

4. Expression of concern over non-implementation of specific measures requested by the Security Council.
- (i) The Palestine question:
Decision of 9 April 1962 (S/5111), preamble.
- (ii) Question of race conflict in South Africa:
Decision of 4 December 1963 (S/5471), preamble.
5. Deprecation of continued refusal to implement the resolutions of the Security Council
- (i) The situation in territories in Africa under Portuguese administration:
Decision of 31 July 1963 (S/5380), para. 3.
- (ii) Question of race conflict in South Africa:
Decision of 4 December 1963 (S/5471), para. 3.
- M. Endorsement of reports of the Secretary-General.
- (i) The situation in the Republic of the Congo:
Decision of 22 July 1960 (S/4405), para. 3.
- (ii) Reports by the Secretary-General concerning Yemen:
Decision of 11 June 1963 (S/5331), preamble.
- N. Request for assistance from the specialized agencies of the United Nations.
- The situation in the Republic of the Congo:
Decision of 22 July 1960 (S/4405), para. 4.
- O. Finding of a violation of a Security Council cease-fire injunction.
- The Palestine question:
Decision of 9 April 1962 (S/5111), para. 3.
- P. Expression of concern over military incursions into foreign territories.
- Complaint by Senegal:
Decision of 24 April 1963 (S/5293), para. 1.
- VIII. MEASURES TO ENSURE FURTHER CONSIDERATION AND TO ASCERTAIN COMPLIANCE
- A. Request for information on the progress of settlement.
1. From the Secretary-General.
- (i) Complaint concerning South Africa (letter dated 25 March 1960):
Decision of 1 April 1960 (S/4300), para. 5.
- (ii) The situation in the Republic of the Congo:
Decision of 14 July 1960 (S/4387), para. 3.
Decision of 22 July 1960 (S/4405), para. 5.
Decision of 9 August 1960 (S/4426), para. 6.
- (iii) Complaint by Senegal:
Decision of 24 April 1963 (S/5293), para. 3.
- (iv) Reports by the Secretary-General concerning Yemen:
Decision of 11 June 1963 (S/5331), para. 3.
- (v) The situation in territories in Africa under Portuguese administration:
Decision of 31 July 1963 (S/5380), para. 7.
Decision of 11 December 1963 (S/5481), para. 7.
- (vi) Question of race conflict in South Africa:
Decision of 7 August 1963 (S/5386), para. 4.
Decision of 4 December 1963 (S/5471), para. 8.
2. From the subsidiary organs.
- (i) The situation in Angola:
Decision of 9 June 1961 (S/4835), para. 5.
- (ii) The Palestine question:
Decision of 9 April 1962 (S/5111), para. 8.
3. From regional agencies or arrangements.
- Complaint by Cuba (letter of 11 July 1960):
Decision of 19 July 1960 (S/4395), preamble and para. 1.
- B. Provision by express decision to consider the matter further.
- Complaint by Tunisia:
Decision of 22 July 1961 (S/4882), para. 2.
- C. Statement by the President that the Council would remain seized of the question.
- (i) Complaint by Kuwait:
Decision; President's statement of 7 July 1961.
- (ii) Complaint by Tunisia:
Decision; President's statement of 22 July 1961.
- (iii) Complaint by Cuba (letter of 21 November 1961):
Decision; President's statement of 28 November 1961.
- (iv) Complaints by Cuba, USSR and USA (letters dated 22-23 October 1962):
Decision; President's statement of 25 October 1962.
- (v) Complaint by Haiti:
Decision; President's statement of 9 May 1963.
- IX. MEASURES IN CONNEXION WITH THE INABILITY OF THE SECURITY COUNCIL TO EXERCISE ITS RESPONSIBILITY FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY
- A. Convocation of an emergency special session of the General Assembly under the provisions of General Assembly resolution 377 (V) of 3 November 1950.
- The situation in the Republic of the Congo:
Decision of 17 September 1960 (S/4526).

