

"Noting with appreciation the replies to the Secretary-General's communication to the Member States on the action taken and proposed to be taken by their Governments in the context of that resolution's operative paragraph 3, and hoping that all the Member States as soon as possible will inform the Secretary-General about their willingness to carry out the provisions of that paragraph,

"Taking note of the reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa,

"Noting with deep satisfaction the overwhelming support for the resolution 1881 (XVIII) adopted by the General Assembly on 11 October 1963,

"Taking into account the serious concern of the Member States with regard to the policy of apartheid as expressed in the general debate in the General Assembly as well as in the discussions in the Special Political Committee,

"Being strengthened in its conviction that the situation in South Africa is seriously disturbing international peace and security, and strongly deprecating the policies of the Government of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the Charter of the United Nations and with its obligations as a Member State of the United Nations,

"Recognizing the need to eliminate discrimination in regard to basic human rights and fundamental freedoms for all individuals within the territory of the Republic of South Africa without distinction as to race, sex, language or religion.

"Expressing the firm conviction that the policies of apartheid and racial discrimination as practised by the Government of the Republic of South Africa are abhorrent to the conscience of mankind and that therefore a positive alternative to these policies must be found through peaceful means,

"1. Appeals to all States to comply with the provisions of the Security Council resolution of 7 August 1963;

"2. Urgently requests the Government of the Republic of South Africa to cease forthwith its continued imposition of discriminatory and repressive measures which are contrary to the principles and purposes of the Charter and which are in violation of its obligations as a Member of the United Nations and of the provisions of the Universal Declaration of Human Rights;

"3. Condemns the non-compliance by the Government of the Republic of South Africa with the appeals contained in the above-mentioned resolutions of the General Assembly and the Security Council;

"4. Again calls upon the Government of South Africa to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid;

"5. Solemnly calls upon all States to cease forthwith the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa;

"6. Requests the Secretary-General to establish under his direction and reporting to him a small group of recognized experts to examine methods of resolving the present situation in South Africa through full, peaceful and orderly application of human rights and fundamental freedoms to all inhabitants of the territory as a whole, regardless of race, colour or creed, and to consider what part the United Nations might play in the achievement of that end;

"7. Invites the Government of the Republic of South Africa to avail itself of the assistance of this group in order to bring about such peaceful and orderly transformation;

"8. Requests the Secretary-General to continue to keep the situation under observation and to report to the Security Council such new developments as may occur, and in any case not later than 1 June 1964, on the implementation of this resolution."

The question remained on the list of matters of which the Security Council is seized.^{003/}

SITUATION IN SOUTHERN RHODESIA--

INITIAL PROCEEDINGS

By letter^{004/} dated 2 August 1963 the representatives of Ghana, Guinea, Morocco and the United Arab Republic requested the President of the Security Council to call an urgent meeting of the Council to consider the situation in Southern Rhodesia in relation to: (a) General Assembly resolution 1760 (XVII) of 31 October 1962; (b) the resolution of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted at its 177th meeting on 20 June 1963; and (c) implementation of Article 73 of the Charter with respect to the British Non-Self-Governing Territory of Southern Rhodesia.

A memorandum attached to the letter stated why these Member Governments considered that the continuance of the situation was likely to endanger the maintenance of international peace and security, and why they thought it necessary that the Council should consider the item as a matter of urgency. The memorandum stated that: the British Government had refused to abide by the resolutions of the General Assembly in regard to "its Colony of Southern Rhodesia"; the situation in the territory had become aggravated and had been characterized as one "constituting a threat to international peace and security" by the Special Committee in its resolution of 20 June 1963; and the British Parliament had enacted the Rhodesia and Nyasaland Act, 1963 which would enable the British Government to transfer almost every

^{003/} In pursuance of his mandate under the resolution, the Secretary-General submitted to the Security Council on 20 April 1964 a report (S/5653 and Corr.1) to which was annexed the report submitted to him on 20 April 1964 by the Group of Experts established by him in pursuance of operative paragraph 6 of Council resolution S/5471 adopted on 4 December 1963. For further reference to the establishment, composition and termination of the Group of Experts, see chapter V, Case 4.

^{004/} S/5382, O.R., 18th year, Suppl. for July-Sept. 1963, pp. 64-71.

attribute of sovereignty and independence to Southern Rhodesia without notice to the United Nations.

By note verbale^{605/} dated 28 August 1963 to the President of the Security Council, the representative of Ghana requested that a "Memorandum in regard to Southern Rhodesia", submitted to the Council by his delegation together with other documents, be published as a Security Council document. In the memorandum it was stated that the situation in Southern Rhodesia called for investigation by the Security Council under Article 34 of the Charter.

