops, it was conceivable that the attempted secession of Katanga could be revived. There were interests and elements in the Katanga scene which would always favour and flirt with it.

There could be a regrouping and rearming of the *gendarmérie* or part of it as a new secessionist force.

The Secretary-General recalled that there had been other separatist attempts in the Congo, but that none of these had had the importance of financial support given to the Katanga pretensions and they were more or less quiescent. Happily, there appeared to be no direct threat to the independence of the Congo from external sources. Thus, it could be asserted that the territorial integrity and political independence mandate of the United Nations Operation had been largely fulfilled except for a caretaker role.

As regards the assistance in the restoration and maintenance of law and order, the Secretary-General stated that it appeared that law and order had been firmly restored in the main centres of Katanga, and it was expected that the ONUC presence would have the same effect in rural areas where fighting had occurred between ANC troops and Katangese *gendarmes*. In any case, during the transitional period of reintegration of Katanga into the rest of the Republic, the problem of law and order would be a delicate one. This was recognized by the Central Government, which had tentatively agreed to place its own security forces in South Katanga under United Nations Command and had accepted, at least in principle, that the introduction of its armed units into South Katanga should be spread out over a period of time. The Officer-in-Charge and the Commander of the Force had been asked to consult with the Congolese authorities about the extent and approximate length of time of continuing need of the Congolese Government for United Nations military assistance in the maintenance of law and order.

As for the mandate to prevent the occurrence of civil war in the Congo, the Secretary-General noted that, after the formation in August 1961 of a Government of National Unity and following the decision by the Katangese authorities to terminate their secessionist activities, it might be regarded as fulfilled in a major degree, although an alert and effective watch over the situation would be indispensable for some time. Referring to the removal of military and paramilitary and advisory personnel and mercenaries, the Secretary-General said that there had been an estimated 400 mercenaries in the Katangese *gendarmérie* at the beginning of the operations of December 1962-January 1963 and that the successful conclusion of these operations had resulted, it appeared, in the flight of most if not all remaining mercenaries from Katanga via Angola, with the exception of a small number in United Nations custody. It might, therefore, be concluded that for all practical purposes the mandate relating to mercenaries had been fulfilled. It was, however, open to question whether there might not still be amongst the technicians serving the Katangese provincial authorities, or amongst non-Congolese residents of South Katanga, a number of persons who had overstepped the limits of legitimate activity and had acted as political and possibly military advisers or as mercenaries. The possibility of a number of expulsions on this ground could not, therefore, be excluded.

With regard to technical assistance, the Secretary-General reported that he had opened consultations with the Government of the Congo on the question of the channelling of future aid to the Congo. There would be, of course, a continuation of multilateral or United Nations aid. The question was the extent to which it

might have become advisable and desirable to envisage also an increase in bilateral aid. Although the United Nations had been inclined to seek to have all aid to the Congo channelled or at least cleared through the United Nations, it was apparent that the United Nations would not have the resources to meet the vast needs of the Congo.

The Secretary-General went on to state that a decisive phase in the United Nations Congo experience had been concluded. That was the phase of military involvement by United Nations troops. That did not, however, automatically indicate an immediate disengagement in the Congo by the United Nations. There would be a progressive reduction in the strength of the ONUC force and an early disengagement could not be ruled out.

At the end of his report, the Secretary-General stressed the basic principles on which the Operation was founded, as being the principle of non-interference in the internal political affairs of the Congo and that of avoiding the use of force for political purposes.

In a letter dated 2 March to the Secretary-General (S/5249) the Permanent Representative of the USSR, referring to the Secretary-General's report of 4 February, recalled that the task confronting the United Nations and the Congo had been the clear and precise one of protecting the Republic of the Congo from outside aggression and ensuring its political independence, unity and territorial integrity. He pointed out that, while the report by the Secretary-General indicated that the tasks with which the United Nations had been faced in the Congo had to a considerable extent been carried out, the Katanga problem continued in fact to be unresolved both politically and economically, although the military operations of the United Nations in the Congo had come to an end. There was considerable evidence to show that, in direct violation of the Security Council resolutions, a large number of Belgian and other foreign mercenaries were returning to Katanga together with various kinds of advisers and experts from colonial Powers. The USSR representative went on to state that some powers were continuing to put pressure on the Government of the Republic of the Congo to settle the question of the reunification of Katanga and the Congo in a manner that would mean the virtual enslavement of the Republic of the Congo by the foreign monopolies that held sway in Katanga. The position of his country on this question had been explained in his Government's reply to the Secretary-General's appeal to the States Members of the United Nations, dated 31 July 1962.

The Soviet Union's basic policy had been and continued to be that the people, the Parliament and the Government of the Republic of the Congo must be given the opportunity of settling their own affairs.

Referring to the presence of United Nations troops in the Congo, the USSR representative maintained that the Charter did not authorize the United Nations to act in such cases as concerned the maintenance of law and order in a particular country, since that was the prerogative of the Government of that country. It was accordingly clear that to keep the United Nations in the Congo solely for the purpose of performing police functions was an action that could not be justified from the point of view of the principles and requirements of the United Nations Charter.

