

CHAPTER VIII

QUESTIONS RELATING TO ASIA AND THE FAR EAST

MATTERS PERTAINING TO THE REPRESENTATION OF CHINA IN THE UNITED NATIONS

On 20 October 1964, Cambodia requested that an item entitled "Restoration of the lawful rights of the People's Republic of China in the United Nations" be placed on the agenda of the General Assembly's nineteenth session.

In an explanatory memorandum accompanying the request, Cambodia stated that the arbitrary exclusion of China from an Organization which had set itself the noble goal of universality was an extremely grave denial of justice. With its population of 650 million, or about one fifth of mankind, China—a founder Member of the United Nations and a permanent member of the Security Council—had since 1949 been denied the right to occupy the seats which, legally, had never ceased belonging to it and, in consequence, the right fully to exercise the role in international life which had been accorded to it and to which it was entitled. It seemed evident, the memorandum continued, that the refusal to restore the lawful rights of the People's Republic of China in the

United Nations was based on political considerations at variance with the spirit which prevailed when the Organization was established and which were still often invoked in other cases. An objective study of Chinese policy proved that the Government of the People's Republic of China had always clearly expressed its support for peaceful and political solutions to any differences or disputes that might exist or arise between independent States.

Refuting accusations that the People's Republic of China was responsible for the civil war in South Viet-Nam and Laos, the memorandum said that the People's Republic of China had always scrupulously respected the Geneva Agreement of 1954 on Indo-China and those of 1962 on Laos; it had always firmly and unambiguously supported the proposals for the convocation of the Geneva Conference on Indo-China, which alone could find a political solution to a serious problem that threatened world peace.

The facts proved that China sincerely desired peace and peaceful co-existence with all countries, but without threats and on equal terms. If it were aggressive and war-mongering, as alleged, it would certainly have used force to regain all its territory. The People's Republic of China, however, had shown itself in all circumstances to have complete respect for the independence, neutrality, territorial integrity and monarchical institutions of Cambodia. All countries that had diplomatic, political, commercial or cultural relations with China could confirm this perfect correctness and absence of chauvinism. In this respect, the memorandum added, China's neighbours were undoubtedly in the best position to express a well-founded and objective viewpoint on Chinese policy towards them. Afghanistan, Ceylon, Nepal, Pakistan, Burma, Laos, Indonesia—and even India, which had a frontier dispute with China—had voted, like Cambodia, for the restoration of the lawful rights of the People's Republic of China in the United Nations.

None of the world powers today believed that any important international problem could be solved without the participation of China, the memorandum added. Recent statements by United States Government figures recognized the necessity of admitting the People's Republic of China to a possible conference on disarmament. It was, however, absurd and contradictory to recognize the cardinal international role of the People's Republic of China and, at the same time, deny it access to the United Nations. In 1964, again, many countries (beginning with France, a founder Member of the United Nations) had given legal recognition to the fact

of the existence of the People's Republic of China and the non-existence of the so-called Republic of China on the island of Taiwan.

On 12 November, Algeria, the Congo (Brazzaville), Guinea and Mali, by a joint letter to the Secretary-General, asked to be considered as co-sponsors of the Cambodian proposal. Similar requests for co-sponsorship were submitted by Indonesia on 16 November, Burundi on 25 November, Cuba on 28 November, Ghana on 8 December and Romania on 11 December.

On 16 November, Albania cabled the Secretary-General requesting the inclusion in the agenda of the Assembly's nineteenth session of a supplementary item which it considered to be of an important and urgent character: "Restoration of the lawful rights of the People's Republic of China in the United Nations."

No specific discussion of the item took place at the first part of the Assembly's nineteenth session. However, the matter of the representation of China in the United Nations was referred to by many speakers in the general debate in the opening phases of the session. In view of the special circumstances prevailing during the first part of the session, the President, in a statement made on 18 February 1964, noted that, with regard to certain agenda items proposed by Member States, the sponsors might wish to propose them for inclusion in the agenda of the twentieth session, if the nineteenth session was unable to consider them.

The question of the representation of China in the United Nations was also raised in other United Nations organs in 1964. (See DOCUMENTARY REFERENCES below.)

DOCUMENTARY REFERENCES

GENERAL ASSEMBLY—19TH SESSION

Plenary Meetings 1290-1310, 1316-1319, 1321, 1322, 1329, 1330.

A/5761 and Add.4. Letter of 20 October from Cambodia requesting inclusion in agenda of item entitled: "Restoration of the lawful rights of the People's Republic of China in the United Nations" and explanatory memorandum of 19 November 1964.

A/5761/Add.1, 2, 5-8. Letters of 12, 16, 25 and 28 November, 8 and 11 December 1964 submitted by States co-sponsoring Cambodia's request: Algeria, Congo (Brazzaville), Guinea and Mali jointly; Indonesia; Burundi; Cuba; Ghana; Romania.

A/5761/Add.3. Cable of 16 November 1964 from Albania proposing inclusion in agenda of item entitled: "Restoration of the lawful rights of the People's Republic of China in the United Nations."

A/5884. Note by President of General Assembly on status of agenda of 19th session, para. 6.

OTHER UNITED NATIONS ORGANS

SECURITY COUNCIL, meetings 1102, 1111, 1147, 1148.

ECONOMIC AND SOCIAL COUNCIL

Commission on Narcotic Drugs, meeting 525.

Economic Commission for Europe, 9th session, meeting 1.

TRUSTEESHIP COUNCIL

Plenary Meeting 1234.

THE KOREAN QUESTION

The United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) submitted its fourteenth annual report, covering the period from 23 August 1963 to 26 August 1964, to the General Assembly's nineteenth session.

On the question of the unification of Korea, the Commission reported that, while the Republic of Korea had continued to adhere to the United Nations stand on Korean unification, the communist authorities in the North had, regrettably, been as negative as ever in their rejection of the competence and authority of the United Nations to deal with the Korean question and in their refusal to enable UNCURK to fulfil its obligations. Such a negative attitude, it was said, had further delayed an equitable and definitive settlement in Korea in accordance with the principles established and reaffirmed by the General Assembly.

On the question of the withdrawal of foreign troops, the Commission pointed out that the United Nations forces had been sent to Korea in accordance with United Nations resolutions and upon the request of the Government of the Republic of Korea, and their presence was desired by both the Government and people of the Republic of Korea, pending the achievement of United Nations objectives. The Commission added that the United Nations presence in the area had been and continued to be a political deterrent against renewed conflict. The Commission also reported that government leaders in the Republic of Korea had categorically denied press reports concerning the possibility of the reunification of Korea on a neutralized basis and had expressed their firm support of United Nations principles on unification.

Regarding political developments in the Republic of Korea, the Commission stated that it had observed the peaceful transfer from military to civilian government as a result of the Presidential and National Assembly elections held in October and November 1963, respectively, and the functioning of the executive, legislative and judiciary branches of

the Government, as well as that of the political parties. It reported that the transition to civilian control was completed by the inauguration of President Park Chung Hee and the Convocation of the National Assembly on 17 December 1963, thereby bringing into being, as pledged, a duly constituted representative Government under the Third Republic.

In connexion with economic development, the Commission noted that the country continued to face a number of difficulties hindering economic growth, which included price inflation, decreased foreign exchange reserves, declining United States aid, the low level of domestic savings, the high rate of growth of population and labour force, agricultural underemployment and industrial under-utilization of installed capacity, limited natural resources and the continued division of the country.

In the special circumstances prevailing during the first part of its nineteenth session, the General Assembly, on the basis of a suggestion by its President, took note on 18 February 1964, without objection, of the fact that it had received, among other things, a report in connexion with the agenda item entitled "The Korean question" and indicated its wish that UNCURK, as in the case of other bodies with continuing responsibility, would continue its work.

At the final meeting of the first part of the session on 18 February 1965, the USSR stated that it continued to object to the creation and the activities of what it described as "the so-called Korean Commission." It felt that the United Nations did not have the right to interfere in the internal affairs of any State and that the unification of Korea was a purely internal matter which must be settled by the Korean people without outside interference.

The representative of Poland, at the same meeting, stated, "on behalf of a number of socialist delegations" and his own delegation, that action taken by the Assembly concerning the status of the agenda of the nineteenth session could not be interpreted as agreement

to the continuation of the United Nations Commission for the Unification and Rehabilitation of Korea and to the inscription of the "so-

called Korean question" on the agenda of the current or of the next General Assembly session.

DOCUMENTARY REFERENCES

GENERAL ASSEMBLY—19TH SESSION
Plenary Meeting 1330.

A/5812. Report of United Nations Commission for

Unification and Rehabilitation of Korea, covering period 23 August 1963-26 August 1964.
A/5884. Note by President of General Assembly on status of agenda of 19th session.

