

Chapter X

CONSIDERATION OF THE PROVISIONS OF CHAPTER VI OF THE CHARTER

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INTRODUCTORY NOTE

As in the previous volumes of the *Repertoire*, the criterion for inclusion of material in the present chapter is the occurrence of discussion in the Council directed to the text of Articles 33-38 or Chapter VI of the Charter. Thus, chapter X does not cover all the activities of the Council in the pacific settlement of disputes, for the debates preceding the major decisions of the Council in this field have dealt almost exclusively with the actual issues before the Council and the relative merits of measures proposed without discussion regarding the juridical problem of their relation to the provisions of the Charter. For a guide to the decisions of the Council in the pacific settlement of disputes, the reader should turn to the appropriate sub-headings of the Analytical Table of Measures adopted by the Security Council.¹

The material in this chapter constitutes only part of the material relevant to the examination of the operation of the Council under Chapter VI of the Charter, since the procedures of the Council reviewed in chapters I-VI, in so far as they relate to the consideration of disputes and situations, should be regarded as integral to the application of Chapter VI of the Charter. Chapter X is limited to presenting the instances of deliberate consideration by the Council of the relation of its proceedings or of measures proposed to the text of Chapter VI.

The case histories on each question require to be examined within the context of the chain of proceedings on the question presented in chapter VIII.

CHAPTER VI OF THE CHARTER. PACIFIC SETTLEMENT OF DISPUTES

"Article 33

"1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

"2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means."

"Article 34

"The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security."

"Article 35

"1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

"2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

"3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12."

"Article 36

"1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

"2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

"3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court."

"Article 37

"1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

"2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate."

"Article 38

"Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute."

¹ Chapter VIII, pp. 97-104.

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLE 33 OF THE CHARTER

NOTE

During the period under review, communications submitting disputes or situations to the Security Council and statements made thereon during the initial stage of debates continued, on occasion, to refer to prior effort at pacific settlement.^{1a}

The significance of Article 33 in the pacific settlement of disputes and situations, apart from the obligations it lays down on Member States to have recourse, in the first instance, to the various means of pacific settlement set out in paragraph 1 of that Article or to any other means of their own choice, consists in the possibility of recourse to that Article by the Council itself by calling upon the parties to utilize any of those means of pacific settlement.

The three case histories entered in this part of chapter X, reflect proceedings in the Council deemed to have some bearing on the discharge of the Council of its responsibility in bringing about pacific settlement of a dispute or situation. Inasmuch as these entries only constitute part of the material illustrative of the working of the Council in pacific settlement, entries in other parts of this chapter, as well as the various decisions of the Security Council entered under "Measures for settlement" in the analytical table of measures of chapter VIII should be consulted.

Resolutions and decisions adopted by the Security Council during the period under review contained no explicit reference to Article 33 of the Charter. Nor did they contain provisions recommending to the parties concerned to enter into direct negotiations² or to resort to any of the means of pacific settlement contained in paragraph 1 of that Article. The Council has in one instance, however, recommended that the parties concerned avail themselves of the offer of good offices which the Secretary-General had proffered, to help them reconcile their differences (Case 3). In a similar vein, the Council, without, however, addressing itself to the parties concerned, invited the Secretary-General to continue the good offices he had tendered earlier in an attempt to settle outstanding questions in agreement with the parties concerned (Case 1). In another instance, the Council, in a framework set by views of Council members that it should act within the provisions of Chapter VI and,

in particular, those of Article 33, requested the Secretary-General to designate a Special Representative to proceed to an area of conflict, establishing and maintaining contact with the parties concerned "in order to promote agreement and assist efforts towards peaceful and accepted settlement" (Case 2).

While not cited in any of the Council resolutions and decisions during the period under review, Article 33 has been often invoked during Council debates in the context of efforts at pacific settlement. The express reference to the Article as providing the desired framework for a Council resolution is dealt with in Case 3. In other instances, the Article was invoked in support of various viewpoints considered by Council members concerned as coming under the scope of that Article. These included the views that Member States should endeavour to settle their differences by peaceful means;³ that a situation has not reached the scope envisaged for the application of that Article;⁴ that the main responsibility for peaceful settlement rested with the parties directly concerned.⁵

CASE 1.⁶ COMPLAINT BY THE UNITED KINGDOM: In connexion with the consensus reached on 16 August 1966.

[Note: A suggestion was made in the course of the debate that the Security Council should request the Secretary-General to resume his good offices with a view to helping the parties reach an agreed settlement of outstanding issues. After consultations, the President read out a statement of consensus which included that suggestion.]

At the 1297th meeting on 8 August 1966, the representative of New Zealand proposed that, in the light of the charges made by the United Kingdom of an air attack on the town of Nuqub in the Federation of South Arabia and the denials of those charges, the Security Council should have the matter investigated on the spot.⁷ He also proposed that, in the meantime, the Council might consider giving the Secretary-General "a rather wider mandate by requesting him to resume his efforts to use his good offices to settle issues which remain outstanding in this area of the Yemen-South Arabian border." He added that such efforts would clearly require the agreement and co-operation of the parties concerned.

At the 1298th meeting, the representative of New Zealand submitted a draft resolution⁸ by which the Council would request the Secretary-General to arrange for an investigation to establish the facts relating to the incidents, and to report to the Security Council as soon as possible.

^{1a} See, for example, letter dated 31 January from the United States, in connexion with the situation in Viet-Nam, S/7105, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, pp. 105-107; and statement by the United States representative in connexion therewith, 1271st meeting, paras. 14-18.

² In one instance, the Council had before it a draft resolution by which the Council would, among other things, call for immediate discussions without preconditions among the appropriate interested Governments, with a view to reaching a specified objective towards peaceful settlement of the question under consideration. No decision, however, was taken on the proposal. For text of the proposal, see draft resolution submitted by the United States in connexion with the situation in Viet-Nam, S/7106, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, p. 107.

³ In connexion with the situation in the Middle East: 1343rd meeting (PV): United States, pp. 17 and 18-20.

⁴ In connexion with the complaint by Haiti: 1427th meeting (PV): Haiti, p. 6.

⁵ In connexion with the situation in the Middle East: 1440th meeting (PV): Canada, pp. 28-30.

⁶ For texts of relevant statements, see: 1297th meeting: New Zealand, paras. 37 and 38; 1300th meeting: President (Uganda), para. 2.