With regard to other questions concerning the prospects for further United Nations activity in the Congo, he expressed the view that all such questions must be decided by the Security Council. Finally he believed that the incorporation of Congolese military elements into the armed forces of the United Nations, which were subject to the orders of the United Nations Command, was incompatible with the sovereignty of the Congo and contrary to the principles of the United Nations Charter.

In a letter (S/5253) dated 4 March, the Permanent Representative of Ghana requested the President of the Security Council to convene a meeting to consider the Report of the Commission of Investigation established under the terms of General Assembly resolution 1601 (XV) contained in A/4964 and S/4976 of 11 November 1961. In an attached explanatory memorandum, the Permanent Representative of Ghana recalled that the Security Council at its 942nd meeting on 20-21 February 1961 had adopted a resolution the operative paragraph A-4 of which had stipulated that "an immediate and impartial investigation be held in order to ascertain the circumstances of the death of Mr. Lumumba and his colleagues and that the perpetrators of these crimes be punished". The Commission of Investigation which had been formally established by General Assembly resolution 1601 (XV) had duly carried out the task entrusted to it and had submitted a number of conclusions enumerated in paragraph 124 of its report. The Commission had envisaged a follow-up to its report when it had stated in paragraph 31 that "with the submission of this report, the Commission had adjourned pending a decision of the General Assembly as to its future work". The Permanent Representative of Ghana went on to state that there was no evidence that since the publication of the report further steps had been taken to achieve the objectives of Security Council resolution S/4752. It was the view of the Government of Ghana that the Security Council which had initiated the investigation should consider the Commission's report, and decide on any further measures that may be deemed necessary to unearth the truth.

In a letter dated 7 March, circulated at his request in document S/5254, the Acting *Chargé d'Affaires* of the Congo (Leopoldville) transmitted to the President of the Security Council a cable from the Minister of Foreign Affairs of his country concerning Ghana's request. The cable stated that the Congolese Government considered that the question underlying Ghana's request was one which fell strictly within the jurisdiction of the institutions of the Congolese Republic. Consequently Ghana's action was considered to be a flagrant interference in the internal affairs of the Congo and constituted an inadmissible violation of the sovereignty of the Congolese Republic.

In a letter dated 11 March (S/5257), the Permanent Representative of Ghana requested the President of the Council to suspend action on his letter dated 4 March. He stated that this step was being taken in view of special representations made by the Central Congolese Government to his Government.

In a letter to the Secretary-General dated 16 March (S/5277), the Prime Minister of the Congo, referring to the letter (S/5249) from the Permanent Representative of the USSR, recalled that the basic agreement governing relations between the United Nations Force in the Congo and the Republic was the text which

had been published as a United Nations document on 29 July 1960 (S/4389/Add.5) and stated that the Congolese Government, exercising its sovereign rights, declared categorically that it considered it necessary for the United Nations Force in the Congo to remain in the Republic for some time yet, in view of the fact that the Congolese army, however great the progress it had made in reorganizing itself and achieving greater efficiency, could not by itself assume the task of maintaining order throughout the vast territory of the Congo.

On 21 May, the communications that had been exchanged between the Prime Minister or the Acting Prime Minister of the Congo on the one hand and the Secretary-General or the Officer-in-Charge of ONUC on the other hand, on the subject of assistance in the modernization and training of the Congolese armed forces, were circulated in document S/5240/Add.2. The Congolese Government had informed the Organization that it had decided to apply to the following countries for assistance in modernizing the ANC: (1) Canada—for technical schools (communications); (2) Italy—for the Air Force; (3) Norway—for the Navy; (4) Israel—for the training of paratroopers; and (5) Belgium—for technicians for ANC

headquarters and the various units. Belgium had also been asked to give assistance in the matter of bases, the *gendarmerie* and various military schools. The United States had been asked to provide the equipment necessary to ensure the success of the technical assistance measures.

Following the exchange of a series of letters, the Prime Minister had informed the Secretary-General on 12 May of his Government's decision to proceed immediately with the reorganization of the ANC and for that purpose to appeal for bilateral assistance from countries which would be willing to assist it. That did not imply by any means that the Republic of the Congo did not wish the United Nations to be associated with that reorganization; on the contrary it was pleased to note that the United Nations might make experts available, since it would regard such assistance as a continuation of the co-operation which it would like to maintain and intensify.

The final letter in this document stated that an agreement had been reached in principle between the Congolese and the Nigerian Governments regarding the provision of Nigerian aid in the matter of reconstruction of the Congolese police force.

Chapter 10

REPORTS ON THE STRATEGIC TRUST TERRITORY OF THE PACIFIC ISLANDS

By a note dated 19 July 1962 (S/5143), the Secretary-General transmitted to the Security Council the report submitted by the Trusteeship Council, in accordance with Article 83 of the Charter, on the Trust Territory of the Pacific Islands, covering the period from 20 July 1961 to 16 July 1962. The report covered the activities of the Trusteeship Council with respect to the Trust Territory and its consideration of conditions in that Territory.