PART II

THE PALESTINE QUESTION

Decision of 30 January 1959 (845th meeting): Adjournment

By letter^{4/} dated 26 January 1959, the permanent representative of Israel brought to the attention of the Security Council "the renewal of aggression by United Arab Republic armed forces on the Israel-Syrian border" and requested that a special meeting of the Council be convened to consider the matter. It was stated in the letter that a series of incidents, especially the latest one at Ma'ale Habashan, in which one shepherd was killed by Syrian soldiers, constituted "grave violations of the Israel-Syrian General Armistice Agreement and of the Charter of the United Nations, threatening peace and security". The Government of Israel believed that it was the duty of the United Nations under the Charter to bring about an immediate cessation of these acts of aggression.

At the 845th meeting on 30 January 1959, the Security Council included the Israel complaint in its agenda. Following the adoption of the agenda,

^{4/} S/4151 and Corr.1, O.R., 14th year, Suppl. for Jan.-June 1959, pp. 3-4.

the representatives of Israel and the United Arab Republic were invited to take a place at the Council table.^{5/}

The representative of Israel* stated that the attack had been a climax in a series of incidents, about which in each instance complaints had been lodged by Israel with the Mixed Armistice Commission. The continuation of constant firing by Syrian forces into Israel Territory was likely to endanger international peace and security and therefore fell clearly within the purview of Article 34 of the Charter. Further, Article 35 conferred upon each Member State the right to bring such matters to the Security Council.

The representative of the United Arab Republic* contended that under article VII of the General Armistice Agreement an incident of the kind referred to by the representative of Israel should be first dealt with by the Mixed Armistice Commission, the body which had been established by agreement between the two parties under the auspices of the Security Council, and not by the Security Council itself. Israel's recourse to the Council with a purely local incident was in his view a further evidence of its in-

^{5/} 845th meeting: para. 32.

tention to persist in its refusal to recognize the functions of the Mixed Armistice Commission.

The representatives of the United Kingdom, the United States, Japan, France, Italy, Canada, China and Panama expressed the view that both parties should observe strictly the provisions of the General Armistice Agreement, show good faith and respect for the Agreement by strict orders to the military commanders on both sides to prohibit firing except in cases of obvious self-defence. The representative of the USSR held that Israel was disregarding procedures laid down in the Armistice Agreement and maintained that it was necessary for the Council to indicate to the Government of Israel the need to abide strictly by the provisions of the Armistice Agreement.^{6/}

The Council adjourned the meeting.^{7/}

Decision of 11 April 1961 (949th meeting):

- (i) *Endorsing the decision of the Jordan-Israel Mixed Armistice Commission of 20 March 1961;*
- (ii) *Urging Israel to comply with this decision;*
- (iii) *Requesting the members of the Mixed Armistice Commission to co-operate so as to ensure that the General Armistice Agreement will be complied with*

By letter^{8/} dated 1 April 1961, the permanent representative of Jordan informed the President of the Security Council that the Israel authorities were contemplating holding on 20 April 1961, in the Israel-occupied part of the Holy City of Jerusalem, a military parade in which Israel troops, heavy armament and heavy war equipment would be displayed and reviewed. The Government of the Hashemite Kingdom of Jordan had submitted a complaint to the Jordan-Israel Mixed Armistice Commission which, on the basis of its findings, had decided on 20 March 1961 that "this act by Israel is a breach of the General Armistice Agreement." It had also condemned this act by Israel and called upon the Israel authorities to take the strongest measures to prevent the recurrence of such a breach of the General Armistice Agreement and to refrain in the future from bringing to Jerusalem any equipment in excess of that allowed for under the terms of the General Armistice Agreement. In spite of the condemnation and the decision by the Mixed Armistice Commission, the Israel authorities had again made known their intentions to hold the contemplated military parade on 20 April 1961. This contemplated act of military provocation on the part of Israel, in utter defiance and complete disregard of the decision of the Mixed Armistice Commission, if not prevented from taking place, would endanger international peace and security.