THE INDIA-PAKISTAN QUESTION

On 16 January 1964, Pakistan requested an immediate meeting of the Security Council to consider what it described as the grave situation that it charged had arisen in the State of Jammu and Kashmir as a direct consequence of the unlawful steps that the Government of India was continuing to take in order to destroy the special status of that State.

In its letter, Pakistan also said that, as a result of the theft of a holy relic from the Hazratbal shrine in Srinagar, the Muslim population of Jammu and Kashmir had begun demonstrations, paralyzing life in Srinagar and many other parts of the State. The events in Kashmir were having a serious effect on public opinion in Azad Kashmir and Pakistan, and unless it could be demonstrated that the peaceful procedures of the United Nations were capable of halting India's repressive policy, the people of Azad Kashmir and Pakistan might, in desperation, turn to other courses.

In a letter of 24 January 1964, the representative of India said that his Government had already refuted Pakistan's allegations with regard to the special status of the State of Jammu and Kashmir. So far as the constitutional arrangements between the constituent State of Jammu and Kashmir and the Indian Union were concerned, nothing had happened to support, even remotely, Pakistan's allegations about the existence of a tense situation. In fact, Pakistan itself had taken every opportunity of creating difficulties and an atmosphere of crisis in Kashmir.

The Indian representative said that the theft of the holy relic had caused sorrow to people of all faiths in Kashmir. The demonstrations which had followed the theft were not of a

political or communal character, and the demonstrators had appealed to the Government of India to help in recovering the holy relic, which had since been found and restored with due ceremony. In those circumstances, Pakistan's request for a meeting of the Security Council was purely propagandistic. The discussions in the Council could only lead to exacerbation of feelings and to a worsening of the communal situation. The primary need of the time was to establish harmony and peace between the various communities in India and Pakistan.

On 3 February 1964, the Security Council placed the item on its agenda, considering it at 15 meetings held between 3 February and 18 May 1964. The representatives of India and Pakistan were invited to participate in the discussion without the right to vote.

Opening the debate, the representative of Pakistan said that the situation in Kashmir was tense because of India's declarations of intent to further integrate the State within its territory and also to the resentment felt following the theft of the holy relic. During the last discussion of the Kashmir question by the Security Council in 1962,¹ a majority of its members had urged the parties to enter into bilateral talks. These talks, undertaken through the good offices of the United States and the United Kingdom, had ended in failure. In the circumstances, Pakistan would urge the Security Council to take appropriate action to ensure that the Kashmir dispute should begin to move towards a peaceful and just solution in accordance with its previous resolutions and the right of self-determination of the people of Kashmir.

¹ See Y.U.N., 1962, pp. 128-31.

The representative of India said there was no question of further "integrating" Kashmir into the Union Territory, as the State of Jammu and Kashmir had become an integral part of India when the Ruler of the State executed the instrument of accession to India and the then Governor-General accepted that instrument. The two resolutions of the United Nations Commission for India and Pakistan—of 13 August 1948 and 5 January 1949²—dealing with a plebiscite, were based on the condition that Pakistan must withdraw its troops and halt its aggression against that part of the State of Jammu and Kashmir which it had illegally occupied. It was only by Pakistan's compliance with that essential condition that the possibility of holding a plebiscite in Kashmir could arise.

India, he said, was always desirous of establishing normal and friendly relations with Pakistan. A Security Council resolution, however, could not help in that respect. India was prepared to take any and every step in co-operation with Pakistan to restore inter-communal harmony and would welcome a meeting of Ministers of the two countries.

On 17 February, the Council adjourned its consideration of the question for the time being.

On 4 March, the representative of Pakistan asked that an early meeting of the Council be held to resume consideration of the question.

The representative of India, in a letter dated 8 March, objected to that request. On 17 March, the Council resumed its discussion of the question, but, on 20 March, it decided, on a motion by Czechoslovakia, to defer further consideration of the question until 5 May 1964.

Between 19 March and 24 April, both India and Pakistan addressed communications to the Security Council. On 19 March, Pakistan objected to a statement which, it said, the Indian Prime Minister was reported to have made in the Indian Parliament to the effect that if it became necessary "in defence of our territory to cross the [cease-fire] line, we will cross it." Pakistan regarded the statement as an unmistakable threat of the renewal of India's aggression on Kashmir.

On 20 March, India wrote to the President of the Security Council that Pakistan had placed a misleading construction upon the Prime Minister's observations in the Indian Parlia-

ment. India would scrupulously observe the cease-fire line—contrary to what Pakistan had been doing—but reserved the right to defend itself even if it involved a crossing of the line. This position was entirely in accordance with international law, India declared, and Pakistan had tried to mislead the Council in order to hide its own sinister designs and flagrant violations of the line.

On 14 April, Pakistan objected to published reports that a bill seeking to designate the head of "the disputed State of Jammu and Kashmir" as governor and the head of Government as chief minister, and to replace the state flag by the flag of the Indian Union had been introduced in the "so-called State Assembly." Pakistan regarded this as another step being taken by India to obliterate the political identity of Jammu and Kashmir and to force its annexation with the Indian Union.

On 30 April, India replied that the statements made by Pakistan were divorced from reality and noted that India had already advised the Security Council that it could not give an assurance that it would not proceed with the constitutional processes which it considered necessary in the State of Jammu and Kashmir.

On 24 April, India transmitted a copy of a protest it had made to Pakistan concerning an attack which it stated had been made by Pakistan armed forces on an Indian police patrol near Keran.

On 5 May, the representative of Pakistan stated that the movement of protest, to which he had earlier drawn the Security Council's attention, still continued in the State of Jammu and Kashmir and that India had shown no signs of changing its policy, notwithstanding the release from political imprisonment of Sheikh Abdullah, the acknowledged leader of the people of Kashmir. At the same time, the Kashmiri people had demanded that a plebiscite be held in the State.

The representative of Pakistan then suggested that the situation in Kashmir could be verified by a fact-finding body of the Council. He also

²For further details of these two resolutions, see Y.U.N., 1947-1948, pp. 387-403, and Y.U.N., 1948-1949, pp. 279-83.

proposed that Sheikh Abdullah be invited to give the Council information that might be of assistance in examining the Kashmir question.

The representative of India reiterated that there was no "revolt" in Kashmir and no "movement of protest," as alleged by Pakistan. In fact, there was complete communal harmony in that part of India, and even during the episode of the theft of the holy relic not a single incident had taken place to mar the friendship of the various communities living in Kashmir. Sheikh Abdullah's release also proved that the situation in Kashmir was absolutely normal. The Government of India would oppose Pakistan's proposal to invite Sheikh Abdullah to appear before the Council, as his status was that of a private citizen of India. The parties before the Council were India and Pakistan, and they alone could decide upon the composition of their delegations.

The Indian representative also maintained that the Kashmir question would not be solved by imposing a solution from outside or by intervention by a third party in the direct discussions that the two countries might decide to have.

All members of the Council welcomed the improvement in the situation on the sub-continent since the Council's consideration of the question in February and March. They noted that communal disturbances had subsided and that talks between the Home Ministers of the two countries had begun. They also welcomed the release of Sheikh Abdullah and stated that his talks with the Prime Minister of India were encouraging. They hoped that the parties would abstain from any actions which might aggravate the situation and that an improved atmosphere would encourage the two parties to resume direct negotiations on all of their differences.

Some members of the Council—among them Brazil, the Ivory Coast, Morocco and Norway—emphasized that the two parties should seek a solution of their dispute in accordance with previous decisions of the Security Council and taking into consideration the wishes of the people of the State of Jammu and Kashmir. They believed that in that respect the good offices of the Secretary-General could, if considered appropriate by the parties concerned, be of great assistance.

The representatives of Czechoslovakia and the USSR maintained that the Kashmir question, which was primarily a legacy of colonial rule, could best be settled by direct talks between the two countries without any outside intervention. It was also for the two parties to decide on the question of recourse to the Secretary-General.

At the suggestion of Brazil, supported by Norway, the Council decided that the President, after consultations with the members of the Council, should gather and submit the conclusions which had emerged from the debate so that the current discussion of the India-Pakistan question could be concluded.

On 18 May, the President said he had tried to carry out the task entrusted to him by the Council at its previous meeting to work out the agreed conclusions of the Council's debate. Despite every effort, it had not been possible to reach unanimity on one of the important points. He was thus unable to present an overall conclusion but must limit himself, in the first part of his report, to setting forth the points where no difference of opinion appeared between the members of the Council and, in the second part of the report, the different trends expressed on another point.

In the first part of the President's report, the conclusions were stated as follows:

(a) The members of the Council recalled that, especially during the month of February, they had already expressed the views of their Governments on the basic facts pertaining to the problem, including the pertinent resolutions of the United Nations, the question of the juridical status of Jammu and Kashmir, and the principles of the Charter applicable to the case. They confirmed that the statements which they had made at that time were still valid.