On 21 May 1963 (S/5137), the Secretary-General transmitted to the Security Council the report received from the United States Government on its administra-

tion of the Trust Territory of the Pacific Islands for the period from 1 July 1961 to 30 June 1962, which was submitted pursuant to paragraph 3 of the resolution adopted by the Council at its 415th meeting on 7 March 1949.

On 11 July 1963 (S/5340), the Secretary-General transmitted to the Security Council the Trusteeship Council's report on the Trust Territory covering the period from 17 July 1962 to 23 June 1963. The report dealt with the activities of the Trusteeship Council and the Council's consideration of conditions in the Territory, as well as with the forthcoming Visiting Mission to the Trust Territory.

Chapter 11

COMMUNICATIONS CONCERNING WEST IRIAN (WEST NEW GUINEA)

A. Communications from the Government of the Netherlands

In letters dated 10 and 14 August 1962 (S/5155 and S/5157), the representative of the Netherlands informed the Acting Secretary-General of the landing of Indonesian infiltrators and parachutists in West New Guinea. His Government protested against this Indonesian action at a time when negotiations between the Netherlands and Indonesia were taking place under the responsibility of the Acting Secretary-General.

B. Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)

By a letter dated 21 September 1962 (S/5169), the Acting Secretary-General transmitted to the Presi-

dent of the Security Council the texts of an agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian), as well as of related documents. The agreement, the letter stated, had been signed at United Nations Headquarters on 15 August 1962, instruments of ratification had been exchanged between the parties on 20 September, and in accordance with its provisions the agreement had come into force on 21 September upon the adoption of General Assembly resolution 1752 (XVII). Under this resolution, the Assembly took note of the agreement, acknowledged the role conferred upon the Secretary-General in it and authorized the Secretary-General to carry out the tasks entrusted to him in the agreement.

The agreement provided that, shortly after it came into force, the administration of West New Guinea

(West Irian) would be transferred by the Netherlands to a United Nations Temporary Executive Authority (UNTEA), established by and under the jurisdiction of the Secretary-General. The UNTEA, to be headed by a United Nations Administrator, would in due course, after 1 May 1963, transfer the administration to Indonesia. The agreement contained certain guarantees for the population of the territory, including detailed provisions regarding the exercise of the right of self-determination under arrangements made by Indonesia with the advice, assistance and participation of the Secretary-General who would ap-

point a United Nations Representative for that purpose. That Representative would report to the Secretary-General on the arrangements arrived at for freedom of choice. The act of self-determination was to take place before the end of 1969. All costs to the United Nations under the agreement would be met by Indonesia and the Netherlands on an equal basis.

On 1 May 1963 the Administrator of UNTEA transferred authority, in accordance with the 15 August 1962 Agreement, to the representative of the Government of the Republic of Indonesia.

Chapter 12

DOCUMENTS RELATING TO THE SITUATION IN ANGOLA

By a letter dated 13 November 1962 (S/5205), addressed to the President of the Security Council, the Chairman of the Sub-Committee on the Situation in Angola transmitted the report of that body prepared in accordance with General Assembly resolutions 1605 (XV) of 20 April 1961 and 1742 (XVI) of 30 January 1962 and Security Council resolution S/4835 of 9 June 1961.

By a letter dated 22 January 1963 (S/5239), addressed to the President of the Security Council, the Secretary-General transmitted the text of General Assembly resolution 1819 (XVII) of 18 December 1962 concerning the item "The Situation in Angola". The attention of the Security Council was drawn in particular to operative paragraph 9 of the resolution, in which the General Assembly requested the Council to take appropriate measures, including sanctions, to secure Portugal's compliance with the resolution and with the previous resolutions of the Assembly and of the Council.

Chapter 13

LETTER FROM THE SECRETARY-GENERAL DATED 18 DECEMBER 1962 CONCERNING DIFFICULTIES BETWEEN CAMBODIA AND THAILAND

In a letter dated 18 December 1962 (S/5220), the Secretary-General recalled that on requests made to him by Cambodia and Thailand he had in October appointed Mr. Nils Göran Gussing as his Personal Representative to inquire into the difficulties that had arisen between those two Governments. The Secretary-General reported that, although serious problems remained to be solved, the activities of the United Nations Representative in the two countries had coincided with a lessening of tension between them. As a result of further discussions with the Permanent Representatives of Cambodia and Thailand, agreement had recently been reached on the desirability of appointing a Special Representative in the area for a period of one year, beginning 1 January 1963. The Special Representative would place himself at the disposal of the parties to assist them in solving all problems that had arisen or might arise between them. The most immediate among those would be the reactivation of the 15 December 1960 agreement concerning press and radio attacks and the lifting of certain air transit restrictions on nationals of the two countries. It was hoped that in due time consideration might be given to the question of the resumption of diplomatic relations. As a measure of good will both Governments had signified their willingness to share equally all costs involved in the mission of the Special Representative who would be assisted by a small staff.