^{6/} For texts of relevant statements, see:

845th meeting: Canada, paras. 125, 129; China, paras. 135, 136; France, para. 108; Israel*, paras. 37, 40, 43-45, 140, 145, 146, 151; Italy, paras. 112-114; Japan, paras. 99-103; Panama, para. 137; USSR, paras. 117-120; United Arab Republic*, paras. 48, 49, 51, 52, 70, 83, 155; United Kingdom, paras. 57-89; United States, paras. 91, 93-96.

^{7/} 845th meeting: para. 155.

^{8/} S/4777, O.R., 16th year, Suppl. for April-June 1961, pp. 1-2.

At the 947th meeting of the Security Council on 6 April 1961, the provisional agenda listed under the general heading "The Palestine question" included:

"Letter dated 1 April 1961 from the permanent representative of the Hashemite Kingdom of Jordan addressed to the President of the Security Council (S/4777)."

The agenda was adopted^{9/} and the Security Council considered the question at its 947th to 949th meetings between 6 and 11 April 1961. The representatives of Jordan and Israel were invited to take part in the discussions.

At the 947th meeting, the representative of Israel,* in referring to the Jordanian complaint, viewed it as a minor matter of a technical character, which in no sense involved a threat to international peace and which should never have been brought before the Security Council. He discounted the assertion that the ceremonial parade of military equipment without ammunition could even constitute "a formal breach of annex II to the General Armistice Agreement". If the Council really wished to concern itself with the functioning of the Israel-Jordan Armistice Agreement, there could be more far-reaching issues than that just raised. He concluded that on the one hand the Jordanians refused implementation of the essential clauses of the Armistice Agreement and on the other they came to the Council on matters of no real significance.^{10/}

At the 948th meeting on 10 April 1961, the representatives of the United Arab Republic and Ceylon submitted a draft resolution^{11/} under which the Security Council would: (1) endorse the decision of the Mixed Armistice Commission of 20 March 1961; and (2) urge Israel to comply with this decision.

At the 949th meeting on 11 April 1961, the representative of the United States introduced an amendment^{12/} to the joint draft resolution which was adopted by 7 votes in favour and none against, with 4 abstentions.^{13/}

At the same meeting, the joint draft resolution, as amended, was adopted by 8 votes in favour and none against, with 3 abstentions. The resolution^{14/} read as follows:

"The Security Council,

"Having considered the complaint submitted on 1 April 1961 by the Government of the Hashemite Kingdom of Jordan [S/4777],

"Noting the decision of the Jordan-Israel Mixed Armistice Commission on 20 March 1961,^{15/}

"1. Endorses the decision of the Mixed Armistice Commission on 20 March 1961;

^{9/} 947th meeting: para. 3.

^{10/} 947th meeting: paras. 38, 48, 55, 61.

^{11/} S/4754, 948th meeting: para. 20.

^{12/} S/4755, O.R., 16th year, Suppl. for April-June 1961, p. 9; 949th meeting: para. 8.

^{13/} 94th meeting: para. 75.

^{14/} S/4755, O.R., 16th year, Suppl. for April-June 1961, p. 11; 949th meeting: para. 76.

^{15/} O.R., 16th year, Suppl. for Jan.-March 1961, p. 278.

"2. Urges Israel to comply with this decision;

"3. Requests the members of the Mixed Armistice Commission to co-operate so as to ensure that the General Armistice Agreement will be complied with."

Decision of 9 April 1962 (1006th meeting):

- (i) *Calling upon the two Governments concerned to comply with their obligations under Article 2, paragraph 4, of the Charter by refraining from the threat as well as the use of force;*
- (ii) *Calling upon both parties to abide scrupulously by the cease-fire arranged by the Chief of Staff on 17 March 1962;*
- (iii) *Calling for strict observance of article V of the General Armistice Agreement which provided for the exclusion of armed forces from the Demilitarized Zone;*
- (iv) *Calling upon the Governments of Israel and of the Syrian Arab Republic to co-operate with the Chief of Staff of the Truce Supervision Organization in carrying out his responsibilities under the General Armistice Agreement and the pertinent resolutions of the Security Council;*
- (v) *Requesting the Chief of Staff of the Truce Supervision Organization to report as appropriate concerning the situation*

By letter^{16/} dated 20 March 1962, the permanent representative of Syria requested that the Security Council be convened to consider the grave situation which had arisen from the acts of aggression committed by Israel on the Syrian frontier and in the demilitarized zone which threatened the peace and security of the region. He further referred to his letter of 17 March 1962^{17/} in connexion with successive acts of aggression committed by Israel during the night of 16/17 March 1962 at various points in his country's territory.