By letter^{606/} dated 30 August 1963 from the Chargé d'Affaires of the Permanent Mission of the Congo (Brazzaville) on behalf of the delegations of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda and Upper Volta, the President of the Security Council was informed that their representatives had unanimously decided to give their complete support to the terms of the letter of 2 August 1963 addressed to him by the representatives of Ghana, Guinea, Morocco and the United Arab Republic, and to the request for a meeting of the Council on the question.

At the 1064th meeting on 9 September 1963, the Security Council decided to include the question in its agenda.^{607/} Before the adoption of the agenda the representative of the United Kingdom, while not objecting to its adoption, made reservations regarding the lack of competence of the Council on the matter.^{608/} The Council considered the question at its 1064th to 1069th meetings, from 9 to 13 September 1963. The representatives of Mali, Tanganyika, Uganda and the United Arab Republic were invited to take part in the discussion.^{609/}

*Decision of 13 September 1963 (1069th meeting):
Rejection of the joint draft resolution submitted
by Ghana, Morocco and the Philippines*

The representatives of Ghana, Mali*, the United Arab Republic*, Uganda*, Tanganyika* and Morocco stated at the 1064th to 1067th meetings that within a short time "the most powerful air force at present existing on the African continent" and a "small but highly efficient army recruited on a racial basis" would be transferred to the exclusive control of the Southern Rhodesian Government. The transfer of these forces to a "white minority Government" representative of only 6 per cent of the European population and totally unrepresentative of the 94 per cent African population, could only result in a conflict on the African continent. The urgency of the situation had been accentuated by the enactment of a law by the British Parliament in 1963 which permitted the United Kingdom Government, by the formal process of passing an Order in Council, subsequently

to make the necessary detailed provisions for the dissolution of the Central African Federation and the transfer of its powers. In view of the possibility of an early transfer of powers, it was imperative for the Security Council to take preventive action to avoid future conflict since the reinforcement of the potential of the Southern Rhodesian Government for oppressing its African population would create a dangerous situation seriously threatening the peace and security of the States bordering on Southern Rhodesia. These developments and events had given African States cause for the serious concern which had been expressed in the resolution passed by the Heads of African States and Governments at their Conference at Addis Ababa, in May 1963, by which the United Kingdom had been invited not to transfer the powers and attributes of sovereignty to "foreign minority governments imposed on African peoples by the use of force and under cover of racial legislation" such as that of Southern Rhodesia. The present state of affairs in Southern Rhodesia was the responsibility of the United Kingdom. The African States supported the conclusion of the Special Committee set up under resolution 1745 (XVI) that the territory of Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter. This view had been endorsed by the General Assembly and confirmed in subsequent Assembly resolutions, particularly resolution 1760 (XVII) of 31 October 1962, which reaffirmed resolution 1747 (XVI) of 28 June 1962. The Special Committee of Twenty-four, in its resolution of 20 June 1963, had also confirmed that conclusion. Faced with an action threatening international peace and security, the Security Council should impress upon the United Kingdom the undesirability of proceeding with the transfer of any armed forces to Southern Rhodesia until a Government fully representative of the whole population, irrespective of race, creed or colour, had been established in that territory, in accordance with the General Assembly Declaration contained in resolution 1514 (XV).^{610/}

At the 1066th meeting, the representative of the United Kingdom stated that the consideration of the question represented an abuse of the functions of the Council. No situation of the nature described in Article 34 of the Charter existed in Southern Rhodesia. The British Government did not accept that Southern Rhodesia was a Non-Self-Governing Territory. In its view, Article 2 (7) clearly applied.^{611/} The onus for establishing that a situation existed in Southern Rhodesia that called for measures either under Chapter VI or Chapter VII of the Charter rested upon those countries which had brought the question before the Council. He rejected the contention that the Security Council should in some way anticipate disturbances in an indefinite future. In reply to the allegation that the United Kingdom had not abided by certain General Assembly resolutions on Southern Rhodesia, he stated

^{605/} S/5403 and Corr.1.

^{606/} S/5409, O.R., 18th year, Suppl. for July-Sept. 1963, p. 151.

^{607/} 1064th meeting: para. 9.

^{608/} 1064th meeting: paras. 2-8.

^{609/} 1064th meeting: para. 13; 1066th meeting: para. 2.

^{610/} For texts of relevant statements, see:

1064th meeting: Ghana, paras. 17-75;

1065th meeting: Mali*, paras. 3-33; United Arab Republic*, paras. 34-63;

1066th meeting: Tanganyika*, paras. 99-120; Uganda*, paras. 78-98; 1067th meeting: Morocco, paras. 3-19.