Chapter 14

COMMUNICATIONS CONCERNING THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA

By a letter dated 14 January 1963 (S/5235) addressed to the President of the Security Council, the Secretary-General transmitted the text of a resolution

entitled "The Policies of *Apartheid* of the Government of the Republic of South Africa" 1761 (XVII), adopted by the General Assembly at its 1165th plenary

meeting on 6 November 1962. The letter drew the attention of the members of the Council to operative paragraph 8 of the resolution, which requested the Security Council to take appropriate measures, including sanctions, to secure South Africa's compliance with the resolutions of the General Assembly and of the Security Council on this subject and, if necessary, to consider action under Article 6 of the Charter.

By a letter dated 6 May 1963 (S/5310), the Chairman of the Special Committee on the Policies of *Apartheid* of the Government of the Republic of South Africa submitted to the Security Council an interim report (A/5418), adopted unanimously by the Committee on 6 May 1963, in pursuance of operative paragraph 5 (b) of General Assembly resolution 1761 (XVII) of 6 November 1962.

In a letter dated 11 July 1963 (S/5348), the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal,

Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta requested the President of the Security Council to convene a meeting of the Council to consider the explosive situation existing in the Republic of South Africa which had been brought about by the intolerable *apartheid* policies of the Government of that country, and to take action required by the situation. An explanatory memorandum attached to the letter contained excerpts of a resolution on *apartheid* unanimously adopted by the Conference of Heads of African States and Governments, held in Addis Ababa on 22-25 May 1963. The resolution, it was stated, expressed the deep concern of the Heads of African States and Governments in the face of the continued deterioration of the situation in the Republic of South Africa, and reaffirmed the fact that the continued refusal of the Government of South Africa to comply with United Nations resolutions on the question of race conflict in that country was not only a source of international tension but was a serious threat to international peace and security.

Chapter 15

COMMUNICATIONS CONCERNING THE INDIA-PAKISTAN QUESTION

In a letter dated 16 March 1963 (S/5263 and Corr.1), the *Chargé d'Affaires* of the delegation of India drew the attention of the Security Council to the Sino-Pakistan border agreement, signed in Peking on 2 March 1963, which India considered as having unlawfully apportioned between the two signatories part of the Indian Union territory in Jammu and Kashmir. India stated that Pakistan had signed that agreement in the full knowledge that it involved violations of India's sovereignty and of the Security Council resolution of 17 January 1948. On 3 December 1959, Pakistan, in a letter to the President of the Security Council (S/4242), while referring to the Chinese aggression in Ladakh and India's attempt to get that vacated by peaceful discussions, had stated that it would not consider valid any positions taken or adjustments made by either of the parties to the present controversy. Pakistan had reiterated that position in another letter on 25 March 1960 (S/4278). Contrary to its stand then, Pakistan had chosen to enter into an agreement with China in violation of the resolutions of the Security Council and the status of the territory of Jammu and Kashmir. At the time when Pakistan had issued a communiqué in which they had agreed to conduct negotiations on the demarcation of the boundary, India had formally protested to Pakistan against that development. Again, when in December 1962 the Governments of China and Pakistan announced an agreement, in principle, on the alignment of the boundary of Pakistan-occupied Kashmir with Sinkiang, India had lodged a formal protest against the "agreement in principle". Thus, in spite of Pakistan being made aware of the illegality, it chose to sign an agreement with China about an area in which both those countries had no *loci standi*, except that of aggressor. On 5 March 1963 India had lodged a protest with Pakistan in that respect.

With its letter India attached a copy of the Sino-Pakistan agreement as well as copies of its protests

to the Government of Pakistan regarding that agreement.

In a letter dated 30 March 1963 (S/5275), the representative of China, after referring to India's letter of 16 March (S/5263 and Corr.1) on the question of the Sino-Pakistan border agreement, stated that at the 1012th meeting of the Security Council on 15 June 1962, the Chinese delegation, in reference to the negotiations reportedly going on at that time between "Pakistan and the Chinese Communists", had stated that the result of those reported negotiations would not be binding on its Government and the people of China, inasmuch as "the Chinese Communists cannot represent the Chinese people and have no right to conclude any treaty or agreement with any country in the name of China". That was still the position of the Chinese Government in regard to the reported border agreement.

In a letter dated 10 April 1963 (S/5280 and Corr.1), the representative of Pakistan said that India's letter of 16 March (S/5263 and Corr.1), criticizing Pakistan's border agreement with China, contained allegations which were without any basis in fact and in law and sought to misrepresent certain facts that were on the record of the United Nations. The Sino-Pakistan border agreement did not "apportion" any part of the Indian Union territory to either Pakistan or to China as the territory involved was that of Jammu and Kashmir, which, of course, was not the territory of the Indian Union. In fact, no apportionment of any territory was involved because the agreement merely sought formally to delimit and demarcate a boundary on the basis of the traditional customary line including natural features. The agreement was not a violation of the Security Council resolution of 17 January 1948 as was being alleged by India. That resolution had called upon the parties to take all measures calculated to improve the situation. Pakistan believed that an agreement to delimit and demarcate a boundary