(6) The members of the Council expressed their concern regarding two great countries which should have good relations one with the other and the opinion that the present differences between them—particularly the question of Jammu and Kashmir—should be settled amicably in the interests of world peace.

(c) The members of the Council expressed their feeling that recent developments might lead to a softening of the positions adopted, to better mutual understanding and, therefore, to a situation in **which** the conversations between the parties concerned would have a better chance of leading to a settlement.

(d) The members of the Council expressed their conviction that everything possible should be done to consolidate these favourable elements and to avoid jeopardizing these advantages, which would require

on the part of the parties concerned an attitude of conciliation and moderation and, on the part of the United Nations, an attitude of prudence, as well as careful and vigilant attention.

(e) The members of the Council expressed the hope that the two parties would abstain from any act that might aggravate the situation and that they would take such measures as would re-establish an atmosphere of moderation between the two countries and also peace and harmony among the communities.

(f) The members of the Council expressed the hope that, in the light of the debate, the two countries would resume their contacts as soon as possible in order to resolve their differences by negotiation, in particular, their differences related to Jammu and Kashmir.

The second part of the President's report made the following points:

A number of members of the Council had expressed the view that the Secretary-General of the United Nations might possibly give useful assistance to the parties to facilitate the resumption of negotiations on the question of Jammu and Kashmir or to assist them in carrying out these negotiations if they should meet with any difficulties. Other members of the Council, on the other hand, had expressed the view that the negotiations between India and Pakistan might be complicated by the intervention of any outside elements, and that the parties should be left to come to agreement on the very principle of turning to the Secretary-General.

Finally, the President said that the India-Pakistan question remained on the agenda of the Security Council.

The representative of Pakistan said it was evident that all members of the Council had made it clear that the Security Council had a continuing obligation to bring about a peaceful settlement of the dispute. It had also been made clear that no settlement of the dispute would be genuine and durable if it did not take into account the wishes of the people of Jammu and Kashmir.

With regard to direct negotiations, Pakistan's experience over the years had been discourag-

ing. The fact, that all efforts in that connexion had failed repeatedly showed that it was not within the power of one party alone to make negotiations constructive and meaningful, and that, further, they could not be made so without reference to the wishes of the people of Jammu and Kashmir. Pakistan had hoped that the Security Council would be a positive and material factor in the situation and that it would firmly lay down the framework within which contacts between India and Pakistan could be carried on for a solution of the problem. It would also have liked to see a definite role assigned to the Secretary-General of the United Nations to enable him to facilitate progress and to ensure a fruitful result of those contacts.

The representative of India said that one of the factors emerging from the debate in the Council was that in the State of Jammu and Kashmir there was complete peace and normalcy, instead of an open revolt as alleged by Pakistan. The second factor that emerged was that the question before the Council could only be solved by bilateral negotiations, and any intervention by a third party would only hinder those negotiations. India wanted a settlement with Pakistan, but Pakistan must accept the fact that Kashmir was an integral part of India and that no country could be a party to surrendering a part of itself. The Indian representative also said that his country was always ready and willing to receive the Secretary-General as an honoured guest but it would not wish him to come in the context of the Kashmir debate unless both parties agreed that he should do so.

Further charges and counter-charges relating to alleged violations of the Cease-Fire Agreement and the legal status of the State of Jammu and Kashmir were made on 27 July, 21 August and 17 and 26 December 1964.

DOCUMENTARY REFERENCES

SECURITY COUNCIL, meetings 1087-1093, 1104, 1105, 1112-1117.

S/5517. Letter of 16 January 1964 from Pakistan.

S/5522. Letter of 24 January 1964 from India.

S/5523, S/5527. Report by Secretary-General on credentials (India, Pakistan).

S/5576. Letter of 4 March 1964 from Pakistan.

S/5582. Letter of 8 March 1964 from India.

S/5612. Letter of 19 March 1964 from Pakistan.

S/5617. Letter of 20 March 1964 from India.

S/5657. Letter of 14 April 1964 from Pakistan.

S/5668, S/5673. Letters of 24 and 30 April 1964 from India.

S/5836. Letter of 27 July 1964 from Pakistan.

S/5911. Letter of 21 August 1964 from India.

S/6114. Letter of 17 December 1964 from Pakistan.

S/6125. Letter of 26 December 1964 from India.

A/5802. Report of Security Council to General Assembly, Part I, Chapter 7.

COMPLAINT BY MALAYSIA

On 3 September 1964, Malaysia asked for an urgent meeting of the Security Council, charging that during the midnight hours of Wednesday, 2 September, an Indonesian aircraft had flown over South Malaya, dropping a group of some 30 heavily armed paratroopers. Some had been captured and a large quantity of arms and ammunition recovered. Malaysia regarded Indonesia's act as blatant and inexcusable aggression, involving a threat to international peace and security in the area.

On 9 September, the Security Council decided without objection to include the item in its agenda and invited the representatives of Malaysia, Indonesia and, later, the Philippines to participate without vote in the discussion. The Council considered the item at six meetings held from 9 to 17 September 1964.

The representative of Malaysia told the Council that the desire expressed by the peoples of the Borneo States (Sarawak and Sabah) and Singapore to associate themselves with the Federation of Malaya had been welcomed by the people of Malaya because of their close racial, religious, economic and social ties and because they had a similar system of administration, law and justice. However, despite all those affinities, there would have been no Malaysia if the people themselves had not willed it. When the people did not wish it, he added, there was no compulsion, as in the case of Brunei.

The Malaysian representative went on to say that, when the plan for the formation of Malaysia was first announced, Indonesia and the Philippines had raised doubts about the observance of the principle of self-determination. In order to remove those doubts and to promote and cement the existing friendship between itself and those two countries, the Federation of Malaya had joined them in requesting the Secretary-General of the United Nations to re-ascertain the wishes of the people in the two North Borneo territories. After a close examination of the situation on the spot, the Secretary-General had given as his conclusion, based on the findings of the United Nations Mission, that there was no doubt about the wishes of a sizeable majority of the people of these territories in favour of joining the

Federation of Malaysia. Indonesia and the Philippines, however, had refused to accept that decision, which presumably had not been to their liking. Consequently, they refused to recognize Malaysia and had broken diplomatic relations with it.

The representative of Malaysia said that Indonesia had then announced its policy of a military and economic "confrontation." Indonesian army infiltrators, both regulars and irregulars, started flooding into the Borneo States from across the border. To avoid increasing tension in the area, Malaysia, however, had scrupulously desisted from crossing the border into Indonesia in pursuit of the intruders. However, Indonesia had continued its often expressed policy to crush Malaysia. Recent events had given evidence of a concentration of Indonesian army regulars all along the border.

Malaysia not only had followed the policy of restraint and forbearance but also had agreed to hold talks with Indonesia, all of which, however, had so far proved unsuccessful. The last of them, painstakingly promoted by President Macapagal of the Philippines, had also ended in failure. Malaysia had nevertheless agreed to the Philippine President's suggestion for further talks, provided its territorial integrity and sovereignty were respected. Before any preparations could be made, however, an Indonesian attack took place on the morning of 17 August, involving an invasion-like landing in strength on the shores of South Malaya. The landing of 17 August did not remain an isolated episode but was followed by another act of aggression, wherein Indonesia dropped three platoons of heavily armed paratroopers in a remote area of Southern Malaysia. During the midnight hours of 1-2 September, members of the local vigilante corps in the village of Kampong Tenang in central Johore had observed flares dropping from aircraft, followed by parachutes. Interrogation of the captured personnel had revealed that about 40 Indonesian infiltrators had been air-dropped by an Indonesian air force transport plane. Large quantities of arms and equipment had also been captured. In the circumstances, the Security

Council was duty bound to adjudge Indonesia guilty of aggression and to enjoin it to desist from further acts of aggression.

The representative of Indonesia said that, although his Government did not recognize Malaysia as a sovereign and independent country, it had decided nevertheless to participate in the present discussion because of its direct involvement in that question. The Malaysian statement contained allegations and accusations which were made out of context and without any reference to the deeper and broader conflict existing between the two Governments. The conflict between the new emerging revolutionary forces of freedom and the old dominating forces still continued, he said, and took an acute form in South-East Asia. Malaysia's so-called complaint could thus be viewed only in the wider context of that conflict and with reference to the struggle that was being waged between the new forces and the old established ones in that region.