By letter^{18/} dated 21 March 1962, the permanent representative of Israel drew the attention of the Security Council to the recurrence of acts of aggression and provocation by Syrian armed forces against the citizens and territory of Israel, following the previous aggressive actions reported in his letter of 19 March 1962.^{19/} Due to the gravity of the situation caused by the persistence of these aggressive actions on the part of the Syrian armed forces, he requested an early meeting of the Council.

At the 999th meeting on 28 March 1962, the Council had before it a provisional agenda which, under the general heading of item 2 "The Palestine question" listed as sub-items (a) and (b) the complaints submitted by Syria and Israel, respectively.

Following the adoption of the agenda,^{20/} the President invited the representatives of Syria and Israel to the Security Council table to take part in the

discussion.^{21/} At the suggestion of the President, the Council decided to discuss sub-paragraphs (a) and (b) simultaneously. The Council considered the question at its 999th to 1006th meetings between 28 March and 9 April 1962.

At the 999th meeting, the Council also had before it a report from the Chief of Staff of the United Nations Truce Supervision Organization^{22/}. At the suggestion of the representative of the United States, the Council decided to request the Chief of Staff to return to New York to be available for consultation.^{23/}

At the 1000th meeting on 3 April 1962, the Secretary-General announced the presence of the Chief of Staff of UNTSO, General Von Horn, at the meeting, who would provide the Council with all relevant information available to him.^{24/}

At the same meeting, the representative of Syria submitted a draft resolution^{25/} according to which the Council would: (1) condemn Israel for the wanton attack which was carried out against Syrian territory on the night of 16/17 March 1962 in violation of the Council resolution of 15 July 1948, of the General Armistice Agreement between Syria and Israel and of Israel's obligations under the Charter; (2) warn Israel of the Security Council's resolve to call for sanctions against Israel, should it resort to further aggression in the future; and (3) invite Israel to comply with its obligations under the Charter and the General Armistice Agreement and, in particular, to help the Chief of Staff of the United Nations Truce Supervision Organization strengthen the armistice machinery in order to relieve tension in the area; and (4) request the Chief of Staff to render to the Security Council progress reports on the implementation of this resolution.

At the 1001st meeting on 4 April 1962, the representative of Israel submitted a draft resolution^{26/} which provided that the Security Council would: (1) express its grave concern at the attacks by Syrian armed forces; (2) call upon Syria to abide by all the provisions of the General Armistice Agreement, and in particular to prevent all illegal crossing from Syrian territory, to cease all interference with Israel activities on Lake Tiberias, and to desist from firing into Israel territory; (3) find that Syria's constant threats against the territorial integrity and political independence of Israel violated the letter and the spirit of the Charter of the United Nations, the Israel-Syrian General Armistice Agreement and the resolutions of the Security Council and the General Assembly; and (4) call upon Syria to refrain from any threats against the territorial integrity or political independence of Israel.

At the 1005th meeting on 6 April 1962, the Council had before it a joint draft resolution^{27/} submitted by

^{16/} S/509c, O.R., 17th year, Suppl. for Jan.-March 1962, pp. 97-98.

^{17/} S/5092, *ibid.*, p. 93.

^{18/} S/5098, *ibid.*, pp. 98-99.

^{19/} S/5093, *ibid.*, pp. 94-96.

^{20/} 999th meeting: para. 5.

^{21/} 999th meeting: para. 6.

^{22/} S/5102 and Add.1, O.R., 17th year, Suppl. for Jan.-March 1962, pp. 100-110.

^{23/} 999th meeting: paras. 97, 103, 155-156.