with a foreign Power in order to avoid any misunderstanding was evidently a measure to improve the situation. The fact that, on its part, India had been either unwilling or unable to accomplish a similar purpose did not alter the peaceful character of the measure taken by Pakistan to ensure tranquillity on a border, the defence of which was at present under its control. Furthermore, the agreement concluded by Pakistan did not cause any material change whatsoever in the situation within Jammu and Kashmir as required also by the same resolution. India had then referred to Pakistan's position at the time of the Sino-Indian controversy regarding the Ladakh area in the State of Jammu and Kashmir. In that respect, the representative of India had, however, quoted only partially from a communication of the Pakistan delegation of 3 December 1959 (S/4242) because Pakistan had at that time stated that "pending the determination of the future of Kashmir through the will of the people impartially ascertained, no positions taken or adjustments made by either of the parties to the present controversy between India and China, or any similar controversy in the future, shall be valid or affect the

status of the territory of Jammu and Kashmir or the imperatives of demilitarization and self-determination of the State laid down in the resolutions of the Council and the United Nations Commission". Pakistan had added that it regarded it as a matter of self-evident principle that it was for the sovereign authority freely evolved by, and acceptable to the people of Jammu and Kashmir, to effect any adjustment of its frontiers with any foreign Power. That had been Pakistan's constant position and it was for that reason that Article 5 of the border agreement with China had laid down that the two parties had agreed that, after the settlement of the Kashmir dispute, the sovereign authority concerned would reopen negotiations with the Government of the People's Republic of China on the boundary as described in article 2 of the present agreement so as to sign a boundary treaty to replace the present agreement. Thus, the Sino-Pakistan border agreement did not prejudice any contingent interest that India might derive from the jointly accepted resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949.

Chapter 16

COMMUNICATIONS CONCERNING TERRITORIES UNDER PORTUGUESE ADMINISTRATION

By a letter dated 5 April 1963 (S/5276), the Secretary-General transmitted to the President of the Security Council the text of the resolution on Territories under Portuguese administration adopted, on 4 April 1963 (A/AC.109/38), by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

In a letter dated 11 July 1963 (S/5347), the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo,

Tunisia, Uganda, United Arab Republic and Upper Volta requested the President of the Security Council to convene a meeting of the Council, at the earliest possible date, in order to consider the situation in the Territories under Portuguese domination. The letter stated that the situation created by the persistent refusal of the Government of Portugal to comply with the provisions of General Assembly resolution 1514 (XV) and the Security Council resolution of 9 June 1961 constituted a threat to the security of Africa and to international peace. It expressed the deep concern of the Heads of African States who, at the Conference at Addis Ababa on 22-25 May 1963, adopted a resolution on this question, excerpts of which were included in an explanatory memorandum attached to the letter.

Chapter 17

COMMUNICATION RELATING TO THE KOREAN QUESTION

In a note dated 7 June 1963 (S/5327), the representative of the United States informed the Security Council that, effective from 1 August 1963, the President of the United States had appointed General Hamilton H. Howze to replace General Guy S. Meloy, Jr., as the Commanding General of the Military Forces which Members of the United Nations had made available to the Unified Command under the United States, pursuant to the Security Council resolution of 7 July 1950.

Chapter 18

COMMUNICATION CONCERNING THE SITUATION IN SOUTH WEST AFRICA

By a letter dated 14 May 1963 (S/5322), the Secretary-General transmitted to the President of the Security Council the text of the resolution on the question of South West Africa adopted, on 10 May 1963 (A/AC.109/43), by the Special

Chapter 19

COMMUNICATION CONCERNING SOUTHERN RHODESIA

In a letter dated 21 June 1963 (S/5337), the Secretary-General transmitted to the Security Council the text of the resolution on the question of Southern Rhodesia adopted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 177th meeting on 20 June 1963 (A/AC.109/45).

Chapter 20

COMMUNICATIONS FROM THE YEMEN ARAB REPUBLIC AND THE UNITED KINGDOM

In a cable dated 28 February 1963 (S/5248), the President of the Yemen Arab Republic complained of the arrival of British forces in the Hareb area and the dropping by British planes of circulars in support of infiltrators coming from Saudi Arabia to help the dethroned Imam. He added that this constituted a clear violation of the sovereignty of Yemen as well as a threat to world peace. In reply (S/5250), the representative of the United Kingdom, on 4 March, described the sequence of events relating to the incursion by Republican Yemeni forces into the territory of the South Arabian Federation. He charged that the Republican authorities had dispatched land forces to the Federation. After suitable warning British artillery had opened fire to evict Yemeni forces from Federal territory. He asserted that the account contained in the Yemeni message of 28 February was incorrect.