^{611/} See chapter XII, Case 15.

that these resolutions depended upon an interpretation of Chapter XI of the Charter which the British Government could not accept as valid. Southern Rhodesia was not to be regarded as a Non-Self-Governing Territory. Although the General Assembly had asserted the opposite view, an assertion of its competence did not make something exist which did not exist in the Charter itself. Besides, it was not the function of the Security Council to decide whether a territory was or was not self-governing. As for the assertion that the situation described by the Special Committee as explosive had been aggravated, no evidence had been produced in support of that argument except the opinion of a sub-committee of the General Assembly. It was the duty of the Council to make its own findings, and it was by no means bound to follow a sub-committee of the Assembly. In dealing with the proposed "reversion" of powers, not the "transfer" of powers, to Southern Rhodesia, he stated that when the Federation of Rhodesia and Nyasaland was established in 1953 certain powers previously exercised in Southern Rhodesia by the Government of that territory were conferred with full consent upon the Government of the Federation. On the dissolution of the Federation resulting from the Victoria Falls Agreement, these powers would revert to the territorial Government by which they were previously exercised. Moreover, such reversion of powers provided no grounds for bringing the matter to the Security Council. It would be, therefore, inappropriate for the Council to take any action whatsoever on the item.^{612/}

At the 1068th meeting on 12 September 1963, the representative of Ghana introduced a draft resolution,^{613/} jointly sponsored with Morocco and the Philippines, under which the Council would invite the United Kingdom Government not to transfer to its colony of Southern Rhodesia any powers or attributes of sovereignty until the establishment of a government fully representative of all the inhabitants of the colony, and not to transfer to that colony the armed forces and aircraft as envisaged by the Central Africa Conference, 1963. The United Kingdom Government would further be invited to implement the General Assembly resolutions on the question of Southern Rhodesia, in particular General Assembly resolutions 1747 (XVI) and 1760 (XVII). The General Assembly would also be requested to continue its examination of the question of Southern Rhodesia with a view to securing a just and lasting settlement.

At the 1069th meeting on 13 September 1963, the draft resolution jointly sponsored by Ghana, Morocco and the Philippines failed of adoption. There were 8 votes in favour, 1 against (the vote against being that of a permanent member), and 2 abstentions.^{614/}

The question remained on the list of matters of which the Security Council is seized.^{615/}

^{612/} 1066th meeting: paras. 3-77. For discussion concerning action under Chapter VI of the Charter, see chapter X, Case 14.

^{613/} S/5425/Rev.1; 1068th meeting: para. 4.

^{614/} 1069th meeting: para. 64.

^{615/} S/5500.

COMPLAINT BY THE GOVERNMENT OF CYPRUS INITIAL PROCEEDINGS

By letter^{616/} dated 26 December 1963, the representative of Cyprus brought to the attention of the Security Council, in accordance with Articles 34, 35, 39, 1 (1), 2 (4) and 24 (1), a complaint against the Government of Turkey for "acts of (a) aggression, (b) intervention in the internal affairs of Cyprus by the threat and use of force against its territorial integrity and political independence ... perpetrated yesterday, 25 December"; and requested that a meeting of the Council be convened under rule 3 of its provisional rules of procedure.

After citing certain incidents in support of the allegations, the letter noted that Greek troops had to move into Nicosia in order to stem the tide of joint attacks by the Turkish Cypriots and Turkish units, resulting in a confrontation of the units of the Greek and Turkish armies with grave and threatening consequences to international peace. In view of the gravity of the situation, the Council was asked "... to consider the matter and to take appropriate measures under the relevant Articles of the Charter in order to remedy the situation and to prevent such violations from occurring in the future".

At the 1085th meeting on 27 December 1963, the Council decided^{617/} to include the question in its agenda. The representatives of Cyprus, Greece and Turkey were invited^{618/} to participate in the discussion.

The Council considered the question at its 1085th meeting on 27 December 1963.

*Decision of 27 December 1963 (1085th meeting):
Adjournment, after statements by interested parties, with the proviso that the meeting would be reconvened by the President when and if it was considered appropriate by the members*

At the same meeting, the representative of Cyprus* stated that his Government felt compelled to request an urgent meeting of the Council, since the country was under the threat of an invasion. Such a fear was justified by the announcement made in the Turkish Chamber of Deputies by the Prime Minister of Turkey: "We are sending our force to Cyprus. We are sending our ships to Cyprus to stand there awaiting orders to act." However, shortly after requesting the immediate Council meeting, the representative of Cyprus had learned that the ships were no longer speeding towards Cyprus but were turned in another direction. This he felt was a consequence of the immediate application for a meeting of the Security Council. After noting that the expedition by the Turkish naval units would have the "psychological effect" of terrorizing the Greeks on the island and emboldening the Turks to attack, he pointed out that there had not been any similar action on the part of Greece. Thus, "By this policy of force, of the threat of force in violation of Article 2, paragraph 4, of the Charter ... we cannot have peace in the island".^{619/}

^{616/} S/5488, O.R., 18th year, Suppl. for Oct.-Dec. 1963, pp. 112-114.

^{617/} 1085th meeting: preceding para. 1.

^{618/} 1085th meeting: paras. 1-2.

^{619/} See chapter XII, Case 11.