^{24/} 1000th meeting: paras. 11-12.

^{25/} S/5107 (later revised as S/5107/Rev.1, O.R., 17th year, Suppl. for April-June 1962, pp. 93-94); 1000th meeting: para. 92.

^{26/} S/5109, *ibid.*, pp. 94-95; 1001st meeting: para. 2.

^{27/} S/5110, same text as S/5111, see below; 1005th meeting: para. 2.

the representatives of the United Kingdom and the United States.

At the 1006th meeting on 9 April 1962, after further statements by the parties concerned, the representative of the United Arab Republic requested a separate vote on the preamble and operative paragraphs 2, 3 and 8 of the joint draft resolution. The representatives of the United Kingdom and the United States objected, under rule 32 of the rules of procedure, to this request.^{28/}

The Council adopted the joint draft resolution by 10 votes in favour, none against, with 1 abstention.^{29/} The resolution^{30/} read as follows:

"The Security Council,

"Recalling its resolutions of 15 July 1948 and 18 May 1951,

"Having considered the report of the Chief of Staff of the United Nations Truce Supervision Organization on the military activities in the Lake Tiberias area and in the Demilitarized Zone,

"Having heard the statements of the representatives of the Syrian Arab Republic and Israel,

"Being deeply concerned over developments in the area which have taken place in violation of the Charter of the United Nations and of the Armistice Agreement,

"Recalling in particular the provisions of Article 2, paragraph 4 of the Charter and article I of the Syrian-Israel General Armistice Agreement,

"Noting with satisfaction that a cease-fire has been achieved,

"1. Deplores the hostile exchange between the Syrian Arab Republic and Israel starting on 8 March 1962 and calls upon the two Governments concerned to comply with their obligations under Article 2, paragraph 4 of the Charter by refraining from the threat as well as the use of force;

"2. Reaffirms the Security Council resolution of 19 January 1956 which condemned Israel military action in breach of the General Armistice Agreement, whether or not undertaken by way of retaliation;

"3. Determines that the Israel attack of 16-17 March 1962 constitutes a flagrant violation of that resolution and calls upon Israel scrupulously to refrain from such action in the future;

"4. Endorses the measures recommended by the Chief of Staff for the strengthening of the Truce Supervision Organization in its tasks of maintaining and restoring the peace and of detecting and deterring future incidents, and calls upon the Israel and Syrian authorities to assist the Chief of Staff in their early implementation;

"5. Calls upon both parties to abide scrupulously by the cease-fire arranged by the Chief of Staff on 17 March 1962;

"6. Calls for strict observance of article V of the General Armistice Agreement which provides for the exclusion of armed forces from the Demilitarized Zone and annex IV of that Agreement which sets limits on forces in the defensive area, and calls upon the Governments of Israel and the Syrian Arab Republic to co-operate with the Chief of Staff in eliminating any violations thereof;

"7. Calls upon the Governments of Israel and of the Syrian Arab Republic to co-operate with the Chief of Staff of the Truce Supervision Organization in carrying out his responsibilities under the General Armistice Agreement and the pertinent resolutions of the Security Council and urges that all steps necessary for reactivating the Mixed Armistice Commission and for making full use of the Mixed Armistice machinery be promptly taken;

"8. Requests the Chief of Staff of the Truce Supervision Organization to report as appropriate concerning the situation."

Decision of 3 September 1963 (1063rd meeting): Rejection of the United Kingdom and United States joint draft resolution

By letter^{31/} dated 20 August 1963, the acting permanent representative of Israel requested an urgent meeting of the Security Council to consider the following complaint of Israel against Syria:

"Grave act of aggression by Syrian armed forces in violation of article III, paragraphs 2 and 3, of the General Armistice Agreement and in terms of Article 39 of the Charter of the United Nations."