⁷ See further this chapter, Case 4.

⁸ S/7456, 1298th meeting, para. 103.

After hearing other representatives who spoke on the merits of the United Kingdom charges as well as the draft resolution, the Council adjourned⁹ its meeting in order to allow members to hold informal consultations to arrive at an agreed formula on the question before the Council.

At the 1299th meeting on 15 August 1966, the Council met briefly to hear a statement by one representative, following which it adjourned again for further consultations.

At the 1300th meeting on 16 August, the President (Uganda) declared at the opening of the meeting that, as a result of those consultations, a consensus had been reached which had the support of all the parties. The consensus read as follows:

"The President, having noted that the debate which took place has its origin in a complaint presented by the representative of the United Kingdom (S/7742) and that the elements on which the complaint is founded are contested by the United Arab Republic and Yemen and that the statements made by the members of the Council have not been able to produce at this stage a constructive solution, believes that he is authorized to ask the parties concerned each on his part to contribute in lessening the tension and to invite the Secretary-General to continue his good offices in an endeavour to settle the outstanding question in agreement with the parties concerned."

CASE 2.¹⁰ THE SITUATION IN THE MIDDLE EAST (II): In connexion with draft resolutions S/8227, not voted upon; S/8229, not voted upon; S/8236, not voted upon; and S/8247, voted upon and adopted on 22 November 1967.

[Note: During the debate on the various draft resolutions, views were expressed that the measures envisaged in them were to be taken within the framework of Chapter VI of the Charter, in particular, the provisions of Article 33.]

In the course of the consideration of the situation in the Middle East in November 1967, India, Mali and Nigeria submitted a joint draft resolution¹¹ by which the Security Council would, among other things, affirm that a just and lasting peace in the Middle East should be achieved "within the framework" of the Charter, and more particularly, within the framework of certain principles which were to guide efforts in the settlement of the Middle East situation. It would also have the Security Council request the Secretary-General to send a Special Representative to the Middle East to help the parties concerned to agree on the proper mode of settlement.

At the 1373rd meeting on 9 November 1967, the representative of India, in introducing the draft resolution, observed that it was designed to initiate the process of

peaceful settlement of the Middle East crisis. The mission of the Secretary-General and his contacts with the parties might open up various possibilities for such settlement. He noted later at the 1375th meeting on 13 November 1967 that the draft resolution would not ask the Council to suggest or recommend any particular mode of peaceful settlement, but would rather, in accordance with Article 33 of the Charter, "leave it to the parties concerned to agree on the particular means they will employ in seeking solutions to their disputes".

The Security Council had also before it a draft resolution submitted by the United States.¹² Under the provisions of the United States draft resolution, the Security Council would, *inter alia*, also affirm certain Charter principles within the framework of which solution of the Middle East situation should be sought. It would also request the Secretary-General to designate a Special Representative to proceed to the Middle East "to establish and maintain contacts with the States concerned with a view to assisting them in the working out of solutions", in accordance with the purpose of the draft resolution.

In introducing the draft resolution at the 1377th meeting on 15 November 1967, the representative of the United States noted that in discussing its views with other Council members, the United States had been guided by certain axioms of negotiations, "which stemmed in part from the unanimous view that the Security Council should act under Chapter VI of the Charter". Among them, he mentioned the principle that "only the parties themselves, through mutual accommodation, compromise and peaceful means of their own choice can make and impose peace". It was stated in this connexion that the key provision of the United States draft was the designation of the representative of the Secretary-General and the rôle to be assigned to him.

In the course of the discussions of the two draft resolutions, a number of other representatives, including Argentina, Canada, Nigeria and the United Kingdom, also expressed the view that the Security Council should act within the framework of Chapter VI of the Charter, and, in particular, in the light of the provisions of Article 33.

At the 1379th meeting on 16 November 1967, the representative of the United Kingdom submitted a draft resolution¹³ by which the Security Council would, *inter alia*, affirm that the fulfilment of the United Nations Charter principles required the establishment of a just and lasting peace in the Middle East. The establishment of such peace, under this draft resolution, would include the application of the principles of (i) withdrawal of Israel armed forces from territories occupied in the recent Middle East conflict; and (ii) termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live free from threats or acts of force. Under the United Kingdom draft resolution, the Security Council would also request the Secretary-General

"to designate a Special Representative to proceed to the Middle East to establish and maintain contacts

⁹ 1298th meeting, para. 127.

¹⁰ For texts of relevant statements, see: 1373rd meeting (PV): Argentina, p. 161; India, pp. 73-75; Nigeria, p. 82; 1375th meeting (PV): India, p. 68; 1377th meeting (PV): Canada, pp. 46-47; United States, pp. 33-35;

1379th meeting (PV): United Kingdom, pp. 7 and 11;

1381st meeting: USSR, p. 13;

1382nd meeting (PV): India, pp. 23 and 26.

¹¹ S/8227, 1373rd meeting (PV), pp. 68-70.

¹² S/8229, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, p. 208.

¹³ S/8247, text same as resolution 242 (1967) of 22 November 1967.

with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement”

in accordance with the provisions and principles set out in that resolution.

In introducing the draft resolution, the representative of the United Kingdom observed that while the two draft resolutions already before the Council had their merits, there was a serious danger, in the light of the position of the parties, that neither of them would have the general support of the Council. The United Kingdom draft resolution, he pointed out, reflected a sincere attempt to meet the claim of both sides and to discharge the responsibility of the Council. He stated, in regard to the provision of the draft resolution on the appointment of the Special Representative of the Secretary-General, that in the view of his delegation,

“the Special Representative should be free to decide for himself the exact means and methods by which he pursues his endeavours in contact with the States concerned both to promote agreement and to assist efforts to achieve a peaceful and accepted and final settlement.”

When the Council resumed its debate at the 1381st meeting on 20 November 1967, the representative of the USSR submitted a draft resolution,¹⁴ by which the Council would, *inter alia*, declare that peace and the final solution of the problems of the Middle East could be achieved within the framework of the Charter, and urge the parties concerned to immediately withdraw their forces to their positions held before 5 June 1967, and all Member States in the area to recognize the right of each to exist as a national State and to live in peace and security. Under the draft resolution, the Security Council would also continue its considerations of the situation with a view to reaching a just solution on the basis of certain principles, and call upon all States in the area to put an end to the state of belligerency.