In a letter dated 24 June (S/5338), the representative of the Republic of Yemen complained of continuous armed aggression by British forces on the Yemen Arab Republic borders since 11 June. He demanded that urgent measures be taken to stop that aggression and to ensure the evacuation of British forces from Yemen. The letter warned that if the aggression did not stop, the Government of the Yemen Arab Republic would take action with all means to stop it. In a reply dated 1 July (S/5343), the representative of the United Kingdom denied the Yemeni allegations and submitted a list of incidents of aggression initiated by the Yemeni Republican forces on the frontier of the South Arabian Federation between 3 and 25 June. He added that his Government would take all necessary measures to defend Federal territory in accordance with treaty obligations.

Chapter 21

COMMUNICATIONS FROM THE UNION OF SOVIET SOCIALIST REPUBLICS, IRAQ AND THE SYRIAN ARAB REPUBLIC

In a letter dated 9 July 1963 (S/5345 and Corr. 1), the representative of the USSR charged that large-scale military operations were being launched against the Kurdish people in Northern Iraq. That policy of repression, he stated, was threatening to spread the conflict and undermining peace in the Near and Middle East. There was information that military units from neighbouring States, including a battalion from Syria, were aiding the Iraqi authorities against the Kurdish people.

The representative of the USSR further added that the establishment of bases close to the Soviet borders was creating a threat to the security of a number of States, including the Soviet Union. The continuance of foreign interference might compel other States to take steps to eliminate that interference and protect their own security. The Soviet Government felt that it might become necessary to convene the Security Council to put an end to such interference.

In a letter dated 10 July (S/5346), the representative of Iraq protested the interference by the Soviet Union in the internal affairs of Iraq. Recent actions and pro-

nouncements of the Soviet Union, with regard to the situation in northern Iraq, were in violation of the Charter. He denied the allegations that Syrian military units were taking part in the operations in northern Iraq. Limited military operations, he added, were being conducted against a band of outlaws. Continued Soviet interference in Iraqi affairs could only have the gravest consequences for international peace and security.

By a letter dated 12 July (S/5349 and Corr.1), the representative of the Syrian Arab Republic transmitted the statement issued on 11 July by the Syrian Ministry of Foreign Affairs in which the Syrian Government affirmed that it considered Barzani's movement in northern Iraq an act of insubordination, lying within the competence of Iraq, and that any foreign interference was in conflict with Article 2 (7) of the Charter. The Syrian Government denied that any Syrian military unit had been sent to Iraq to aid in quelling the movement. As liberated countries, the statement added, Syria and Iraq applied a policy of non-alignment which made it impossible for them to co-operate with countries whose aims were imperialist.

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:

Brasil^a

Mr. Geraldo de Carvalho Silos
Mr. Carlos Alfredo Bernardes
Mr. Carlos dos Santos Veras
Mr. Antonio Houaiss

Chile^b

Mr. Daniel Schweitzer
Mr. Humberto Diaz Casanueva

China

Dr. Tingfu F. Tsiang
Mr. Liu Chieh
Mr. Yu Chi Hsueh
Dr. Chun-Ming Chang

France

Mr. Armand Bérard
Mr. Roger Seydoux
Mr. Pierre Millet
Mr. Claude Arnaud

Ghana

Mr. Alex Quaison-Sackey
Mr. Kenneth K. S. Dadzie
Mr. Nathan Anang Quao

Ireland^b

Mr. Frederick H. Boland
Mr. Tadhg O'Sullivan

Morocco^a

Mr. Ahmed Taibi Benhima
Mr. Dey Ould Sidi Baba

Norway^a

Mr. Sivert A. Nielsen
Mr. Ole Algard

Philippines^a

Dr. Jacinto Castel Borja
Mr. Privado G. Jimenez
Mr. Amelito Mutuc
Mr. Joaquin M. Elizalde
Mr. Hortencio J. Brillantes

Romania^b

Professor Mihail Haseganu
Mr. Mircea Malitza
Mr. Corneliu Bogdan

Union of Soviet Socialist Republics

Mr. Valerian Aleksandrovich Zorin
Dr. Nikolai Trofimovich Fedorenko
Mr. Platon Dmitrievich Morozov

United Arab Republic^b

Mr. Mahmoud Riad
Mr. Mohamed H. El-Zayyat

United Kingdom of Great Britain and Northern Ireland

Sir Patrick Dean
Mr. C. T. Crowe
Mr. R. W. Jackling
Mr. A. H. Campbell

United States of America

Mr. Adlai E. Stevenson
Mr. Francis T. P. Plimpton
Mr. Charles W. Yost

Venezuela

Dr. Carlos Sosa Rodriguez
Dr. Tulio Alvarado
Dr. Leonardo Diaz González

^a Term of office began on 1 January 1963.

^b Term of office ended on 31 December 1962.