In the letter it was stated that on 19 August 1963, at 19.10 hours, three unarmed members of an Israel agricultural settlement at Almagor in the Galilee, while returning home on a tractor from work in their fields, were ambushed by a group of at least ten Syrian soldiers at a point about one kilometre west of the Syrian border. Two of the farmers were murdered, the third fled, whereupon the Syrian army unit returned across the border. This entire incident took place well within Israel territory. A complaint was immediately lodged with the Mixed Armistice Commission. The letter added that this incident was the gravest in the lengthy chain of Syrian border attacks^{32/} which for a number of months past had been repeatedly carried out by the Syrian armed forces across the border against the civilian activities in the areas adjacent to the border. The continuance of this state of affairs had become intolerable to the Government of Israel, which was responsible for the protection of the lives and property of its citizens and the integrity of its borders. Accordingly, the Government of Israel requested urgent consideration of this complaint by the Security Council in order that Syria should be condemned for the warlike and aggressive actions of its armed forces and that all such acts should forthwith be brought to a halt.

By letter^{33/} dated 21 August 1963, to the President of the Security Council the representative of the

^{28/} 1006th meeting: paras. 77, 82.

^{29/} 1006th meeting: para. 106.

^{30/} S/5111, O.R., 17th year, Suppl. for April-June 1962, pp. 95-96.

^{31/} S/5394, O.R., 18th year, Suppl. for July-Sept. 1963, pp. 76-77.

^{32/} For a list of incidents, see document S/5396 which was circulated as an annex to the letter dated 21 August 1963, *ibid.*, pp. 75-82.

^{33/} S/5395, *ibid.*, p. 77.

Syrian Arab Republic stated with regard to the latest flare-up on the Syrian-Israel demarcation lines, that, at exactly 1330 hours on 20 August 1963, an Israel force opened fire with automatic weapons from the Israel settlement of Al-Dardara which was located within the demilitarized zone. The Israel force, estimated at fifteen armoured cars, was deployed throughout an extended area. The fire was directed at the Syrian advanced positions in the area. The Syrian forces returned the fire, but the Israel forces continued to shell the Syrian positions, creating a situation which threatened the peace and security of the region. This incident was preceded several days previously by a heavy concentration of Israel troops in the area. He therefore requested that an urgent meeting of the Security Council be convened to consider this grave situation which had arisen as a result of this new wave of aggression perpetrated by the Israel authorities in clear contravention of their obligations under the Syrian-Israel General Armistice Agreement.

At the 1057th meeting on 23 August 1963, the Security Council had before it the provisional agenda which, under the general heading: "The Palestine question," listed as sub-items (a) and (b) the complaints submitted by Israel and Syria, respectively.

The agenda was adopted and the Security Council considered the question at its 1057th to 1063rd meetings between 23 August and 3 September 1963. The representatives of Israel and Syria were invited^{34/} to take part in the discussion.

At the 1057th meeting on 23 August 1963, the representative of Israel* stated that the wanton murder of two Israel farmers by Syrian soldiers was serious enough even if it were an isolated incident. It had far greater import as the culminating outrage in a lengthy series of Syrian armed attacks on Israel citizens and against the background of a tense and disturbed border. The Government of Israel believed that the time had come for the Council to condemn and curb Syria's persistent violation of the Armistice Agreement and the United Nations Charter. It was felt that such action was essential in order to preserve that measure of stability which existed under the armistice regime.

The representative of Syria* charged that Israel, having opened fire from the demilitarized zone upon Syrian positions, in flagrant violation of the Armistice Agreement, now appeared in the guise of the victim. He wished the Council to give the most careful attention to the following facts: First, massive concentrations of Israel troops had recently taken place in the defensive areas, leading to expectations of an attack on the Syrian positions. Secondly, intensive military activity had been going on in the demilitarized zone. Thirdly, the Israel authorities had often refused to participate in the precise delimitation of the demarcation line. He added that the basic reason for the present tension lay in the fact that the Israel authorities refused to respect the status of the demilitarized zone as defined in the Armistice Agreement. Finally, he drew the attention of the Council to the following conclusions: first, Israel should be condemned by the

Security Council for its aggressive conduct and its incessant violations of the Armistice Agreement; secondly, the Armistice Agreement should be strictly and fully implemented; thirdly, respect for the status of the demilitarized zone must be fully ensured; fourthly, the Mixed Armistice Commission should resume normal working.^{35/}