In introducing the draft resolution, the representative of the USSR observed, among other things, that it contained all the key elements of political settlement on the need of which the views of the overwhelming majority of Member States converged.

At the 1382nd meeting on 22 November 1967, the representative of India announced that the co-sponsors of the three-Power draft resolution would not press their draft to the vote at the stage of the Council debate.¹⁵

At the same meeting, the representative of the United States announced that if the United Kingdom draft resolution was adopted, his delegation would not press on its draft resolution being voted upon.¹⁶ The President of the Council also announced that the USSR would not insist that its draft resolution be put to the vote at that time.¹⁷

The Council then proceeded to vote on the United Kingdom draft resolution, which it adopted unanimously.¹⁸

¹⁴ S/8253 (PV), 1381st meeting, pp. 11 and 12.

¹⁵ 1382nd meeting (PV), pp. 29-30.

¹⁶ *Ibid.*, p. 32.

¹⁷ *Ibid.*, pp. 33-35.

¹⁸ *Ibid.*, p. 36. Text same as resolution 242 (1967) of 22 November 1967.

CASE 3.¹⁹ COMPLAINT BY THE GOVERNMENT OF CYPRUS: In connexion with a draft resolution submitted by the President as a result of informal consultations, voted upon and adopted on 22 December 1967.

[*Note:* In the course of the discussion, the suggestion was made that the Security Council should, in addition to extending the period for the stationing of UNFICYP in Cyprus, endorse the offer of good offices of the Secretary-General and call upon the parties to avail themselves of the offer.]

In his report²⁰ of 8 December 1967 to the Security Council, the Secretary-General, having reviewed recent developments in Cyprus, observed that while the mediation effort required by the Security Council in its original resolution 186 (1964) of 4 March 1964 had been inoperative for some time because of the impasse with which the Council had been well acquainted,²¹ neither the parties nor the Council could allow the situation to deteriorate into grave danger. He therefore urged all concerned to make use of the opportunity emerging from the recent crisis and to display the statesmanship and goodwill essential to resolve the Cyprus question. He then assured the Council that his “good offices continue to be available to the parties and to the Security Council to this end”.²²

At the 1385th meeting on 20 December 1967, when the Council considered the report of the Secretary-General, the representative of the United Kingdom stated that it would be inadequate for the Council to merely extend the stationing of UNFICYP, without taking further steps in the direction of a permanent settlement of the Cyprus problem. He observed in this connexion that there was a wide agreement among the Council members on the twin purposes to be achieved, namely, the renewal of the force to a certain period and acceptance of the offer of the good offices of the Secretary-General to help the parties find a solution.

At the 1386th meeting on 22 December 1967, the President (Nigeria) informed the Council that, as a result of intensive consultations in which members of the Council had engaged, an agreement had been reached on the text of a draft resolution on the question under consideration.

By this draft resolution,²³ the Council would, *inter alia*, extend the stationing of UNFICYP in Cyprus to a certain period of time. It also contained a paragraph which read as follows:

“The Security Council,

“ . . .

“3. Invites the parties promptly to avail themselves of the good offices proffered by the Secretary-General and requests the Secretary-General to report on the results to the Council as appropriate.”

¹⁹ For texts of relevant statements, see: 1385th meeting (PV): United Kingdom, pp. 77-80; 1386th meeting (PV): President (Nigeria), p. 2; Secretary-General, p. 21.

²⁰ S/8286, OR, 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 266-315.

²¹ For procedural history and constitutional discussion leading to the adoption of this resolution, see *Repertoire of the Practice of the Security Council, Supplement 1964-1966*, chapter VIII, pp. 108-112, and chapter X, Case 8.

²² S/8286, OR, 22nd yr., *Suppl. for Oct.-Dec. 1967*, para. 157.

²³ Text same as resolution 244 (1967) of 22 December 1967.

At the same meeting, the Council voted upon the draft resolution and adopted it unanimously.³⁴

In his statement following the adoption of the resolution, the Secretary-General assured the parties that he would be immediately available to them to help them

find the way to resolve their differences. He then noted that, in the light of the divergence of views of some of the parties, he would have welcomed a clear guidance by the Council on the basic points which had been the subject of much negotiation with the parties during the drafting of the resolution. In the absence of such guidance, he added, he deemed it his duty to forewarn the Council of the difficulties that lay ahead.

³⁴ 1386th meeting (PV), pp. 18-20.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER

NOTE

During the period under review, Article 34 has not been referred to in resolutions or decisions of the Security Council.²⁵ Neither has any discussion taken place as to the juridical significance of a proposal under consideration in the context of the meaning of Article 34.

The one case history entered in this part (Case 4) relates only in minor degree to the functions of investigation by the Security Council as envisaged in Article 34, as the investigation proposed by the member concerned was to be conducted with a view to providing the Security Council with a basis on which to pronounce itself on the charges made before it, rather than for the purpose of determining whether the continuance of a particular dispute or situation was in fact likely to endanger the maintenance of international peace and security. The material gathered for this case history, however, reflects the proceedings of the Council in which views were expressed as to the appropriate way for the Council to deal with a situation in which conflicting statements had been made with regard to an alleged fact.

On a number of occasions during the period under review, suggestions have been made that the Security Council conduct investigations to verify charges made during debates²⁶ or to ascertain facts in order to keep itself informed,²⁷⁻²⁸ although in none of these instances did the Council decide to conduct a formal investigation or a fact-finding mission.

²⁵ In the one instance in which a Security Council resolution requested the Secretary-General to continue an "investigation", the task of the investigation envisaged was one connected with the gathering of information for the Council relating to the observance by the parties concerned of the Security Council ceasefire resolutions. See resolution 236 (1967) of 11 June 1967, para. 2.

²⁶ In connexion with the situation in the Middle East: statements by the representatives of the United States and the United Kingdom in relation to alleged involvement of United States and United Kingdom aircraft in the conflict in the Middle East.

For texts of relevant statements, see:

1348th meeting (PV): United States, p. 11;

1350th meeting (PV): United Kingdom, pp. 28-30.

