

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

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

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

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

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

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

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

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

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

COMPLAINT BY CAMBODIA

INITIAL PROCEEDINGS

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

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

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

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

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

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

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

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

^{294a} 1111th meeting: para. 60.
²⁹⁵ S/5697, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 130-132.

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

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

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

south-western Tay Ninh Province of Viet-Nam on 7 and 8 May, he had not been in the group which had crossed into Cambodian territory. An American advisor had accompanied a unit which inadvertently crossed the Cambodian border at Chantrea on 19 March. The United States Secretary of State had in that connexion, written⁸⁰⁰ to the Cambodian Government setting forth the circumstances, expressing regret, and undertaking to seek all reasonable precautions against a recurrence. There was no basis for a charge of aggression against the United States as the events in question in no way suggested hostility against Cambodia. He denied the Cambodian assertion that the United States had steadily refused to consider a proposal for the inspection of Cambodian territory, especially in the regions bordering the Republic of Viet-Nam. The United States was prepared to consider any reasonable proposal for new and effective machinery under the United Nations to help stabilize the situation along the Cambodian—Viet-Nameese frontier, and hoped that the Council could act definitively to that end.

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

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

⁸⁰⁰ S/5666, O.R., 19th yr., Suppl. for Apr.-June 1964, p. 74.

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

Decision of 4 June 1964 (1126th meeting):

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

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

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

"The Security Council,

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

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

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

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

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

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

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

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

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

³⁰³ See chapter V, Case 3.

³⁰⁴ 1126th meeting: paras. 33 and 48.

³⁰⁵ 1126th meeting: para. 49.

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

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

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

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

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

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

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

THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA

Decision of 9 June 1964 (1128th meeting):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

³¹⁶ 1127th meeting: para. 3.