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:

Ghana

Mr. Alex Quaison-Sackey (16 to 31 July 1962)

Ireland

Mr. Frederick H. Boland (1 to 31 August 1962)

Romania

Professor Mihail Haseganu (1 to 30 September 1962)

Union of Soviet Socialist Republics

Mr. Valerian Aleksandrovich Zorin (1 to 31 October 1962)

United Arab Republic

Mr. Mahmoud Riad (1 to 30 November 1962)

United Kingdom of Great Britain and Northern Ireland

Sir Patrick Dean (1 to 31 December 1962)

United States of America

Mr. Adlai E. Stevenson (1 to 31 January 1963)

Venezuela

Dr. Carlos Sosa Rodriguez (1 to 28 February 1963)

Brazil

Mr. Geraldo de Carvalho Silos (1 to 31 March 1963)

China

Mr. Liu Chieh (1 to 30 April 1963)

France

Mr. Roger Seydoux (1 to 31 May 1963)

Ghana

Mr. Alex Quaison-Sackey (1 to 30 June 1963)

Morocco

Mr. Ahmed Taibi Benhima (1 to 15 July 1963)

III. Meetings of the Security Council during the period from 16 July 1962 to 15 July 1963

<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
1017th	Admission of new Members	26 July 1962	1027th	Letter dated 10 April 1963 from the <i>Chargé d'Affaires a.i.</i> of the Permanent Mission of Senegal addressed to the President of the Security Council (S/5279)	17 April 1963
1018th	Ditto	12 September 1962	1028th	Ditto	18 April 1963
1019th (private)	Consideration of the Report of the Security Council to the General Assembly	13 September 1962	1029th	Ditto	19 April 1963
1020th	Admission of new Members	4 October 1962	1030th	Ditto	19 April 1963
1021st	Ditto	15 October 1962	1031st	Ditto	22 April 1963
1022nd	Letter dated 22 October 1962 from the Permanent Representative of the United States of America addressed to the President of the Security Council (S/5181); Letter dated 22 October 1962 from the Permanent Representative of Cuba addressed to the President of the Security Council (S/5183); Letter dated 23 October 1962 from the Deputy Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/5186)	23 October 1962	1032nd	Ditto	23 April 1963
1023rd	Ditto	24 October 1962	1033rd	Letter dated 10 April 1963 from the <i>Chargé d'Affaires a.i.</i> of the Permanent Mission of Senegal addressed to the President of the Security Council (S/5279)	24 April 1963
1024th	Ditto	24 October 1962	1034th	Admission of new Members	7 May 1963
1025th	Ditto	25 October 1962	1035th	Telegram dated 5 May 1963 from the Minister of Foreign Affairs of the Republic of Haiti addressed to the President of the Security Council (S/5302)	8 May 1963
1026th (private)	Question of a recommendation for the appointment of the Secretary-General of the United Nations	30 November 1962	1036th	Ditto	9 May 1963
			1037th	Reports by the Secretary-General to the Security Council concerning developments relating to Yemen (S/5298, S/5321, S/5323 and S/5325)	10 June 1963
			1038th	Ditto	11 June 1963
			1039th	Ditto	11 June 1963

IV. Representatives, Chairmen and Principal Secretaries of the Military Staff Committee**A. REPRESENTATIVES OF EACH SERVICE IN RESPECT OF EACH DELEGATION****China**

General Wang Shu-ming, Chinese Air Force
 Lt. General Lu Fu-ning, Chinese Army
 Rear Admiral Chang Hsiang-chi, Chinese Navy

France

Général de Brigade P. Gouraud, French Army
 Général de Brigade J. Compagnon, French Army
 Contre Amiral J. Guérin, French Navy
 Général de Corps Aérien H. M. de Rancourt de Mimerand, French Air Force

Union of Soviet Socialist Republics

Lt. General V. A. Dubovik, Soviet Army
 Rear Admiral B. D. Yashin, USSR Navy
 Vice-Admiral L. K. Bekrenev, USSR Navy
 Major General M. N. Kostjuk, USSR Air Force
 Major General A. N. Chizhov, USSR Air Force

Period of service from 16 July 1962

16 July 1962 to present time
 16 July 1962 to present time
 16 July 1962 to present time
 16 July 1962 to 2 August 1962
 2 August 1962 to present time
 16 July 1962 to 29 October 1962
 29 October 1962 to present time
 16 July 1962 to 7 August 1962
 7 August 1962 to present time

A. REPRESENTATIVES OF EACH SERVICE IN RESPECT OF EACH DELEGATION (*continued*)

	<i>Period of service from 16 July 1962</i>
<i>United Kingdom of Great Britain and Northern Ireland</i>	
Major General J. M. McNeill, British Army	16 July 1962 to 26 February 1963
Major General R. E. T. St. John, British Army	26 February 1963 to present time
Vice-Admiral Sir William Crawford	16 July 1962 to 26 February 1963
Rear Admiral J. F. D. Bush	26 February 1963 to present time
Air Vic.-Marshal R. H. E. Emson, Royal Air Force	16 July 1962 to 21 March 1963
Air Vice-Marshal Ian G. Esplin, Royal Air Force	22 March 1963 to present time
<i>United States of America</i>	
Lt. General G. H. Davidson, US Army	16 July 1962 to present time
Vice-Admiral Ch Wellborn, Jr., US Navy	16 July 1962 to 31 January 1963
Vice-Admiral H. T. Deutermann, US Navy	31 January 1963 to present time
Lt. General R. W. Burns, US Air Force	16 July 1962 to present time