²⁷⁻²⁸ In connexion with the situation in the Middle East: statements by the representatives of Israel and Syria expressing readiness on the part of their Governments to facilitate any investigation to be carried out by the United Nations; and, subsequently, statement by the representative of India that, in view of the conflicting statements on whether the destroyer *Elath* was sunk in international waters, an investigation should be conducted to ascertain the facts.

For texts of relevant statements, see:

1353rd meeting (PV): Israel, p. 82; Syria, *ibid.*;

1369th meeting (PV): India, p. 52.

Also, in connexion with the complaint by the United States

In statements during debates, Article 34 has been invoked in one instance, along with Article 38, in support of the view that the Security Council was competent to consider questions, even if no complaints thereon had been lodged. In another instance, it was cited, with Article 35, to describe a situation brought to the attention of the Council as one "which may lead to international friction".²⁹ No discussion, however, ensued in either case on the bearing of the Article on the question under consideration.

CASE 4.³⁰ COMPLAINT BY THE UNITED KINGDOM (YEMEN QUESTION): In connexion with a draft resolution submitted by New Zealand (S/7456), considered but not voted upon.

[*Note:* In the course of the consideration of the question, the suggestion was made that, in the light of the charges heard during the debate and denials thereof, the Council should have those charges investigated through fact-finding. A draft resolution was submitted to that effect and views were expressed on the scope of the proposed investigations. As consultations among members had resulted in a consensus, the sponsor of the draft resolution announced that his delegation would waive its right to have the draft resolution voted upon, and would acquiesce in the consensus statement.]

At the 1296th meeting on 4 August 1966, in connexion with the complaint by the United Kingdom, the representative of the United Kingdom charged that on the morning of 30 July 1967, two fighter aircraft, believed to be MIG's operated by UAR forces in Yemen and coming from the direction of Yemen, attacked the town of Nuqub, in the Amirate of Beihan, Federation of South Arabia, wounding three children and damaging some buildings.

(Pueblo incident), statement by the representative of Ethiopia that, since the Council had no verified facts before it in regard to the incident under consideration, it should take some agreed action to initiate an immediate investigation of that incident.

For text of the relevant statement, see 1389th meeting (PV), pp. 8-10.

²⁹ In connexion with the complaint by Haiti:

1427th meeting (PV): Haiti, pp. 3-5.

³⁰ For texts of relevant statements, see:

1296th meeting: UAR,* paras. 35, 36 and 43; United Kingdom, paras. 5-8 and 15;

1297th meeting: Argentina, para. 65; Jordan, paras. 51-54; Netherlands, paras. 84, 85 and 87; New Zealand, paras. 34 and 37; USSR, para. 108; United Kingdom, para. 89; United States paras. 79 and 80; Yemen,* paras. 4 and 5;

1300th meeting: President (Uganda), para. 2; New Zealand, para. 10.

At the same meeting, the representative of the United Arab Republic * denied the charges, observing that planes of the United Arab Republic had not undertaken any operations in Beihan and that none of the aircraft under the Arab-Yemeni command was airborne on the date on which the alleged attack took place.

At the 1297th meeting on 8 August, the representative of Yemen * also denied the charges made by the United Kingdom and raised the question, in turn, whether the United Kingdom effort to bring the matter before the Council was not motivated by a planned new act of aggression against the Yemen Arab Republic.

At the same meeting, the representative of New Zealand suggested that in the light of the denials of the charges made by the United Kingdom, the obvious step for the Council to take would be to arrange for an impartial investigation of the incident to be carried out. He added:

"Let us ask the Secretary-General to set in hand an immediate investigation by the United Nations team. A week has gone by since the attack is said to have taken place. Further delay might be avoided by asking the Secretary-General to arrange for a member or members of one of the existing military observation missions or peace-keeping forces—someone whose impartiality and experience of this kind of investigation are accepted beyond question—to fly to the area immediately and look into the facts relating to the incident which gave rise to the British complaint. . . ."

Provided with a report of such investigation, he added, the Council could then resume its debate on the question on a firmer ground.

The representative of Jordan, opposing the New Zealand proposal, stated:

"We have just heard a suggestion by the representative of New Zealand that an investigation team be sent to the scene. We said at the very outset that even the inscription of the item on the agenda should not be allowed unless the Council is satisfied that there is sufficient *prima facie* evidence to justify the inscription. . . ."

He noted that after having heard what was alleged to be evidence, he was even more convinced that the item should not have been inscribed in the agenda. He added:

"It is even more important at this stage to consider the dangerous precedent the Council would be establishing if it accepted the idea of sending an investigation team to the area. If, on the face of it, the charge has not been corroborated by evidence admissible under the circumstances, how can we take action—even preliminary action—on such a charge? If it is debatable whether an item of this kind should even have been inscribed on the agenda, it is all the more debatable whether an investigation team should be sent to the area on the basis of the kind of evidence that has been presented."

A number of representatives at this and the 1298th meetings, including the representative of the United Kingdom, supported the investigation proposed by New Zealand. At the 1297th meeting, the representative of Argentina noted in this connexion:

"An investigation by United Nations observers of the incident reported by the United Kingdom seems to us an adequate measure to dispel doubt and even if the conclusions reached were not concrete and did not elucidate all the facts of the case, it would serve

mainly to emphasize United Nations concern over the region, and that in itself would certainly be a moderating and pacifying factor."

At the same meeting, the representative of the United States, noting that he could not see what objection could be raised to the New Zealand proposal, stated:

"It proposes to do what it is sensible to do where a complaint has been made, supported by evidence, denied by others; and it remits to fact-finding, not to prejudgement, the details and indeed the fact of whether and to what extent and from what sources this incident occurred. . . ."

The representative of the Netherlands stated that his delegation would find it difficult to express any opinion on the alleged raid on Nuqub before a complete and impartial report of the facts had been obtained. He therefore supported the investigation proposed by the representative of New Zealand, adding:

"This . . . proposal, if accepted by the Council, would make available to the members the specific information which they now lack. A decision by the Council along these lines would be in keeping with the ideas which many members hold with respect to methods and machinery to be used in the peaceful settlement of disputes and ensuring the observance of international obligations. . . ."

His delegation believed that, in order to avoid any misunderstanding, the proposed investigation mission should have a "strictly auxiliary and subsidiary function", its task being that of establishing facts.