At the 1058th meeting on 28 August 1963, the Secretary-General, in his report to the Council, stated that in general the cease-fire was being observed and that General Bull, Chief of Staff of UNTSO, had completed on 26 August the inspection visits to the defensive areas and the demilitarized zone.^{36/} The President (Norway) drew the Council's attention to the report from the Chief of Staff.^{37/}

At the 1060th meeting on 29 August 1963, the representatives of the United Kingdom and the United States submitted a joint draft resolution^{38/} according to which the Security Council would: (1) condemn the wanton murder at Almagor of two Israel citizens; (2) call the attention of the Syrian Arab Republic to evidence in the Secretary-General's report to the effect that the armed group responsible for the killing appeared to have entered from the direction of the Jordan River and left in the same direction; (3) note with satisfaction that there was no substantial show of force in the demilitarized zone on 20 August 1963; (4) appeal to the parties to co-operate in the early exchange of prisoners; (5) note certain measures proposed by the Chief of Staff with a view to alleviating tension and restoring tranquillity in the area; (6) call upon the parties to offer to the Chief of Staff all possible co-operation in the pursuit of this end in conformity with the General Armistice Agreement; and (7) request the Secretary-General to report to the Security Council by 31 December 1963 on the progress made in regard to the measures proposed by the Chief of Staff.

At the 1062nd meeting on 30 August 1963, the representative of Morocco submitted amendments^{39/} to the joint draft resolution, substituting the words "regrets the death" for "condemns the wanton murder" in the first operative paragraph, deleting operative paragraph 2 from the text, changing the text of paragraph 3, and finally adding a new paragraph which would note with regret that Israel had, since 1951, not co-operated with the Syrian-Israel Mixed Armistice Commission as provided for in the Syrian-Israel General Armistice Agreement.

At the 1063rd meeting on 3 September 1963, the Moroccan amendments were put to the vote and rejected,^{40/} by 2 votes in favour, none against, with 9 abstentions. The joint draft resolution was then voted upon and failed^{41/} of adoption. There were 8 votes in favour, 2 against, with 1 abstention (one of the nega-

^{35/} For texts of relevant statements, see: 1057th meeting: Israel,* paras. 4, 26; Syria,* paras. 39, 46, 50, 65.

^{36/} 1058th meeting, paras. 3-4.

^{37/} S/5401 and Add.1-4, O.R., 18th year, Suppl. for July-Sept. 1963, pp. 84-139; 1058th meeting: para. 6.

^{38/} S/5407; *ibid.*, p. 149; 1060th meeting: paras. 56-63.

^{39/} S/5410/Rev.1, *ibid.*, p. 151; 1062nd meeting, paras. 5, 9, 10, 12.

^{40/} 1063rd meeting: para. 63.

^{41/} 1063rd meeting: para. 64.

^{34/} 1057th meeting: para. 1.

tive votes being that of a permanent member of the Council).

REPORT BY THE SECRETARY-GENERAL
RELATING TO LAOS

INITIAL PROCEEDINGS

By note ^{42/} dated 4 September 1959, the Permanent Mission of Laos transmitted to the Secretary-General a cablegram addressed to him by the Foreign Minister of Laos requesting the assistance of the United Nations under Article 1 (1) and Article 11 (2) of the Charter, in order to halt an aggression along the north-eastern frontier of Laos, attributed to elements from the Democratic Republic of Viet-Nam. In particular, the Government of Laos requested that an emergency force should be dispatched at a very early date to halt the aggression and prevent it from spreading. The Secretary-General was also asked "to take the appropriate procedural action on this request".

By letter ^{43/} dated 5 September 1959, the Secretary-General requested the President of the Security Council to convene urgently a meeting of the Council for the consideration of an item entitled "Report by the Secretary-General on the letter received from the Minister for Foreign Affairs of the Royal Government of Laos, transmitted on 4 September 1959 by a note from the Permanent Mission of Laos to the United Nations."