B. CHAIRMEN AT MEETINGS

<i>Meeting</i>	<i>Date</i>	<i>Chairman</i>	<i>Delegation</i>
448th	26 July 1962	General Wang Shu-ming, Chinese Air Force	China
449th	9 August 1962	Général de Corps Aérien H. M. de Rancourt de Mimerand, French Air Force	France
450th	23 August 1962	Général de Brigade J. Compagnon, French Army	France
451st	6 September 1962	Lt. General V. A. Dubovik, Soviet Army	USSR
452nd	20 September 1962	Rear Admiral B. D. Yashin, USSR Navy	USSR
453rd	4 October 1962	Major General J. M. McNeill, British Army	United Kingdom
454th	18 October 1962	Vice-Admiral Sir William Crawford	United Kingdom
455th	1 November 1962	Vice-Admiral Ch. Wellborn, Jr., US Navy	United States
456th	15 November 1962	Vice-Admiral Ch. Wellborn, Jr., US Navy	United States
457th	29 November 1962	Vice-Admiral Ch. Wellborn, Jr., US Navy	United States
458th	13 December 1962	General Wang Shu-ming, Chinese Air Force	China
459th	27 December 1962	General Wang Shu-ming, Chinese Air Force	China
460th	10 January 1963	Général de Brigade J. Compagnon, French Army	France
461st	24 January 1963	Général de Corps Aérien H. M. de Rancourt de Mimerand, French Air Force	France
462nd	7 February 1963	Lt. General V. A. Dubovik, Soviet Army	USSR
463rd	21 February 1963	Lt. General V. A. Dubovik, Soviet Army	USSR
464th	7 March 1963	Rear Admiral J. F. D. Bush	United Kingdom
465th	21 March 1963	Commodore J. G. B. Cooke	United Kingdom
466th	4 April 1963	Lt. General G. H. Davidson, US Army	United States
467th	18 April 1963	Lt. General G. H. Davidson, US Army	United States
468th	2 May 1963	General Wang Shu-ming, Chinese Air Force	China
469th	16 May 1963	General Wang Shu-ming, Chinese Air Force	China
470th	29 May 1963	General Wang Shu-ming, Chinese Air Force	China
471st	13 June 1963	Contre Amiral J. G. M. Guérin, French Navy	France
472nd	27 June 1963	Général de Corps Aérien H. M. de Rancourt de Mimerand, French Air Force	France
473rd	11 July 1963	Lt. General V. A. Dubovik, Soviet Army	USSR

C. PRINCIPAL SECRETARIES AT MEETINGS

<i>Meeting</i>	<i>Date</i>	<i>Principal Secretary</i>	<i>Delegation</i>
448th	26 July 1962	Lt. Colonel J. Soong, Chinese Army	China
449th	9 August 1962	Capitaine de Frégate A. Gélinet, French Navy	France
450th	23 August 1962	Capitaine de Frégate A. Gélinet, French Navy	France
451st	6 September 1962	Lt. Colonel A. B. Senkin, Soviet Army	USSR
452nd	20 September 1962	Lt. Colonel A. B. Senkin, Soviet Army	USSR
453rd	4 October 1962	Colonel T. H. Sergeant, British Army	United Kingdom
454th	18 October 1962	Colonel J. C. d'E. Coke, Royal Marines	United Kingdom
455th	1 November 1962	Colonel C. F. Nelson, US Army	United States
456th	15 November 1962	Captain F. W. Pump, US Navy	United States
457th	29 November 1962	Captain F. W. Pump, US Navy	United States
458th	13 December 1962	Lt. Colonel J. Soong, Chinese Army	China

C. PRINCIPAL SECRETARIES AT MEETINGS (continued)

<i>Meeting</i>	<i>Date</i>	<i>Principal Secretary</i>	<i>Delegation</i>
459th	27 December 1962	Lt. Colonel J. Soong, Chinese Army	China
460th	10 January 1963	Capitaine de Frégate A. Gélinet, French Navy	France
461st	24 January 1963	Capitaine de Frégate A. Gélinet, French Navy	France
462nd	7 February 1963	Lt. Colonel A. B. Senkin, Soviet Army	USSR
463rd	21 February 1963	Lt. Colonel A. B. Senkin, Soviet Army	USSR
464th	7 March 1963	Colonel J. L. Carter, Royal Marines	United Kingdom
465th	21 March 1963	Commander T. B. Homan, Royal Navy	United Kingdom
466th	4 April 1963	Captain F. W. Pump, US Navy	United States
467th	18 April 1963	Captain F. W. Pump, US Navy	United States
468th	2 May 1963	Lt. Colonel J. Soong, Chinese Army	China
469th	16 May 1963	Lt. Colonel J. Soong, Chinese Army	China
470th	29 May 1963	Lt. Colonel J. Soong, Chinese Army	China
471st	13 June 1963	Capitaine de Frégate A. Gélinet, French Navy	France
472nd	27 June 1963	Capitaine de Frégate A. Gélinet, French Navy	France
473rd	11 July 1963	Lt. Colonel A. B. Senkin, Soviet Army	USSR

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