The representative of the Soviet Union opposed the New Zealand proposal and observed that, in the light of the facts, it was obvious that

"there can be no question of any investigation of any reports, or of dispatching any missions to investigate the groundless British complaint. There is nothing for the Council to investigate, nothing for it to discuss, for the United Kingdom complaint is without foundation, nothing but a fabrication."

At the 1298th meeting on 10 August 1966, the representative of New Zealand submitted a draft resolution³¹ by which the Security Council

"Decides to request the Secretary-General to arrange for an immediate investigation, to be carried out by experienced United Nations personnel, in order to establish the facts relating to the incident referred to in the letter dated 2 August 1966 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations [S/7442], and to report to the Security Council as soon as possible."

In introducing his draft resolution, the representative of New Zealand stated that the investigation his delegation envisaged was a strictly limited operation:

"It is not a proposal for a border observation team or a frontier force, or any such operation. Two or three experienced investigators, presumably from one of the existing observation missions, would fly to the area immediately they were authorized to do so by the Council. Their role would be fact-finding. Within a matter of days they would report to the Council. . . ."

³¹ S/7456, 1298th meeting, para. 103.

In a comment on the view that more time was needed to allow an investigation to be carried out on a basis which would take fuller account of the feelings of Council members, the representative of New Zealand noted that such view confused the very limited task of investigation or fact-finding with that of conciliation, which was more complex. He stated:

"Clearly, a conciliation commission cannot function effectively, if at all, unless it is set up with consent of all the States concerned. The same is also true of other actions ranging from peace-observation missions to peace-keeping forces. But fact-finding is quite another matter. In the present case, the State that has brought a complaint to the Council is willing to have its allegations and the evidence it has produced tested by an investigation by impartial observers."

At the suggestion of the representative of Nigeria, the Council decided³² to adjourn the meeting to allow

³² 1298th meeting, para. 127.

members sufficient time for consultations with a view to reaching an agreed formula on the question before the Council.

At the 1299th meeting on 15 August 1966, the Council having met briefly to hear a statement by one representative, decided to adjourn again to enable members to hold further consultations. When it met at the 1300th meeting on 16 August, the President announced that, as a result of the consultations, a consensus had been reached which, in essence, requested the parties concerned to contribute to the lessening of tension in the area and requested the Secretary-General to continue his good offices with a view to settling outstanding questions between the parties.³³

At the same meeting, the representative of New Zealand announced that he would "waive his right to call for a vote" on his proposal and acquiesce in the consensus statement.

³³ See chapter VIII, pp. 130, 131. See also this chapter, Case 1.

PART III

APPLICATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER

NOTE

During the period under review, eleven questions relating to the maintenance of international peace and security were brought to the attention of the Security Council, all by Members of the United Nations. The relevant data regarding the submission of these questions are summarized in the appended tabulation.

The Security Council has continued to consider, at the request of the parties or other Members of the United Nations, questions that had previously been included in the agenda: complaint by the Government of Cyprus, the situation in Southern Rhodesia and the Palestine question.

SUBMISSION BY MEMBERS OF THE UNITED NATIONS

Members of the United Nations have submitted questions generally by means of a communication addressed to the President of the Security Council; in all instances covered during the period under review, communications were addressed to the President of the Security Council, although in none of them was Article 35 cited as a basis of submission.³⁴ Four questions submitted to the Security Council by Member States during the period under review were designated by the submitting States as a situation.³⁵ Seven questions were designated as threats to the peace, breaches of the peace or acts of aggression.³⁶⁻³⁹

³⁴ Neither was any other Article invoked as a basis of submission, although in one instance, Articles 39 and 99 were cited to characterize the situation at hand as an armed aggression. See Tabulation, section C, entry 11. See, further, chapter VIII, pp. 168, 169.

³⁵ Tabulation, section B, entries 1-4.

³⁶⁻³⁹ Tabulation, section C, entries 5-11.

STATES NOT MEMBERS OF THE UNITED NATIONS

During the period under review, there was no instance of a question being submitted by a non-member of the United Nations.

PROCEDURAL CONSEQUENCES OF SUBMISSION UNDER ARTICLE 35

Communications submitting questions for consideration by the Security Council have been dealt with in accordance with rules 6-9 of the provisional rules of procedure; material relating to the application of these rules is contained in chapter II, parts II and III, of this Supplement.

During the period under review, there was one instance in which a draft resolution was enclosed in a letter of submission.⁴⁰

The Council has not, in respect of any new question submitted for its consideration during the period under review, considered whether or not to accept the designation of a question in the initial communication. Nor was any question raised as to the appropriate designation for a question included in the agenda at an earlier period.⁴¹

⁴⁰ In connexion with the situation in Southern Rhodesia, letter dated 10 May 1966 from thirty-two Member States. S/7285/Add.1, OR, 21st yr., Suppl. for April-June 1966, pp. 82-83.

⁴¹ In one instance, in connexion with the situation in the Middle East, a non-Council member raised objections to the phrasing of the agenda adopted at a meeting, calling attention to an earlier phrasing used by the Council, although the Council did not rule on the objections. See, further, chapter II, note 17.

Tabulation of questions submitted to the Security Council (1966-1968)

**SECTION A. QUESTIONS SUBMITTED BY MEMBERS AS DISPUTES

SECTION B. QUESTIONS SUBMITTED BY MEMBERS AS SITUATIONS

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
1. Situation in Viet-Nam (letter of 31 January 1966)	United States		None	A situation in regard to which all prior efforts outside the United Nations to restore peace had failed, and to which the Council should, in the light of its obligations under the Charter to maintain international peace and security, "address itself urgently".	"... to consider the situation in Vietnam", and to "exert its most vigorous endeavours and its... prestige to finding a prompt solution to it."	S/7105, OR, 21st yr., Suppl. for Jan.-March 1966, pp. 105-107
2. Situation in Southern Rhodesia, ^a (i) letter of 7 April 1966)	United Kingdom		None	"... the arrival in Beira of an oil tanker which may result in substantial supplies of oil reaching Southern Rhodesia", in contravention of an oil embargo imposed by the United Kingdom "in conformity with the decision of the Security Council in its resolution 217 (1965)". The approach of a second tanker to Beira "makes the situation of extreme urgency."	To convene an emergency meeting to consider the situation.	S/7235. Text incorporated in the record of 1276th meeting, para. 10
((ii) letter of 5 December 1966)	United Kingdom		None	Situation resulting from the fact that "the rebellion in Southern Rhodesia has not been brought to an end".	[The United Kingdom proposed] "certain additional measure to be taken against the illegal régime in Rhodesia."	S/7610, OR, 21st yr., Suppl. for Oct.-Dec. 1966, p. 109
3. Complaint by the United Kingdom (letter of 2 August 1966)	United Kingdom		None	"... two aircraft believed to have been MIG's appeared over Nuqub... in the Federation of South Arabia from the direction of the Yemen... [and] carried out two low-level strafing attacks on the town."	To consider "the situation arising from this unprovoked and indefensible attack..."	S/7442, OR, 21st yr., Suppl. for July-Sept. 1966, p. 64

^a For submission of the question of Southern Rhodesia as a threat to international peace, see tabulation entry 7.