In that respect, continued the Indonesian representative, his country's own revolution was a lesson in the struggle against colonialism. It was, therefore, a matter of regret to Indonesia that its neighbouring areas, called at present "Malaysia," were being used by British colonialism as a base from which to fight and subvert Indonesia's revolution. Indonesia had welcomed Malaya's independence in 1957 but, to its dismay, both Singapore and Malaya had, since 1958, provided shelter and an active base for secessionist rebels against the Indonesian Republic. Indonesia had not been a priori opposed to what he called "the idea of Malaysia." But it should have been formed not primarily as a British/Malaysian project but rather as a South-East Asian project, founded on the co-operative will for freedom of the peoples of South-East Asia.

It was for that reason, he continued, that the Manila Agreement of August 1963³ had laid down the procedure for the formation of the projected "Federation of Malaysia." It provided that the establishment of the Federation, originally planned for 31 August 1963, should be postponed, pending the result of the agreed upon re-assessment of the wishes of the people of Sabah and Sarawak. Although the modification suggested might have appeared technical

or juridical in nature, it had been meant to be political in order to remove the British "flavour" from the projected federation in the interest of "Malaysia" itself. From the outset, however, the British had opposed this new concept. It was under British pressure that the Government of Kuala Lumpur had declared, on 29 August 1963, that the "Federation of Malaysia" would be proclaimed on 16 September 1963, without waiting for the outcome of the United Nations re-assessment.

The Indonesian representative went on to say that Malaysia had thought fit to submit its complaint of "aggression" to the Security Council at the present stage even though the matter of hostilities, involving incursions into each other's territory, had been going on for some time. Moreover, it would be an irony to describe the acts of the Indonesian volunteers in the cause of freedom against neo-colonialism as "aggression." On the contrary, that term could be more justly applied to the many hostile acts of British colonialism and of Malaysians committed against Indonesian territory.

For its part, he said, Indonesia had shown goodwill in seeking a peaceful solution and had agreed, in spite of its preference for a strict adherence to the Manila Agreements, to the proposal of the President of the Philippines to refer the dispute to a four-nation Asian-African conciliation commission. Malaysia had accepted the Philippines proposal only in principle and on the condition that, before the Asian-African commission could be established, Indonesia must withdraw all its guerrillas from Sarawak and Sabah and discontinue its policy of confrontation. It was clear that Malaysia had not realized that the Indonesian policy of confrontation was a consequence and not the cause of the Malaysian conflict and that that policy would come to an end once the political conflict was resolved.

The representative of the United Kingdom said that Indonesia, while not denying its attack on Malaysia on 2 September, had claimed that such attacks were justified by British and Malaysian provocation against Indonesia and by Indonesia's own revolutionary doctrine. The charges of provocation, he said, were un-

³ See Y.U.N., 1963, p. 41.

founded; the United Kingdom had never supplied arms to Indonesian rebels or attempted to subvert the Indonesian revolution. The list of alleged British violations of Indonesian territory referred to dates subsequent to the start of Indonesian attacks on Malaysia. Had they been the subject of complaint at the time they occurred, it might have been possible for his Government to refute them in detail. Even on occasions when any unintentional and minor violation of the Indonesian frontier had occurred, British authorities in the area had expressed their regret.

The representative of the United Kingdom went on to say that his Government had never been actuated by hostility towards Indonesia and would like to resume friendly relations with it if it would stop its admitted and proclaimed confrontation policy against Malaysia—a policy which had in practice been one of constant armed attack. The United Kingdom felt that the Security Council should show in unmistakable terms its disapproval of the actions of Indonesia against the Government and people of Malaysia. The Council should also make clear that it expected Indonesia in future scrupulously to respect the sovereignty and territorial integrity of Malaysia, which had the right to expect the protection of the Council. With regard to conciliation between Malaysia and Indonesia, the United Kingdom representative said the Council should be careful not to give the impression that it was tolerating the use of force as a legitimate instrument of negotiation.

The representative of the Philippines said his country wanted to help enlarge the area of agreement between Malaysia and Indonesia. The Manila Agreement was in effect a blueprint for peace and prosperity in the region. Subsequent meetings in Bangkok and Tokyo had been devoted to the same aims; in Tokyo, President Macapagal had proposed the establishment of an African-Asian conciliation commission, the composition and terms of reference of which were awaiting discussion. Indonesia had accepted that proposal without reservation. Malaysia's acceptance was subject to the condition that Indonesian troops first be withdrawn from Malaysian territory. The Philippines hoped that more serious developments

would be forestalled by the prompt resumption of peaceful talks. It was President Macapagal's firm belief that his proposal offered the most workable opportunity for an over-all settlement of the dispute, the Philippines representative added.

The representative of the United States said that his delegation's attitude towards the Malaysian complaint was based primarily on its understanding of the obligation of each Member State under the Charter. The Security Council could not condone the use of force in international relations outside the framework of the Charter. Indonesia not only had admitted the use of force but had even argued that, in dealing with neighbours whose policies Indonesia did not like, the use of force was justified. In view of the arguments submitted by Indonesia in support of its action, it was all the more necessary that the Council should clearly identify as inadmissible the Indonesian armed action of 2 September. The Council should call for the cessation of armed attack on Malaysia and should, at the same time, help the parties establish the conditions and the climate in which negotiation on the merits of the issues on which they differed could usefully be pursued. The Security Council and the Secretary-General might well have a role to play in the establishment of such conditions. Members of the Council had to see to it that an agreed instrument for a peaceful settlement was chosen at the earliest possible date and that the parties took steps to pave the way for a return to diplomacy.

The representatives of the USSR and Czechoslovakia maintained that the Council's discussion had clearly shown that the complaint submitted by Malaysia could not be dealt with in isolation from the series of incidents that had been happening systematically on the territory of Indonesia. Basically, the question concerned the conflict between the forces of national liberation in Asia and the power positions still held there by colonialism. The true meaning of this neo-colonialist creation of Malaysia, hidden behind formal state independence, consisted in giving the United Kingdom the possibility of maintaining its domination in that part of South-East Asia. The so-called investigation of the wishes of the people of North Kalimantan (Northern Borneo) had

been done under conditions in which colonialist officials and their local agents were on the spot and had exercised a determining role when the question was being decided. For those people to express their genuine wishes, it was indispensable to withdraw all foreign troops and all colonial officials and to have the investigation directed by representatives of neutralist and developing countries.

It was not surprising that the people of North Kalimantan had rejected the proposed Federation, linking it with the interest of the colonial powers and foreign monopolists. Their resistance had gained the sympathy of the Indonesian people, and it had found an expression in a number of Indonesian volunteers joining the people of North Kalimantan in their struggle. Moreover, the Security Council could not examine individual cases or incidents without taking into account the historical and political background of the dispute and the relevant declarations and objectives of the United Nations in that respect. In those circumstances, a solution could only consist in ensuring the complete departure of colonialism, of its economic and political power, of its troops and military bases and of creating conditions for the peoples of the region to settle their disputes by themselves without outside intervention.

Other members of the Security Council—Bolivia, Brazil, China, France, the Ivory Coast, Morocco and Norway—after deploring the incident that had led Malaysia to submit its complaint to the Security Council, held that the Council could not condone the use of force and must take action in order to prevent the recurrence of similar acts. They added that, in deploring the present state of affairs, the Council was also duty bound to look into the causes that had led to the present situation. In that respect, it should welcome the efforts of the President of the Philippines and express the hope that those efforts would be successful. In accordance with that proposal, they hoped that Indonesia and Malaysia would be able to resolve their differences through the efforts of an Asian-African Conciliation Commission.

On 15 September, the representative of Norway submitted a draft resolution by which, in its operative part, the Security Council would:

- (1) regret all the incidents which had occurred

- in the whole region; (2) deplore the incident of 2 September 1964 which formed the basis of the complaint contained in the Malaysian communication of 3 September; (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, and thus to create an atmosphere conducive to 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 Reconciliation Commission provided for by that joint communiqué, once established, should keep the Security Council informed about the development of the situation.

The representative of Indonesia doubted whether the draft resolution would be helpful to the parties in reaching a settlement on the political dispute between them. He felt that some of its paragraphs left room for misinterpretation. In deploring the alleged 2 September incident, the Council would be lending itself to accepting a one-sided account. By its fourth operative paragraph—calling on the parties to refrain from all threat or use of force and to respect the territorial integrity and political independence of each other, and thus to create an atmosphere conducive to the continuation of their talks—the draft resolution would impose on Indonesia the acceptance of an entity which, in fact, did not exist, as Indonesia could not recognize a British-sponsored Malaysia. In any case, that was a question to be settled by negotiations and not one to be made a precondition for negotiations. Indonesia believed that the fourth operative paragraph of the draft resolution would, rather, hamper the negotiations by imposing conditions which it could not recognize as justified.

The representatives of the Ivory Coast and Morocco said that they would vote in favour of the draft resolution, hoping that it would lead to an improvement of the situation in the area and that negotiations would be resumed with the help of friendly countries from Asia and Africa. They added that the draft resolu-

tion was substantially the same as one they had intended to submit as an Asian-African draft but could not do so because of its non-acceptance by one of the parties.