At the 847th meeting on 7 September 1959, the Security Council included the item in its agenda by 10 votes in favour to 1 against.^{44/} The Council considered the question at its 847th and 848th meetings on 7 September 1959.

After the adoption of the agenda, the Secretary-General recalled that various communications on the difficulties that had developed in Laos had in the course of the year been addressed to the United Nations, without the Organization, however, being formally seized of the matter. Informal studies and consultations had taken place regarding the possibility open to the Organization to be of assistance, without impairing the Geneva Agreements of 1954 or interfering with the arrangements based on them. The specific request for the dispatch of an emergency force, contained in the Laotian note of 4 September, however, confronted the United Nations and the Secretary-General with problems entirely different from those which had been faced so far in this case. That request fell within a field in which, in the first place, the Security Council carried the responsibility. Therefore, when asked by the Laotian Government in its note of 4 September to apply the appropriate procedure, he felt he had to report to the Security Council for such consideration and initiatives as the Council might call for. His request to address the Council had thus not been based on the Secretary-General's rights under Article 99.^{45/}

^{42/} S. 4212, O.R., 14th year, Suppl. for July-Sept. 1959, pp. 7-8.

^{43/} S. 4213, *ibid.*, p. 7.

^{44/} For discussion on the adoption of the agenda and the convening of the meeting, see chapter II, Case 1.

^{45/} 847th meeting: paras. 11-12, 43-55.

Decision of 7 September 1959 (848th meeting): Establishment of a sub-committee to conduct inquiries and to report to the Council

At the same meeting, the representative of the United States submitted a draft resolution,^{46/} co-sponsored by France and the United Kingdom, under which the Council would appoint a sub-committee composed of Argentina, Italy, Japan and Tunisia, to examine the statements made before the Security Council concerning Laos, to receive further statements and documents, and to conduct such inquiries as it might determine necessary, and to report to the Council as soon as possible.

The representative of the United States maintained that the draft resolution was "squarely within the provisions of Article 29 of the Charter" and that the proposed sub-committee would be a subsidiary organ of the Council which would in effect provide for the continuation of the Council's consideration of the question.^{47/}

After a procedural debate, initiated by the representative of the USSR on the question whether the proposed establishment of a sub-committee was a procedural or a substantive matter,^{48/} the three-Power draft resolution was voted upon at the 848th meeting on 7 September 1959. The President (Italy) stated ^{49/} that the draft resolution had been adopted by 10 votes in favour to 1 against. It read as follows:^{50/}

"The Security Council

"Decides to appoint a sub-committee consisting of Argentina, Italy, Japan and Tunisia, and instructs this sub-committee to examine the statements made before the Security Council concerning Laos, to receive further statements and documents and to conduct such inquiries as it may determine necessary, and to report to the Council as soon as possible."^{51/}

At the end of the period covered by this Supplement of the Repertoire, the Security Council remained seized of the item.^{52/}

COMPLAINT CONCERNING SOUTH AFRICA

INITIAL PROCEEDINGS

By letter ^{53/} dated 25 March 1960 addressed to the President of the Security Council, the representatives of Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia,

^{46/} S. 4214, same text as S. 4216, see below.

^{47/} 847th meeting: paras. 56-64.

^{48/} For the procedural debate, see chapter IV, Cases 24 and 25: on the establishment of subsidiary organ, see chapter V, Case 1: in the same chapter, see also Case 9.

^{49/} 848th meeting, para. 132.

^{50/} S. 4215, O.R., 14th year, Suppl. for July-Sept. 1959, pp. 9-7.

^{51/} On 5 November 1959, the Sub-Committee established under the Security Council resolution of 7 September 1959 submitted its report to the President of the Council (S. 4236, O.R., 14th year, Suppl. for Oct.-Dec. 1959, pp. 10-73).

^{52/} S/4220, Summary Statement of 21 September 1959, item 40; S/5500, Summary Statement of 31 December 1963, item 40.

^{53/} S/4279 and Add.1, O.R., 15th year, Suppl. for Jan.-March 1960, pp. 53-54.