

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.

on the peninsular part of Malaysia" and that Indonesia had been following "the policy that Malaysia must be destroyed". In conclusion, the representative requested the Council to "adjudge Indonesia guilty of the gravest act of aggression", and in violation of the Charter.³⁴³

At the same meeting the representative of Indonesia * stated that his Government had welcomed the independence of Malaya in 1957 and subsequently a Treaty of Friendship was concluded. But both Malaya and Singapore had, since 1958, continued to be used as active bases for secessionist rebels against the Republic of Indonesia. Indonesia had not been *a priori* opposed to "the idea of Malaysia". It would have been better had Malaysia been formed as a South-East Asian project, founded on the co-operative will for freedom of the peoples in South-East Asia, rather than as a British-Malayan project. On the suggestion of President Macapagal of the Philippines, a summit conference of the three Heads of Government of Malaya, Indonesia and the Philippines had been held from 30 July to 5 August 1963. The conference produced the Manila Accord which laid down the procedure for the formation of the projected Federation of Malaysia. The Accord provided that the establishment of the Federation, originally planned for 31 August 1963 might be postponed, pending the result of the agreed upon reassessment of the wishes of the people of Sabah and Sarawak by the Secretary-General of the United Nations. The Government of Malaya, however, declared on 29 August 1963 that the Federation of Malaysia would be proclaimed on 16 September 1963, without awaiting the results of that reassessment. The representative of Indonesia cited many acts of violation of Indonesian territory by British and later British-Malaysian aircraft. Indonesia was thus compelled not only not to recognize the existence of an independent and sovereign Malaysia, but also to return its confrontation. The representative of Indonesia did not deny the presence of Indonesian volunteers in Malaysia and stated that they had been fighting there for some time.³⁴⁴

The representative of the Philippines * said that his country was friendly to both Malaysia and Indonesia and that his Government wanted to help enlarge the area of understanding between the two. The Manila Accord of 31 July 1963 was in effect a blueprint for peace and prosperity in the area.

The representative further stated that the Philippines was quite ready to help the Council to seek a peaceful solution of the problem.³⁴⁵

Decision of 17 September 1964 (1152nd meeting):

Rejection of the Norwegian draft resolution

At the 1150th meeting, the representative of Norway submitted a draft resolution³⁴⁶ in which, after expressing its concern that the armed incidents in South-East Asia had seriously endangered peace and security in the area, the Security Council would: (1) regret all the incidents which had occurred in the whole region; (2) deplore the incident of 2 September 1964 complained about; (3) request the parties concerned to make every effort to avoid the recurrence of such incidents; (4) call upon the parties to refrain from all threat or use of force and to respect the territorial

integrity and political independence of each other,^{346a} and thus to create a conducive atmosphere for the continuation of their talks; and (5) recommend to the Governments concerned thereupon to resume their talks on the basis of the joint communiqué issued by the Heads of Government following the meeting which took place in Tokyo on 20 June 1964. The conciliation commission provided for by that joint communiqué, once established, should keep the Security Council informed concerning the development of the situation.

At the 1152nd meeting, the Norwegian draft resolution was voted upon and failed of adoption. The vote was 9 in favour and 2 against (one of the negative votes being that of a permanent member of the Council).³⁴⁷

The President (USSR) stated that there were no more speakers on his list it might be considered that the Council had concluded the agenda for the meeting.^{347a}

QUESTION OF RELATIONS BETWEEN GREECE AND TURKEY

INITIAL PROCEEDINGS

By letter³⁴⁸ dated 5 September 1964, addressed to the President of the Security Council, the representative of Greece complained of a "series of increasingly hostile steps" taken recently by the Turkish Government in the field of Greco-Turkish relations which had culminated in the expulsion of Greek residents from Istanbul. At the same time, repeated aggressive statements from the Turkish authorities indicated that "on the expiration on 16 September 1964 of the 1930 Convention of Establishment, Commerce and Navigation between Greece and Turkey, denounced by Turkey last March, these measures will be further intensified and accelerated". It was further stated that representations had been made to the Turkish Government and "other approaches" including the good offices of the Secretary-General had been employed with no results. Moreover, certain of those matters had already been brought to the notice of the Security Council.³⁴⁹ In view of the dangerous situation brought about by those actions and in order to forestall further actions of a similar nature likely to endanger international peace, a meeting of the Security Council was requested to consider the matter and take appropriate measures.

In a second letter³⁵⁰ dated 8 September 1964, the representative of Greece again called the attention of the Security Council to a statement made by the Turkish Government which contemplated the need for Turkey to intervene militarily in Cyprus.

By letter³⁵¹ dated 6 September 1964, the representative of Turkey requested an urgent meeting of the Security Council "to discuss and take appropriate measures to forestall the immediate danger to international peace and security arising from provocative military actions and the attitude of the Greek Government

^{346a} For discussion of this question, see chapter XIII, part II, Case 3.

³⁴⁷ 1152nd meeting: para. 64.

^{347a} 1152nd meeting: para. 125.

³⁴⁸ S/5934, O.R., 19th yr., Suppl. for July-Sept. 1964, p. 268.

³⁴⁹ S/5665 and S/5702, O.R., 19th yr., Suppl. for April-June 1964, pp. 72-74, 140-142.

³⁵⁰ S/5941, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 271-272.

³⁵¹ S/5935, O.R., 19th yr., Suppl. for July-Sept. 1964, pp. 269-270.

³⁴³ 1144th meeting: paras. 29-45, 50-62. See also chapter XI, part I (Note) and foot-note 3.

³⁴⁴ 1144th meeting: paras. 68-114.

³⁴⁵ 1145th meeting: paras. 4-14.

³⁴⁶ 1150th meeting: para. 72.