The USSR representative said that the draft resolution, as a whole, had not taken into account the fact that the existing tension in the region of South-East Asia was due primarily to the unceasing military and political intervention of colonial powers in the internal affairs of the countries of that region. The USSR regretted that the draft resolution had failed to appreciate the constructive stand taken by Indonesia and its desire to have talks without any prior conditions.

On 17 September, the Security Council voted on the Norwegian draft resolution before it. It received 9 votes in favour to 2 against (Czechoslovakia and the USSR) and was not adopted, owing to the negative vote of a permanent member of the Council.

SUBSEQUENT COMMUNICATIONS

In a series of communications from 31 October to 7 January 1965, the representative of Malaysia further drew the attention of the Security Council "to the increasingly grave and dangerous situation created by the continuing and deliberate acts of armed aggression committed by Indonesia."

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S/5953. Letter of 10 September 1964 from Philippines.
S/5956, S/5966. Letters of 10 and 11 September 1964

from Malaysia.

S/5973. Norway: draft resolution, failed of adoption by Council on 17 September 1964, due to negative vote of permanent member. Vote on draft resolution was 9 in favour, 2 against (Czechoslovakia, USSR).
S/6034, S/6036, S/6042, S/6054, S/6084, S/6111, S/6134. Letters of 31 October, 3, 10 and 19 November, and 4, 15 and 17 December 1964 from Malaysia.

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COMPLAINT BY CAMBODIA CONCERNING THE UNITED STATES AND THE REPUBLIC OF VIET-NAM

On 16 April 1964, Cambodia transmitted to the Security Council a set of documents recording what it described as acts of aggression by the armed forces of the United States and South Viet-Nam against the territory and population of Cambodia. In particular, it charged that the Cambodian village of Chantrea had been the scene of simultaneous air and ground attacks on 19 March by the armed forces of South Viet-Nam, accompanied by United States soldiers, resulting in 17 deaths and considerable destruction. The documents also referred to an alleged air attack on the village of Mong on 4 February 1964, which caused five deaths, and included a list of charges of violations of Cambodian territory, air space and territorial waters in 1963, and in the first months of 1964.

Cambodia transmitted a further complaint on 13 May 1964, in connexion with what it termed the repeated acts of aggression by United States—South Viet-Nameese forces against

the territory and the civilian population of Cambodia, and requested that a meeting of the Security Council be called as soon as possible to consider the situation. Cambodia claimed that, on 7 May, an armoured unit of the South Viet-Nameese regular forces had carried out a terrorist raid on the village of Taey in Cambodian territory, killing several persons. On 8 May, the same armoured unit again crossed the frontier in the direction of the village of Thlork but was met by Cambodian forces which destroyed one armoured vehicle and its crew. In the course of interrogation by the members of the International Control Commission, a wounded South Viet-Nameese soldier, who had been taken prisoner, confirmed that United States officers had taken part in these two acts of aggression.

Cambodia was therefore submitting a complaint to the Security Council against the United States and the Republic of Viet-Nam for their repeated acts of aggression against

Cambodia. It urged that a United Nations inquiry group be sent to Cambodia to investigate the accuracy of the accusations of complicity with the rebels opposing the Saigon Government which the United States had raised against Cambodia to justify its attacks on Cambodian territory. It recalled that its request for the convening of the Geneva Conference to recognize and guarantee Cambodia's neutrality and territorial integrity had, thus far, been opposed by the United States and the United Kingdom.

Later, on 26 May, the Republic of Viet-Nam transmitted a memorandum replying to the Cambodian accusations against it before the Security Council. The many frontier incidents, it said, were caused by the absence of any natural frontiers and the lack of clarity in drawing up the frontier line between Cambodia and Viet-Nam. It also charged that Cambodian territory was consistently used by Viet-Cong rebels as a place of refuge and supply base in their conduct of warfare and subversive activities against the Republic of Viet-Nam. Moreover, frontier violations arising from poor border marking had been committed on many occasions by Cambodian troops.

Meanwhile, on 19 May, the Security Council decided to include the item in its agenda. The representative of Cambodia was invited, without objection, to participate in the discussion without the right to vote. The Council decided by 9 votes to 2 (Czechoslovakia and the USSR), to invite the representative of the Republic of Viet-Nam to participate, without vote, in the discussion. The Council considered the matter at eight meetings held between 19 May and 4 June 1964.

The representative of Cambodia told the Council that, as a result of repeated acts of aggression, the situation on the frontier between Cambodia and South Viet-Nam had become extremely explosive. During 1963 and the early part of 1964, 261 violations had already occurred. In some of those attacks, especially the ones on Chantréa on 19 March 1964 and on the villages of Taey and Thlork on 7 and 8 May, the South Viet-Nameese regular forces were commanded by United States officers, and serious loss of life and property had occurred. He denied that Cambodian territory was being

used as a refuge by the Viet-Cong rebels and stated that, to refute those charges, Cambodia had even agreed to "international control" of its territory near the frontier of South Viet-Nam. It would even now agree that a United Nations Commission of inquiry could investigate those charges.

However, he continued, such a commission could have only a limited role and could not replace the functions of the International Control Commission, established under the Geneva Agreements of 1954. Once the responsibility for the latest acts of aggression was established, the Security Council should condemn the aggressors and take measures not only to stop those acts but also to avoid their recurrence. It was also essential that the neutrality and territorial integrity of Cambodia should be internationally recognized and guaranteed, and therefore the Geneva Conference on Indo-China should reconvene as soon as possible. Not only could it guarantee the neutrality and territorial integrity of Cambodia, but it could also give the International Control Commission the means of assuring the general control of Cambodia's frontier with South Viet-Nam.

The representative of the United States said that an investigation of the incidents of 7 and 8 May had shown that though a United States adviser had accompanied the Viet-Nameese forces he had not been in the group which had crossed into Cambodian territory. With regard to the incident of 18 March, the United States had expressed its regret to Cambodia for the inadvertent crossing of a United States adviser with the Viet-Nameese forces and had stated that it would seek all reasonable precautions against a recurrence.

The United States representative also observed that the frontiers between Cambodia and the Republic of Viet-Nam were not clearly defined and were freely crossed by the Viet-Cong rebels. He noted that several practical steps had been suggested to restore stability to these frontiers. One was that the Council could request the two parties directly concerned to establish a substantial military force on a bilateral basis to observe and patrol the frontier and to report to the Secretary-General. Another was that a bilateral force could be augmented by the addi-

tion of United Nations observers and possibly placed under United Nations command in order to provide an impartial third-party element which would be representative of the world community. A third possibility would be to make it an all-United-Nations force; the United States would be prepared to contribute to the larger expenditure that such a proposal would involve.

Whatever solution was agreed upon, added the United States representative, it would be useful to ask the Secretary-General to offer assistance to Cambodia and the Republic of Viet-Nam in clearly marking the frontiers between the two countries.

In the view of the United States, the International Control Commission would be unable to do an effective job of maintaining frontier security. The United States, however, would not be opposed to the appointment of a committee of inquiry, though such a committee should be assigned a more comprehensive task than that of merely investigating charges of Cambodia's alleged complicity with the Viet-Cong; it should have access to all available information and to the terrain and population on both sides. It should also be empowered to make recommendations for further Council action to contribute to the stability of the region and address itself to the question of how the Cambodian—Viet-Nameese frontier could be made immune from border violations emanating from any source and from either side of the border.

The USSR representative charged that the United States not only had participated directly in the actions against Cambodia but also had supplied the Viet-Nameese forces with arms and had played a leading and controlling part in all their operations, in violation of the Geneva Agreements of 1954. The Council must condemn those acts of aggression and the military activity of the United States and the Saigon régime against Cambodia. The Council must also take immediate measures to protect Cambodian territorial integrity and to stop United States interference in the domestic affairs of the States of South-East Asia. The USSR considered that there was an urgent need for an international conference on Cambodia, to guarantee conditions for the independent devel-

opment of South-East Asia and the normalization of the situation there.

The representative of the Republic of Viet-Nam said that, since 1958, his Government had repeatedly proposed to Cambodia that through common agreement they seek an adequate solution to the border incidents. It had even proposed the establishment of a joint commission to investigate those incidents. His Government had apologized for some of the recent incidents cited by the Cambodian representative and had offered to indemnify the victims.

He went on to say that the fundamental reason for those incidents was the absence of a well marked frontier and the violation of Cambodian territory by the Viet-Cong. To prevent further incidents, the Republic of Viet-Nam would propose the establishment of a United Nations Commission of experts to mark the borders, and the institution of joint patrols from both countries. It would not favour extending the terms of reference of the International Control Commission, which had already failed to carry out the task entrusted to it by the Geneva Agreements, because unanimity was required to make a decision enforceable. Moreover, the North Viet-Nam régime, as also reported by the International Control Commission in a special report of June 1962, had repeatedly violated the Geneva Agreements and there was no assurance that it would not continue to do so.

