

the people of South Africa should be brought into consultation and should thus be enabled to decide the future of their country at the national level;

"6. *Requests* the Secretary-General to consider what assistance the United Nations may offer to facilitate such consultations among representatives of all elements of the population in South Africa;

"7. *Invites* the Government of the Republic of South Africa to accept the main conclusion of the Group of Experts referred to in paragraph 5 above and to co-operate with the Secretary-General and to submit its views to him with respect to such consultations by 30 November 1964;

"8. *Decides* to establish an expert committee, composed of representatives of each present member of the Security Council, to undertake a technical and practical study, and report to the Security Council as to the feasibility, effectiveness, and implications of measures which could, as appropriate, be taken by the Security Council under the United Nations Charter;

"9. *Requests* the Secretary-General to provide to the expert committee the Secretariat's material on the subjects to be studied by the committee, and to co-operate with the committee as requested by it;

"10. *Authorizes* the expert committee to request all States Members of the United Nations to co-operate with it and to submit to it their views on such measures no later than 30 November 1964, and requests the committee to complete its report not later than three months thereafter;

"11. *Invites* the Secretary-General, in consultation with appropriate United Nations specialized agencies, to establish an educational and training programme for the purpose of arranging for education and training abroad for South Africans;

"12. *Reaffirms* its call upon all States to cease forthwith the sale and shipment to South Africa of arms, ammunition of all types, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa;

"13. *Requests* all Member States to take such steps as they deem appropriate to persuade the Government of the Republic of South Africa to comply with the present resolution."

COMPLAINT BY THE UNITED STATES (TONKIN GULF INCIDENT)

INITIAL PROCEEDINGS

By letter ³²⁹ dated 4 August 1964 addressed to the President of the Security Council, the representative of the United States requested that a Council meeting be urgently convened to consider "the serious situation created by deliberate attacks of the Hanoi régime on United States naval vessels in international waters".

At the 1140th meeting on 5 August 1964, the Council included the question in its agenda.³³⁰ The question was considered by the Council at its 1140th and 1141st meetings held between 5 and 7 August 1964.

Decision of 7 August 1964 (1141st meeting): *Adjournment to reconvene after consultation with Council members*

At the 1140th meeting on 5 August 1964, the representative of the United States stated that on 2 August 1964 the United States destroyer *Maddox*, while on routine patrol in international waters in the Gulf of Tonkin, was approached by three high-speed North Viet-Nameese torpedo-boats in attack formation. All three attacking vessels directed machine-gun fire at the *Maddox* and two of them fired torpedoes which the *Maddox* evaded by changing course. After the attack was broken off, the *Maddox* continued on a southerly course in international waters. Although that was clearly a deliberate armed attack against a naval unit of the United States on patrol on the high seas, almost thirty miles off the mainland, the United States Government had hoped that that might be an isolated or uncalculated action. However, on 4 August, the destroyers *Maddox* and *C. Turner Joy*, while operating sixty-five miles away from the shore, were again subjected to an armed attack by an undetermined number of motor torpedo-boats of the North Viet-Nameese Navy. On that occasion numerous torpedoes were fired. The attack lasted for over two hours. Thus no longer could there be any doubt that it was a "planned deliberate military aggression" against United States vessels lawfully present in international waters.

In response the United States Government had subsequently taken "limited and measured" action to secure its naval units against further aggression. Thus aerial strikes had been carried out against North Viet-Nameese torpedo-boats and their support facilities. The representative of the United States further asserted that the action by the United States vessels was taken in self-defence and was fully within the provisions of the United Nations Charter.

The representative of the USSR stressed the fact that up to that moment the Council had only one-sided information about the alleged attacks by torpedo-boats of the Democratic Republic of Viet-Nam against the United States destroyers. For an objective discussion of a dispute of that kind in the Security Council, the Government of the Democratic Republic of Viet-Nam should therefore be asked for information on the substance of the United States complaint. He further drew the Council's attention to the fact that the statement of the United States regarding the alleged attack by torpedo-boats against the United States destroyer *Maddox* was made the day after a protest had been made public by the Government of the Democratic Republic of Viet-Nam that the United States and its "lackeys in South Viet-Nam" had sent warships to bombard the islands of Hon Me and Hon Ngu, situated in the territorial waters of the Democratic Republic of Viet-Nam.

Moreover, there were dispatches reporting that the Democratic Republic of Viet-Nam had described the incidents between the torpedo boats and the destroyers as acts of provocation committed by United States armed forces in the territorial waters of the Democratic Republic of Viet-Nam. On the bases of the foregoing and of what had been made public thus far, the USSR Government could not but condemn the actions of the United States in dispatching its navy to the Gulf of Tonkin, and in issuing the Presidential order to continue naval patrols along the coast of the Democratic Republic of Viet-Nam.

Furthermore, the Government of the USSR "most emphatically" condemned the bombardment of coastal installations of the Democratic Republic of Viet-Nam

³²⁹ S/5849, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 135.