Tabulation of questions submitted to the Security Council (1966-1968) (continued)

SECTION B. QUESTIONS SUBMITTED BY MEMBERS AS SITUATIONS (continued)

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
4. Situation in Czechoslovakia (letter of 21 August 1968)	Canada, Denmark, France, Paraguay, United Kingdom and United States		None	"... the present serious situation in the Czechoslovak Socialist Republic."	"... to consider this important matter."	S/8758, OR, 23rd yr. Suppl. for July-Sept. 1968, p. 136

SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACHES OF THE PEACE OR ACTS OF AGGRESSION

5. Situation in Southern Rhodesia ^b (i) letter of 10 May 1966	Thirty-two Member States		None	A new situation which "constitutes a threat to international peace and security..."	"... should examine, under Chapter VII of the Charter, the necessary measures to establish majority rule in Southern Rhodesia in accordance with the Declaration set forth in General Assembly resolution 1514 (XV)."	S/7285, OR, 21st yr., Suppl. for April-June 1966, pp. 80-81
(ii) letter of 12 March 1968	Thirth-six Member States		None	"... continuing grave situation [in Southern Rhodesia (Zimbabwe)] which still constitutes a threat to international peace and security."	"... to envisage the necessary measures and action under Chapter VII of the United Nations Charter with a view to enabling the people of Southern Rhodesia (Zimbabwe) to exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV)."	S/8454, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 258-259
6. The Palestine question (i) letter of 21 July 1966 (Complaint by Syria)	Syria	Israel	None	"... act of aggression committed by Israel against Syrian Territory on the afternoon of 14 July 1966."	To consider the act, which "seriously threatens peace and security in the area".	S/7419, OR, 21st yr., Suppl. for July-Sept. 1966, pp. 38-39

^b For submission of the question as a situation, see tabulation section B, entry 2.

Tabulation of questions submitted to the Security Council (1966-1968) (continued)

SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACHES OF THE PEACE OR ACTS OF AGGRESSION (continued)

<i>Questions</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter of submission</i>	<i>Description of question in letter of submission</i>	<i>Action required of the Security Council</i>	<i>Reference</i>
((ii) letter of 22 July 1966 (Complaint by Israel))	Israel	Syria	None	"Repeated acts of aggression committed by Syrian armed forces" and "declarations by official spokesmen of the Syrian Government containing threats against the people, territorial integrity and political independence of Israel."	"... to consider the... complaints of Israel against Syria."	S/7423, OR, 21st yr., Suppl. for July-Sept. 1966, pp. 39-40
((iii) letter of 12 October 1966 (Complaint by Israel))	Israel	Syria	None	"Acts of aggression committed by armed groups operating from Syrian territory against the citizens and territory of Israel [and]... threats by Syria against the territorial integrity and political independence of Israel, and open Syrian incitement to war against Israel..."	"... an urgent meeting... on the... complaints by Israel against Syria."	S/7540, OR, 21st yr., Suppl. for Oct.-Dec. 1966, pp. 28, 29
((iv) letter of 15 November 1966 (Complaint by Jordan))	Jordan	Israel	None	"... the act of aggression committed by the Israel armed forces against the citizens and territory of Jordan on 13 November 1966."	"... to consider the act of aggression committed by the Israel armed forces..."	S/7587, OR, 21st yr., Suppl. for Oct.-Dec. 1966, p. 78
7. Complaint by the Government of the Democratic Republic of the Congo ((i) letter of 21 September 1966)	Democratic Republic of the Congo	Portugal	None	The use by Portugal of African Territories "as a base of operations for mercenaries recruited in European countries" whose mission was "to shed Congolese blood in order to overthrow the legitimate and lawful authorities of the Congo." The situation "constitutes a serious threat to world peace..."	"... to call upon Portugal to end what may rightly be called aggression" against the Democratic Republic of the Congo.	S/7503, OR, 21st yr., Suppl. for July-Sept. 1966, pp. 132-133

Tabulation of questions submitted to the Security Council (1966-1968) (continued)

SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACHES OF THE PEACE OR ACTS OF AGGRESSION (continued)

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
((ii) letter of 6 July 1967)	Democratic Republic of the Congo	Portugal	None	"... aggression committed against the Democratic Republic of the Congo on 5 July 1967."	"... to convene an emergency meeting . . . to consider the question."	S/8036, OR, 22nd yr., Suppl. for July-Sept. 1967, p. 63
((iii) letter of 3 November 1967)	Democratic Republic of the Congo	Portugal	None	"An armed band of mercenaries [who] invaded the territory of the Democratic Republic of the Congo at Kisenge" and who were now approaching Kolwezi, "probably with the intention of seizing the Kolwezi plain which could subsequently serve as a base."	To "take the necessary measures to stop the aggression and to ensure the safety of persons and property, both foreign and Congolese, in the threatened area."	S/8218, OR, 22nd yr., Suppl. for Oct.-Dec. 1967, pp. 201-203
8. Situation in the Middle East (I) ((i) letter of 23 May 1967)	Canada and Denmark		None	"... extremely grave situation in the Middle East which is threatening international peace and security."	"... to discharge its responsibilities" for the maintenance of international peace and security.	S/7902, OR, 22nd yr., Suppl. for April-June 1967, pp. 118-119
((ii) letter of 27 May 1967 (Complaint by the UAR)	United Arab Republic	Israel	None	"... Israel aggressive policy, its repeated aggression threatening peace and security in the Middle East and endangering international peace and security."	To consider the situation urgently.	S/7907, OR, 22nd yr., Suppl. for April-June 1967, pp. 124-125
((iii) letter of 9 June 1967)	USSR		None	"Cessation of military action by Israel and withdrawal of the Israeli forces from those parts of the territory of the United Arab Republic, Jordan and Syria which they have seized as the result of an aggression."	Requesting the President to "take immediate steps to have the Security Council place this item on its agenda."	S/7967, OR, 22nd yr., Suppl. for April-June, 1967, p. 181