In a later statement, the representative of Cambodia said that his country had been unable to undertake bilateral talks because no agreement had been reached on the convening of the Geneva conference, which was a prior condition for any bilateral talks. The frontiers between Cambodia and South Viet-Nam were well marked and internationally recognized. He again denied that the Viet-Cong were using Cambodian territory.

The French representative said that Cambodia had faithfully carried out its obligations under the Geneva Agreements and had solemnly proclaimed its neutrality. It was unfortunate that Cambodia was the victim of a situation to which it had in no way contributed. In its desire to find peaceful solutions of the problems created from outside, it had requested the convening of a new Geneva conference, which it

considered to be the only way of effectively guaranteeing its territorial integrity and neutrality. France fully supported that request. The two International Control Commissions with headquarters in Cambodia and in Viet-Nam could be asked to investigate the facts in case new violations of the Cambodian—Viet-Name frontier should occur.

On 3 June, the representative of Morocco submitted a draft resolution, co-sponsored by the Ivory Coast, whereby the Security Council, taking note of the apologies and regrets tendered to the Royal Government of Cambodia with regard to the frontier incidents and the loss of life they had entailed, would: (1) deplore the incidents caused by the penetration of units of the Army of the Republic of Viet-Nam into Cambodian territory; (2) request that just and fair compensation should be offered to the Royal Government of Cambodia; (3) invite those responsible to take all appropriate measures to prevent any further violation of the Cambodian frontier; (4) request all States and authorities and, in particular, the members of the Geneva conference to recognize and respect Cambodia's neutrality and territorial integrity; and (5) decide to send three members of the Council to the two countries and to the places where the most recent incidents had occurred in order to consider such measures as might prevent any recurrence of such incidents. The draft resolution further provided that the three members would report to the Council within 45 days.

The representatives of Czechoslovakia and the USSR noted with satisfaction some of the features of the draft text—such as the passage stressing the need to recognize and respect Cambodia's neutrality and territorial integrity, the request for fair compensation for Cambodia and the general tone of moral condemnation of the acts of aggression committed against that country. However, they felt that responsibility for those acts of aggression had not been clearly designated. The draft did not reflect the actual state of affairs, which was that armed units of the United States and of the Saigon régime were the real offenders.

These representatives did not consider that the provision in the fifth operative paragraph—whereby three members of the Security Coun-

cil would be sent to the places where the most recent incidents had occurred—could obtain results which would provide the Security Council with more information than it had already obtained from existing sources. The work of the International Control Commission was fully proving its value and there was no need for any additional United Nations bodies in the area.

On 4 June, the representative of Morocco said that the sponsors of the draft had themselves considered some of the points raised by Czechoslovakia and the USSR. They had included the provision for the three-member mission because they felt that the Council had an obligation to take some positive action on Cambodia's complaint. While the political problems attached to the complaint and associated with the military and political situation in the region deserved to be dealt with elsewhere, the Organization had a moral duty to take action on the complaint which Cambodia had brought before the Security Council. The sponsors felt that the broadest possible investigation, drawing upon information provided by the responsible authorities in the two countries, would enable the Council's delegation to report to the Council for its information or help it in any decision it might make.

The Security Council then proceeded to vote on the draft resolution sponsored by the Ivory Coast and Morocco. The fifth operative paragraph—by which the Security Council would decide to send three members of the Council to the two countries and to the places where the most recent incidents had occurred in order to consider such measures as might prevent any recurrence of such incidents, and to report to the Council within 45 days—was voted upon separately at the request of the USSR and was adopted by a vote of 9 to 0, with 2 abstentions (Czechoslovakia and the USSR). The draft resolution as a whole was adopted unanimously.

On 5 June, the President of the Council named Brazil, the Ivory Coast and Morocco to carry out the mission.

REPORT OF SECURITY COUNCIL MISSION

On 27 July 1964, the Security Council Mission to the Kingdom of Cambodia and the

Republic of Viet-Nam submitted its report which said—among other things—that although the two Governments had divergent views on a number of the problems at issue, they were, nevertheless, animated by a spirit of goodwill and were anxious to reach concrete, even if limited, agreements.

The Mission found that the two Governments were aware of the need to make an effort to reduce the tension between them. The Government of the Republic of Viet-Nam, for example, had assured the Mission that its armed forces would avoid approaching too close to the frontier in order to avert any possibility of frontier violation.

The Mission found that the situation on the frontier, nevertheless, remained strained, and it welcomed the fact that the two Governments had taken a positive attitude and had contemplated measures to reduce the risk of further incidents.

In the Mission's view, the two main problems to be solved were the resumption of political relations and the dispatch of international observers. As to the first of these, the obstacles to normal relations derived mainly from pride and mutual distrust—the outcome of age-old rivalries; the different historical circumstances in which the two States obtained their independence; and, more recently, the divergent paths they had chosen in the matter of international politics. But the two countries were, nevertheless, aware of the geographical realities which made it necessary for them, as neighbours, to live on good terms. There was a Khmer minority in the Republic of Viet-Nam and a Viet-Nameese minority in the Kingdom of Cambodia. The Mekong River was not only the natural highway linking the two countries; it was also a fount from which could rise up great nuclei of prosperity essential for the well-being and progress of all of the region's inhabitants.

The Mission noted that the resumption of political relations would be bound to lead to negotiations with a view to agreement on such matters as the delimiting and marking of the frontier. While it was not in a position to say what part the lack of frontier marking might have played in the recent incidents, the Mission was of the view that anything that could be

done to remedy the present inadequate marking would be most helpful in preventing further frontier incidents.

As regards the principle of international supervision in the frontier area, the Mission felt that the Cambodian proposal for the dispatch of United Nations civilian observers to Cambodia could be recommended to the Security Council as a basis for consideration. The Mission felt that the proposal submitted by the Republic of Viet-Nam to establish an international police force, or a group of observers with sufficient personnel and resources to keep the frontier area under surveillance, went beyond what was acceptable to the Kingdom of Cambodia and might not constitute a basis for an agreement between the two countries.

The Mission recommended that: (i) the Security Council should decide to establish and send to Cambodia a group of United Nations Observers and should entrust the Secretary-General with the implementation of that decision in consultation with the members of the Security Council; (ii) the Council should recommend that the Governments of Cambodia and Viet-Nam adopt whatever measures were necessary to bring about the resumption of the political relations broken off in August 1963; (iii) the Council should appoint a person of high international standing, approved by the two parties, to arrange for a preliminary meeting between the two Governments for the purpose of re-establishing relations between them and the resumption of talks on matters in dispute, particularly the delimitation and marking of the common frontier; (iv) the Council also should take note of the assurances given to the Mission by the Republic of Viet-Nam that the Viet-Nameese armed forces had been issued definite instructions that every precaution was to be taken to avoid any risk of frontier violation; and (v) the Council should note that Government's statement that it recognized and undertook to respect the neutrality and territorial integrity of the Kingdom of Cambodia.

SUBSEQUENT COMMUNICATIONS

On 27 August, the Republic of Viet-Nam transmitted to the President of the Security Council its views on the Mission's report. It felt that the proposal it had submitted to the

Mission, for control of the border and the improvement of relations between Viet-Nam and Cambodia, should have been given a more comprehensive account in the report. It also felt that its proposal regarding the establishment of an international police force could be considered as a basis for an agreement; experience had shown that any system of border control, to be effective, required the co-operation of the two interested countries. The proposals of both sides, therefore, deserved equal consideration and should serve together as a basis for an agreement between the two countries.

Moreover, the communication continued, Cambodia was not the only aggrieved party, as border incidents had occurred on both sides of the frontier. Ample evidence had also been submitted to the Mission to prove, beyond any reasonable doubt, that the Viet-Cong had constantly violated Cambodian territory and neutrality in their guerrilla operations against the Republic of Viet-Nam.

The Republic of Viet-Nam felt that the Cambodian proposal for the establishment of an observer corps fell far short of what could be considered an ideal system of border control. To be really effective, an international police force or observer corps should have freedom of movement on both sides of the frontier. The nationalities of the members of the corps normally should be determined by a common accord between the two parties and not by one party alone. Nevertheless, the Republic of Viet-Nam found it encouraging that the Cambodian Government had expressed its willingness to have some kind of apparatus established for the surveillance of the frontier, and therefore regretted that the Cambodian Government had subsequently disavowed even that limited proposal.