³³⁰ 1140th meeting: para. 32. See also chapter II, Case 4.

by United States armed forces, which were actions which could only be characterized as aggressive. The United States plans to expand its military operations in North Viet-Nam were fraught with great danger to the maintenance of peace in all of South-East Asia. If the United States did not halt immediately its military operations against the Democratic Republic of Viet-Nam, it would bear a heavy responsibility for the consequences.³³¹

In conclusion, the representative of the USSR presented a draft resolution³³² which would request the President of the Security Council to ask the Government of the Democratic Republic of Viet-Nam to supply the Council urgently with the necessary information relating to the United States complaint and would invite representatives of the Government of the Democratic Republic of Viet-Nam to take part in the meetings of the Security Council.

The representative of France suggested that the task of extending invitations be entrusted to the President of the Council so that he could act on the Council's wish without the necessity of voting on a resolution and expressed the hope that the representative of the USSR would not insist on a vote on his draft resolution.³³³

The representative of the United States stated that he had no objection to the authorities of North Viet-Nam being heard by the Council. However, his delegation was of the view "that if the North Viet-Nameese are invited, the Republic of Viet-Nam should also be invited to appear".³³⁴

After further discussion, the Council decided that the President should undertake informal consultations with the members of the Council on the basis of the proposal by the representative of France and in the light of the comments thereon by the representatives of the USSR and the United States.³³⁵

At the 1141st meeting on 7 August 1964, the President stated that his consultations with the members of the Council had resulted in a general understanding that the Security Council "would welcome such information relating to this complaint as the Democratic Republic of Viet-Nam would desire to make available to the Council, either through taking part in the discussion of the complaint in the Council, or in the form which it might prefer. Furthermore, the Security Council would receive in the same manner such information relating to the complaint as the Republic of Viet-Nam would desire to make available to the Council". He would further arrange for the Secretariat to communicate without delay the contents of the general understanding to the Democratic Republic of Viet-Nam and the Republic of Viet-Nam.³³⁶

After some deliberation, the President adjourned the meeting and stated that he would call the next meeting after fixing a date and time, in consultation with the members of the Council.³³⁷

The question remained on the list of matters of which the Security Council is seized.³³⁸

COMPLAINT BY MALAYSIA

INITIAL PROCEEDINGS

By letter³³⁹ dated 3 September 1964 addressed to the President of the Security Council, the representative of Malaysia requested the President to convene an early meeting of the Security Council under Article 39 of the Charter to deal with the situation created by "an Indonesian aircraft [which] flew over South Malaya dropping a large group of heavily armed paratroopers". The letter stated that some of the paratroopers had been captured and "a very large quantity of arms and ammunition recovered". It stated that Malaysia regarded that act of Indonesia as "blatant and inexcusable aggression" and a threat to international peace and security.

At its 1144th meeting on 9 September 1964,³⁴⁰ the Security Council included the item on its agenda, and considered the question at its 1144th, 1145th, 1148th to 1150th and 1152nd meetings held between 9 and 17 September 1964.

The representatives of Indonesia and Malaysia were invited to the Council table to participate in the discussion.³⁴¹ At a later stage, the representative of the Philippines was also invited to take part in the discussion.³⁴²

At the 1144th meeting on 9 September 1964, the representative of Malaysia * reviewed the efforts of his Government to promote good relations with Indonesia and traced the main developments in those relations since the independence of Malaya up to the formation of the Federation of Malaysia. With the coming into being of the Federation, however, relations deteriorated sharply when Indonesia adopted a policy of military and economic "confrontation" against Malaysia. In pursuit of that policy, Indonesian army infiltrators, both regular and irregular, started "flooding" into the Borneo States and began a continuous series of "hit-and-run tactics from the safe sanctuary of their own part of Borneo", and were continuing to do so. Despite those activities Malaysia exhibited the "utmost patience and forbearance" in that regard, and had taken part in talks with Indonesia without making any progress. On 17 August a large contingent of sea-borne "Indonesian infiltrators" landed in the southern districts of the Malaysian peninsula. The representative went on to mention that "This was the first invasion-like landing in strength

³³⁸ For retention of the item on the Secretary-General's summary statement on matters of which the Security Council is seized, see chapter II, part IV, B, under item 132. Subsequently, at the request of the Acting Permanent Representative of the USSR, two statements dated 6 and 8 August 1964 by the Democratic Republic of Viet-Nam were circulated as official documents of the Security Council. In the first statement the Government of the Democratic Republic of Viet-Nam stated that the story of two United States destroyers being attacked twice off the Gulf of North Viet-Nam had been "fabricated" by the United States in order to further its design to invade North Viet-Nam. In the second it was stated that "the United Nations Security Council has no right to examine this problem and must respect the 1954 Geneva Agreements, and the role of the two Co-chairmen and the responsibility of the participating countries". S/5888, O.R., 19th yr., Suppl. for July-Sept., 1964, p. 170.

³³⁹ S/5930, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 263.

³⁴⁰ 1144th meeting: para. 8.

³⁴¹ 1144th meeting: para. 11.

³⁴² 1145th meeting: para. 2.

³³¹ For texts of relevant statements see, 1140th meeting: USSR, paras. 56-59, 64-68, 73; United States, paras. 36-38, 42-46. For discussion relating to Article 51, see chapter XI, Case 8.

³³² 1140th meeting: para. 73. For discussion on participation see chapter III, Case 7.

³³³ 1140th meeting: para. 89-91.

³³⁴ 1140th meeting: para. 95.

³³⁵ 1140th meeting: paras. 106-107.

³³⁶ 1141st meeting: paras. 22, 23.

³³⁷ 1141st meeting: para. 28.