Tabulation of questions submitted to the Security Council (1966-1968) (continued)

SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACHES OF THE PEACE OR ACTS OF AGGRESSION (continued)

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
9. Situation in the Middle East (II) ^c (i) letter of 24 October 1967 (Complaint by UAR))	United Arab Republic	Israel	None	"... a new and premeditated flagrant aggression" in which the Israel forces "started concentrated shelling" at the city of Suez area, in "serious and grave violation of the cease-fire order."	"... to consider the grave situation resulting from the Israel acts of aggression" with a view to "taking prompt action against Israel in accordance with the relevant articles of the United Nations Charter."	S/8207, <i>OR</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , pp. 191-192
(ii) letter of 24 October 1967 (Complaint by Israel))	Israel	United Arab Republic	None	"... a new act of aggression perpetrated by the armed forces of the United Arab Republic today."	"... to deal with the open aggression and the violations of the cease-fire resolutions by the United Arab Republic."	S/8208, <i>OR</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , pp. 192-193

^c During the period under review the following were considered as further sub-items under the heading: "Situation in the Middle East II": Letter dated 7 November 1967 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8226, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, p. 208); Letter dated 21 March 1968 from the Permanent Representative of Jordan, addressed to the President of the Security Council (S/8484, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, pp. 278, 279); Letter dated 21 March 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8486, *ibid.*, pp. 280, 281); Letter dated 29 March 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8516, *ibid.*, p. 307); Letter dated 29 March 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8517, *ibid.*, p. 307); Letter dated 25 April 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8560, *ibid.*, pp. 139, 140); Letter dated 5 June 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/9616, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 186, 187); Letter dated 5 June 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8617, *ibid.*, p. 187); Letter dated 5 August 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8721, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, p. 113); Letter dated 5 August 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8724, *ibid.*, pp. 115, 116); Letter dated 2 September 1968 from the Acting Permanent Representative of Israel addressed to the President of the Security Council (*ibid.*, p. 236); Letter dated 8 September 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8805, *ibid.*, pp. 240, 241); Letter dated 8 September 1968 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8806, *ibid.*, pp. 241, 242); Letter dated 17 September 1968 addressed to the President of the Security Council by the representatives of Pakistan and Senegal (S/8819, *ibid.*, p. 251); Letter dated 1 November 1968 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8878, *OR*, 23rd yr., *Suppl. for Oct.-Dec. 1968*, p. 104); Letter dated 1 November 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8879, *ibid.*, pp. 104, 105); Letter dated 29 December 1968 from the Permanent Representative of Lebanon addressed to the President of the Security Council (S/8945, *ibid.*, p. 180); Letter dated 29 December 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8946, *ibid.*, p. 180).

Tabulation of questions submitted to the Security Council (1966-1968) (continued)

SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACHES
OF THE PEACE OR ACTS OF AGGRESSION (continued)

<i>Questions</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter of submission</i>	<i>Description of question in letter of submission</i>	<i>Action required of the Security Council</i>	<i>Reference</i>
10. Complaint by the United States (Pueblo incident) (letter of 25 January 1968)	United States	North Korea	None	"North Korean action against a United States naval vessel [USS Pueblo] on the high seas, and the serious North Korean armed raids across the demilitarized zone into the Republic of Korea" which had created a "situation of ... gravity and danger".	"... to consider the grave threat to peace ..."	S/8360, <i>OR</i> , 23rd yr., <i>Suppl. for Jan.-March 1968</i> , p. 140
11. Complaint by Haiti (letter of 21 May 1968)	Haiti		39,99	"Armed aggression" against the Republic of Haiti.	To take "appropriate measures... in accordance with Article 39 of the Charter" to reduce the prevailing state of tension.	S/8593, <i>OR</i> , 23rd yr., <i>Suppl. for April-June 1968</i> , pp. 168-169

Part IV

CONSIDERATION OF THE PROVISIONS OF ARTICLES 36-38
AND OF CHAPTER VI IN GENERAL

NOTE

Part IV of this chapter is designed to deal with cases in which discussions have arisen regarding the responsibility of the Security Council to deal with particular disputes or situations under consideration in the light of the provisions of Chapter VI of the Charter.⁴²

The period under review has been characterized, even more so than those covered in past *Supplements*, by the absence of constitutional discussions bearing on the relation of decisions taken by the Security Council to the provisions of Articles 36-38 of the Charter, and by the scant material likely to throw light on the real import of those Articles in the working of the Security Council.

Attention should, nevertheless, be drawn to the various resolutions and decisions of the Security Council during the period under review which, while not invoking any Article of Chapter VI of the Charter, contained recommendations of procedure as well as of substance aimed at facilitating pacific settlement of questions brought to the attention of the Council. The material assembled for the entry in this part, which relates to the complaint by the Government of Cyprus (Case 5), is illustrative of proceedings leading to the adoption of such resolutions and decisions of the Council. The Security Council in this instance, while mainly concerned with the maintenance of peace and security in an area following the outbreak of hostilities (extending the stationing of UNFICYP), also addressed itself to corollary measures of pacific settlement, to which it often referred in its subsequent decisions. Thus each of the resolutions adopted subsequent to resolution 220 (1966) of 16 March 1966, in connexion with this question, contained provisions requesting the parties concerned to act with the utmost restraint and to make determined efforts with a view to achieving the objective of the Security Council, as provided for in that resolution.⁴³

A number of other decisions adopted during the period under review also related, in varying degrees, to the responsibility of the Council in the field of pacific settlement. As a guide to such decisions, reference should be made to entries under "Measures for settlement" in the Analytical table of measures of chapter VIII of this *Supplement*.