On 9 September, the representative of Cambodia forwarded to the Security Council the text of a joint Declaration signed by the Head of State of Cambodia, the Royal Government and the two Assemblies. The Declaration stated, among other things, that the Royal Cambodian Government had noted with surprise that the Security Council Mission had confined itself to enumerating, in its report, what it called "frontier incidents," without naming those

responsible for these acts of aggression. The Mission's investigators had devoted themselves almost exclusively to a consideration of the dispute between Cambodia and Viet-Nam, which was quite outside the Mission's terms of reference. A matter of particular gravity was that the Mission, having arrogated to itself the right to settle the problem of the frontier, practically espoused the case presented by the "Saigon Government" on that question. The Royal Cambodian Government, on the other hand, had held the view that there was no occasion whatever to present its own case to a Mission whose sole functions were to investigate the complaint submitted to the Security Council and to recommend measures which might prevent any recurrence of the attacks on Cambodian territory. The Mission's recommendation for a resumption of political relations between Cambodia and South Viet-Nam also amounted to a flagrant interference in Cambodia's internal affairs. Consequently, Cambodia felt compelled to protest formally against the Mission's report in so far as it concerned the dispute between the two Governments and its recommendations were consequently strictly unacceptable to Cambodia.

On the same day, the United States informed the Security Council that in its view the Mission's recommendations relating to the establishment of a group of United Nations observers and the resumption of political relations between Cambodia and Viet-Nam offered genuine promise of reducing the incidents which had occurred along the common border between the two countries. Those recommendations not only pointed in the direction of an improved future, but also to practical, though modest, ways in which the United Nations could again exercise its fundamental and indispensable peace-keeping responsibilities.

The United States noted with satisfaction that the Republic of Viet-Nam had responded positively to the Mission's recommendations. At the same time, the United States regretted Cambodia's attitude towards the Mission's report. The Cambodian Government had argued, on the one hand, that the Mission's recommendations were not responsive to its complaint and, on the other, that the United Nations was not competent to judge what steps could be

taken to ameliorate a situation brought to the Security Council by Cambodia itself. A further element of incongruity was that, despite its contention that the United Nations was not competent to suggest remedial measures, Cambodia had continued to bring to the attention of the Security Council charges of alleged violations of Cambodian territory or air space by the armed forces of the Republic of Viet-Nam and the United States. While making those charges, Cambodia was, however, unwilling to subject them to the scrutiny of impartial investigation.

The United States was convinced, however,

that the recommendations contained in the report of the Security Council Mission represented practical, though limited, steps by which the United Nations could exercise its peace-keeping responsibilities and contribute to a reduction of tension in South-East Asia.

In a series of communications, the representative of Cambodia drew the attention of the Security Council to further alleged violations of Cambodian territory and air space by the Republic of Viet-Nam and the United States, both of which denied the charges.

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S/5714. Letter of 24 May 1964 from Cambodia.

S/5724. Letter of 26 May 1964 from Republic of Viet-Nam.

S/5728. Letter of 1 June 1964 from Cambodia.

S/5735. Ivory Coast and Morocco: draft resolution. RESOLUTION 189(1964) (Document S/5741), as submitted by Ivory Coast and Morocco (S/5735), adopted unanimously by Security Council on 4 June 1964, meeting 1126.

"The Security Council,

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

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

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

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

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

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

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

"3. Invites those responsible to take all appropriate

measures to prevent any further violation of the Cambodian frontier;

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

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

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MATTERS CONCERNING RELATIONS BETWEEN CAMBODIA AND THAILAND

REPORT OF SECRETARY-GENERAL

On 9 November 1964, the Secretary-General informed the Security Council that, in July 1964, he had inquired of the Governments of Cambodia and Thailand whether they desired that the Mission of the Special Representative of the Secretary-General should be maintained in 1965 or should be terminated at the end of 1964.⁴

On 24 August, he said, he had been informed by Thailand that, in its view, the Mission should not be continued beyond its appointed term at the end of December 1964. At the same time, Thailand had suggested that consideration be given to the devising of some other means by which the United Nations Secretariat might still be able to render its services in the normalizing of relations between Thailand and Cambodia. It was suggested that a high ranking member of the Secretariat might be sent on ad hoc missions to the area at certain appropriate times to discuss the situation with the leaders of the two countries and to suggest to them such measures as might seem appropriate.

Subsequently, the Secretary-General said, he had communicated with the Cambodian Government regarding that suggestion and had received its concurrence, although it had expressed some doubts as to the results that might be expected from those mediation attempts.

Taking into account the views expressed, the Secretary-General informed the two Gov-

ernments that he would address himself to them on the matter at a suitable time during 1965. Meanwhile, the Mission of the Special Representative of the Secretary-General would be withdrawn on 31 December 1964 or earlier if it was able to conclude the activities in which it was currently engaged.

COMMUNICATIONS FROM CAMBODIA AND THAILAND

In communications to the President of the Security Council, dated 31 December 1964 and 4 January 1965, Cambodia charged that on two occasions Thai police launches had violated Cambodian territorial waters. One Khmer fishing boat had been captured and several crew members abducted. This was denied by Thailand in communications of 5, 7 and 8 January. Thailand said that, on 6 December, police authorities had apprehended a Cambodian fishing boat which was fishing in Thai territorial waters. Thailand further claimed that, on 27 December, armed Cambodian soldiers, using a previously captured Thai fishing boat, had entered Thai territorial waters, captured a fishing boat and killed four of its five crew members. A fifth was drowned. Thailand denied that any Thai police launch had violated Cambodian waters or that any Thai fishermen had been abducted.

On 13 January, Cambodia protested against

⁴ See Y.U.N., 1963, p. 47.

Thailand's "fantastic" version of the facts and demanded the immediate release of the persons detained.

Also on 13 January, Cambodia charged that

a band of Thai armed elements had attacked Khmer frontier guards during the night of 23 December 1964, inflicting casualties. This was denied by Thailand in a letter of 20 January.

DOCUMENTARY REFERENCES

S/6040. Letter of 9 November 1964 from Secretary-General to President of Security Council.

S/6132, S/6136. Letters of 31 December 1964 and 4 January 1965 from Cambodia.

S/6139, S/6141 and Corr.1, S/6144. Letters of 5, 7

and 8 January 1965 from Thailand.

S/6149-S/6151. Letters of 13 January 1965 from Cambodia.

S/6155. Letter of 20 January 1965 from Thailand.

COMPLAINT BY UNITED STATES CONCERNING THE DEMOCRATIC REPUBLIC OF VIET-NAM

The Security Council was convened on 5 August 1964 in response to a request by the United States the previous day that the President call an urgent meeting "to consider the serious situation created by deliberate attacks of the Hanoi régime on United States naval vessels in international waters."

At the opening of the meeting, the representative of the USSR and Czechoslovakia asked for postponement in order to enable members of the Council to receive necessary instructions from their Governments. Their request was opposed by the United States and the United Kingdom and was thereupon withdrawn by the USSR. The agenda was then adopted, subject to reservations voiced by the USSR regarding the terms used in the United States' letter.

Opening the debate in the Council, the United States representative asserted that on 2 August the United States destroyer "Maddox," on routine patrol in international waters in the Gulf of Tonkin about 30 miles off the coast of North Viet-Nam, had been approached by three high-speed North Viet-Nameese torpedo boats in attack formation and had been fired at with machine guns and torpédos. In accordance with the 1954 Geneva Accords, the United States had called the attention of the "Hanoi régime" to that aggression and warned it of the grave consequences which would inevitably result from any further unprovoked offensive military action against United States forces.

The United States, he went on, had hoped that the incident was an isolated or uncalculated action but, two days later, the destroyers "Maddox" and "C. Turner Joy," this time 65 miles off-shore, had been subjected to another armed

attack by an undetermined number of motor torpedo boats of the North Viet-Nameese Navy. During the attack, which had lasted for over two hours, numerous torpedoes had been fired. As there could no longer be any shadow of doubt that a planned, deliberate military attack had occurred, the United States had determined to take positive but limited measures to secure its naval units against further aggression. Accordingly, on the night of 4-5 August, aerial strikes had been carried out against North Viet-Nameese torpedo boats and their support facilities. The United States had deployed additional forces to South-East Asia solely to deter further aggression and to uphold its obligations to help its friends establish and protect their independence.

The United States representative emphasized that the United States vessels had been in international waters when attacked, that freedom of the seas was guaranteed under long-accepted international law, that the vessels had taken no belligerent action of any kind until they had been subjected to armed attack, and that their action in self-defence was the right of all nations, fully within the provisions of the Charter of the United Nations. He added that, when the Geneva political settlements were enforced and made effective, the independence of South Viet-Nam and of South-East Asia would be guaranteed and peace would return to that area.

The USSR representative maintained that the Council had at its disposal only one-sided information about the alleged attacks by torpedo boats of the Democratic Republic of Viet-Nam against United States destroyers. In order to

ensure an objective discussion of the conflict, therefore, the representative of the USSR submitted a draft resolution whereby the Council would request its President to ask the Government of the Democratic Republic of Viet-Nam to supply it urgently with the necessary information relating to the United States complaint and would invite representatives of that Government to take part, without delay, in its meetings.

He noted that the United States charges had been made only two days after a protest by the Democratic Republic of Viet-Nam against the shelling of two islands in its territorial waters and bombing raids on its frontier posts by United States and South Viet-Nameese units. The USSR condemned both the dispatch of the United States Navy to the Gulf of Tonkin and the Presidential order for continued patrolling activities along the North Viet-Nameese coast. The bombing of coastal targets could only be described as acts of aggression, and United States plans to expand military activities in South Viet-Nam were fraught with great dangers for the maintenance of peace throughout South-East Asia.

The representative of the United Kingdom said that his country, as a maritime nation, abhorred unprovoked attacks upon warships proceeding on their lawful courses on the high seas and considered that in the circumstances the United States had the right to take action to prevent the recurrence of attacks on its ships, in accordance with the principle of self-defence as interpreted in international law. That principle was also recognized in Article 51 of the Charter of the United Nations, and it was proper that the United States had reported to the Council on the measures which it had felt compelled to take thereunder. (For text of Article 51, see APPENDIX II.)

The representative of China also regarded the United States action as entirely justified. He did not think it would be useful, however, to invite representatives of what he called the Hanoi régime to come to the Council, thus conferring upon it a status it had not hitherto enjoyed.

While the representative of France thought it quite proper to invite the Democratic Republic of Viet-Nam to participate in the Coun-

cil's deliberations, he considered that controversy might be avoided by asking the President to take action on the Council's wishes without the necessity of voting on the USSR draft resolution.

The United States representative said that, if North Viet-Nameese were invited, the Republic of Viet-Nam should also be invited to send representatives. Informal consultations among Council members might provide the best approach to the issuance of appropriate invitations.

After informal consultations with Council members, the President reported, on 7 August, that a general understanding had been reached whereby the Council would welcome such information relating to the complaint as the Democratic Republic of Viet-Nam would desire to make available to it, either through taking part in the discussion or in the form which it might prefer. Furthermore, the 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 it.

In the ensuing discussion, the representative of Czechoslovakia asserted that the United States vessels had been on a provocative mission in the territorial waters of the Democratic Republic of Viet-Nam. While action to repel the alleged attack of 4 August might be termed self-defence, the large-scale aggression against the territory of the Democratic Republic could only be regarded as an act of reprisal, such as the Council had previously condemned.

The representative of the USSR also termed the United States action retaliation, a concept rejected in international law and renounced, *ipso facto*, in the recognition by Article 51 of the right to self-defence.

The representative of the United States denied any provocative action by the United States ships and noted that on 2 August the response had been limited to counter-attack on the torpedo boats and the dispatch of a warning note to North Viet-Nam. After the second attack on its vessels two days later, it was clear that North Viet-Nam's actions were deliberate and calculated, and accordingly the United States had had no choice but to respond by making it impossible for those piratical attacks to be continued with impunity.

The French representative considered it essential to bring about the true restoration of peace and the establishment of supervised measures of non-intervention in the domestic affairs of the States of the area through strict respect of the 1954 Geneva Agreements. The only solution, in France's view, was a political one, which must come from negotiation.

The views of the Democratic Republic of Viet-Nam were presented to the Council in documents transmitted by the USSR on 12 August and in a telegram dated 19 August. In these communications, the Democratic Republic of Viet-Nam charged the United States with air and naval attacks on its territory on 5 August and with many preceding acts of aggression and threats to expand war to North Viet-Nam. It called for respect for and strict implementation of the 1954 Geneva Agreements on Viet-Nam and declared that only the two Co-Chairmen and participants in the 1954 Geneva Conference were competent to examine the problem and study measures to ensure that the agreements were respected.

Accordingly, the Democratic Republic of Viet-Nam categorically rejected the complaint against it by the United States in the Security Council and declared solemnly that the consideration of the problem did not lie with the

Council but with the 1954 Geneva Conference; therefore, it would consider null and void any decision which the Council might take on the basis of the United States complaint.

In letters dated 13 and 15 August the Republic of Viet-Nam communicated its views on the matter. It offered its full co-operation to the Council and expressed readiness to provide any information which the Council might need. It charged the "Hanoi régime" with having carried on an aggressive policy for years against the Republic and alleged that Hanoi's refusal to appear before the Council showed awareness that its attacks were not defensible. The futility of convening a new Geneva Conference was demonstrated, in the view of the Republic of Viet-Nam, by the repeated violations by the Viet-Cong of the 1954 Geneva Agreements as testified in the Special Report of 2 June 1962 by the International Control Commission.

Transmitted to the Council were pamphlets detailing the Republic's charges against the Viet-Cong, which concluded that personnel, arms, munitions and other supplies had been sent from the North into the South to support and organize hostile activities, including armed attacks, against the armed forces and administration of the Republic.

DOCUMENTARY REFERENCES

SECURITY COUNCIL, meetings 1140, 1141.

S/5849. Letter of 4 August 1964 from United States.

S/5851. USSR: draft resolution.

S/5888. Letter of 12 August 1964 from USSR.

S/5892. Note by Secretary-General.

S/5906. Letter of 15 August 1964 from Republic of Viet-Nam.

S/5907. Telegram of 19 August 1964 from Democratic Republic of Viet-Nam.

THE QUESTION OF TIBET

On 30 October 1964, El Salvador, Nicaragua and the Philippines requested that an item entitled "Question of Tibet" be included in the agenda of the General Assembly's nineteenth session. An attached explanatory memorandum recalled the Assembly's resolution 1723(XVI) of 21 October 1959, calling for the cessation of practices which deprived the Tibetan people of their fundamental human rights and freedoms, including their right to self-determination.⁵ Notwithstanding this call, said the memorandum, human rights and freedoms were still

being forcibly denied in Tibet, the religious and civil liberties of the Tibetan people were still being suppressed, and the situation in Tibet remained a source of grave concern to the Member States representing the international community.

The three Governments believed that the United Nations had an obligation to address itself once again to the question and hoped that Member States would make all appropriate

⁵ See Y.U.N., 1959, pp. 67-69.

efforts towards achieving the purpose of the above-mentioned resolution of the Assembly.

No discussion of this item took place during the first part of the nineteenth session of the General Assembly, which recessed on 18 February 1965. In the special circumstances pre-

vailing during the first part of the session, the Assembly's President noted on 18 February 1965, that, with regard to certain agenda items proposed by Member States, the sponsors might wish to propose them for inclusion in the agenda of the twentieth session, if the nineteenth session was unable to consider them.

DOCUMENTARY REFERENCES

GENERAL ASSEMBLY—19TH SESSION
Plenary Meeting 1330.

A/5765. Letter of 30 October 1964 from El Salvador,

Nicaragua and Philippines proposing item entitled: "Question of Tibet" for inclusion in agenda.

A/5884. Note by President of General Assembly on status of agenda of 19th session.

COMMUNICATIONS RELATING TO GOA

In an official note, dated 22 September 1964, transmitted to the President of the Security Council, Portugal drew attention to reports in the world press of the deplorable situation of Goa under Indian military occupation and the growing difficulties of its inhabitants. Living conditions in the territory had seriously deteriorated, the note stated, and new explosions during the night of 19-20 June 1964 indicated that the people were in a state of revolt and carrying out acts of protest. The note charged that Indian representatives had intensified the religious persecution of Catholics and other Christians, introduced racial segregation and castes, suppressed all civic liberties, stifled the expression of any purely Goan sentiments, paralyzed trade and generally plunged Goa into misery and thrust upon it the feudal and reactionary régime of the Union of India. In flagrant breach of the written agreements signed by India, the Indian occupying authorities had also begun to persecute Portuguese citizens and violate their freedom of movement. Portugal

was registering its protest before world public opinion and calling on the Brazilian Government to present its protest at New Delhi and request that these measures be countermanded. In view of the reign of terror in Goa, Portugal was transmitting its note to the Security Council and the Secretary-General of the United Nations.

In a letter of reply to the President of the Security Council, dated 12 October 1964, India stated that the charges made in the Portuguese letter were too ridiculous to merit comment. The world would judge Portugal, the letter said, not by its simulated sympathy for the African-Asian peoples but by its savage repression of the people of Angola, Mozambique and other Portuguese colonies, and by the persistent and wilful violation by Portugal of the United Nations Charter, the Declaration of Human Rights and specific United Nations resolutions on the right of colonial peoples to freedom and self-determination.

DOCUMENTARY REFERENCES

S/6007. Letter of 22 September 1964 from Portugal.

S/6009. Letter of 12 October 1964 from India.