By reason of the unity of the provisions of Chapter VI of the Charter, reference should also be made to material gathered in other parts of this chapter of the *Supplement*.
CASE 5.⁴⁴ COMPLAINT BY THE GOVERNMENT OF CYPRUS: In connexion with the eight-Power draft resolution

⁴² For general criteria for entries under this part, see *Repertoire of the Practice of the Security Council 1946-1951*, pp. 296 and 410.

⁴³ See resolutions 222 (1966) of 16 June 1966, para. 2; 231 (1966) of 15 December 1966, para. 2; 238 (1967) of 19 June 1967, para. 2; 244 (1967) of 22 December 1967, paras. 4 and 5; 247 (1968) of 18 March 1968, para. 2; and 254 (1968) of 18 June 1968, para. 2. For proceedings and resolutions (242 (1967) and 259 (1968)), similarly concerned with the process of peaceful settlement, see part I, Case 2, of this chapter, Case 1 of chapter V, and chapter VIII, pp. 105-113.

⁴⁴ For texts of relevant statements, see: 1274th meeting: Nigeria, paras. 36-38; 1275th meeting: Argen-

(S/7025), voted upon and adopted on 15 March 1966.

[*Note:* The view was expressed during the debate that one purpose of the draft resolution was to place at the disposal of the Secretary-General the opportunity to continue his task for the peaceful solution of the Cyprus problem.]

In a note to the Security Council dated 4 March 1966,⁴⁵ the Secretary-General informed the Council that on 2 March 1966, after having informed the parties concerned, he had broadened the responsibilities of his Special Representative in Cyprus, Mr. Bernades of Brazil, as to enable him to use his good offices and make such approaches to the parties concerned as he considered likely to produce a solution of local as well as broader problems. The Secretary-General noted that the instructions given to his Special Representative were without prejudice to the mediation function envisaged in Security Council resolution 186 (1964) of 4 May 1964.

In his report of 10 March 1966⁴⁶ on the situation in Cyprus, the Secretary-General, in addition to reporting on UNFICYP, noted that the parties concerned had welcomed the broadened mandate of his Special Representative and had assured him of their co-operation to facilitate his tasks. At the same time, he pointed out that the existence among the leaders of the two communities of a genuine desire to peace that would bring them to mutual accommodations of viewpoint and position essential to pacific settlement, remained to be demonstrated.

At the 1274th meeting on 15 March 1966, during the consideration of the report of the Secretary-General, Argentina, Japan, Mali, the Netherlands, New Zealand, Nigeria, Uganda and Uruguay submitted a draft resolution,⁴⁷ of which operative paragraphs 2 and 3 read as follows:

"The Security Council,

" . . .

"2. Urges the parties concerned to act with the utmost restraint and to make determined efforts with a view to achieving the objectives of the Security Council;⁴⁸

tina, paras. 59, 60; Cyprus, para. 98; Japan, paras. 61, 62; Netherlands, para. 74; New Zealand, paras. 70, 71; United Kingdom, paras. 45, 50, 51; United States, para. 80; Uruguay, paras. 89, 90.

⁴⁵ S/7180, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, pp. 191, 192.

⁴⁶ S/7191, *ibid.*, pp. 204-233. For relevant parts of the report, see paras. 138, 143 and 148.

⁴⁷ S/7205, adopted without change as resolution 220 (1966).

⁴⁸ The objectives of the Security Council, including pacific settlement through the good offices of the Secretary-General and a Mediator had been set out in resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, as well as a consensus expressed by the President at the 1143rd meeting on 11 August 1964. For treatment of the complaint by the Government of Cyprus in previous supplement, see *Repertoire of the Practice of the Security Council, Supplement 1964-1965*, chapter VIII, pp. 108-127; and chapter X, Case 8.

"3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a period of three months ending 26 June 1966, in the firm hope that by the end of this period substantial progress towards a solution will have been achieved."

The representative of Nigeria in presenting the eight-Power draft resolution stated, among other things, that the draft, which was the result of consultations that had taken place for the past few days, was based on the report of the Secretary-General and was intended to fulfil two principal objectives: to place at the disposal of the Secretary-General the opportunity to carry on the work towards the solution of the Cyprus problem, and to avoid saying anything that could do damage to the cause of the solution of the Cyprus question.

At the 1275th meeting on 16 March 1966, a number of representatives who spoke following the adoption of the draft resolution, expressed support for the broadened responsibilities of the representative of the Secretary-General, and expressed the view that the resolution, in addition to extending the stationing of the UNFICYP, addressed itself to the parties concerned to do their utmost towards the peaceful settlement of the question.

The representative of the United Kingdom stated in this connexion that

"what we have done today, is directed not only to keeping the peace, but to the peaceful settlement of the basic dispute. We welcome every step taken in that direction, and specially we recently welcomed the message which the Secretary-General sent on 2 March to his Special Representative . . . The fact that the Governments of Cyprus, Greece and Turkey promptly assured the Secretary-General that they will co-operate with the Special Representative is a clear indication of the wide confidence felt in him and an encouraging augury for his extended responsibility and purpose."

He also stated that he fully supported the views of the Secretary-General on the essential requirements for peaceful settlement, adding:

"The key to a settlement lies, of course, with the parties and the international community can only help. But we owe it to all concerned, including all who have laboured on behalf of the United Nations . . . to persevere in our effort both to keep the peace and, by so doing, to facilitate and accelerate a settlement . . ."

The representative of Japan, after welcoming the broadened responsibility of the Special Representative of the Secretary-General, and endorsing the Secretary-General's view about the need for a genuine will towards reconciliation of views and position among the parties concerned, stated:

"I should like also to stress our view that the international community has every right to expect all parties concerned to co-operate faithfully and diligently to bring about a prompt and peaceful solution of the Cyprus question."

The representative of the United States stated:

"In the interval since we last met to consider the question of Cyprus, my Government has been increasingly concerned that we not lose sight of the United Nations' eventual goal in Cyprus, and that there should be significant movement towards a peaceful settlement and an agreed solution. My Government was therefore pleased to learn that the Secretary-General has recently given an enlarged mandate to his . . . Special Representative in Cyprus to employ his good offices and to make such approaches as may be productive in solving problems of either a local or broader nature. The United States regards this step as having a great potential for the restoration of peace and order."

The representatives of Argentina, Cyprus, the Netherlands and New Zealand generally shared the view that the decision taken by the Council was also designed to promote peaceful settlement of the question of Cyprus.