

cles in the United States and that the United States Government, particularly its President, was not directly involved. However, the policy pursued by the United States Government and its President was finally exposed on 1 May, when they were caught in the act of executing a carefully-planned incursion into the USSR for aggressive purposes. Instead of publicly announcing its intention to halt this policy, as the USSR Government had expected, the United States declared such incursions into territories of other States to be its official policy, personally approved by its President in the name of the "open skies" plan. The USSR Government was submitting the question to the Council out of a belief that one of the most dangerous concomitants of these acts was that they flouted the principle of State sovereignty and territorial inviolability. Because of the international situation and the existence of weapons of unprecedented destructive power, there was also the danger that the Soviet Union would have every reason to draw the conclusion from the invasion of USSR territory by United States aircraft that an act of aggression was occurring and to deal the aggressor a retaliatory blow.<sup>65/</sup>

At the same meeting, the representative of the United States denied that the United States had committed aggressive acts against the Soviet Union or any other country and asserted that the activities protested by the Soviet Union had no aggressive intent but rather were to assure the safety of the United States and "the free world" against surprise attack by a Power which boasted of its ability to devastate the United States and other countries by missiles armed with atomic warheads. He asserted further that the overflights "were suspended after the recent incident and are not to be resumed", rejected Soviet assertions that this suspension was "merely a 'tactical step' with the 'object of deluding world opinion'" and proposed that the two countries negotiate an "open skies" treaty to obviate the need for resort to such measures. Soviet use of force on several occasions in violation of Article 2 (4) of the Charter, together with its insistence on secrecy, justified resort to measures of collecting information against further assault. Finally, he reaffirmed his country's commitment to the solution of problems by negotiation rather than force.<sup>66/</sup>

At the 860th meeting on 26 May 1960, the USSR draft resolution was rejected by 2 in favour, 7 against, with 2 abstentions.<sup>67/</sup>

#### LETTER OF 23 MAY 1960 FROM THE REPRESENTATIVES OF ARGENTINA, CEYLON, ECUADOR AND TUNISIA

##### INITIAL PROCEEDINGS

By letter<sup>68/</sup> dated 23 May 1960, the representatives of Argentina, Ceylon, Ecuador and Tunisia submitted

<sup>65/</sup> 857th meeting: paras. 15-100.

<sup>66/</sup> 857th meeting: paras. 101-118.

<sup>67/</sup> 860th meeting: para. 87. By a letter dated 23 May 1960, the representatives of Argentina, Ceylon, Ecuador and Tunisia requested that at the conclusion of its current debate the Council consider a draft resolution to urge the Governments of the four Great Powers to resume discussions as soon as possible. See following item.

<sup>68/</sup> S/4323, O.R., 15th year, Suppl. for April-June 1960, pp. 13-14.

a draft resolution for the consideration of the Council with the request that it be included as an item in the Council's provisional agenda at the conclusion of the debate on the item referred to in document S/4314. The draft resolution, after calling attention to the Council's responsibility for the maintenance of international peace and security and noting the disappointment caused by the failure of the Summit Conference, (1) recommended that the Governments concerned seek a solution of existing international problems by negotiation or other peaceful means,<sup>69/</sup> (2) appealed to all Member Governments to refrain from any action which might increase tension; (3) requested that the Governments concerned continue their efforts to achieve a constructive solution of the question of general and complete disarmament, and (4) urged the Governments of the Four Great Powers to resume discussions as soon as possible and to avail themselves of the assistance of the Security Council and other organs of the United Nations.

At the 861st meeting on 26 May 1960, the Council decided<sup>70/</sup> without vote to include in its agenda the item:

"Letter dated 23 May 1960 from the representatives of Argentina, Ceylon, Ecuador and Tunisia addressed to the President of the Security Council (S/4323)"

The Council considered the question at its 861st to 863rd meetings held on 26 and 27 May 1960.

##### Decision of 27 May 1960 (863rd meeting):

- (i) *Recommending that Governments concerned seek solutions of existing international problems by negotiation or other peaceful means; and requesting that they continue their efforts towards disarmament and the prohibition of nuclear weapons tests;*
- (ii) *Appealing to all Member Governments to refrain from the use or threat of force in their international relations; to respect each other's sovereignty, territorial integrity and political independence; and to refrain from any action which might increase tensions;*
- (iii) *Urging the Governments of France, the United Kingdom, the United States of America and the USSR to resume discussions as soon as possible and to avail themselves of any assistance that the Security Council and other appropriate organs of the United Nations might be able to render*

At the 861st meeting on 26 May 1960, the representative of Tunisia referred to the hopes and expectations with which the Summit Conference had been awaited and the disappointment caused by its failure. The sponsors of the draft resolution did not seek to assess responsibility for the breakdown, a matter discussed in another debate, but instead to encourage the parties to resume their talks and endeavour to settle their differences through negotiation and by other peaceful means provided in the Charter.<sup>71/</sup>

<sup>69/</sup> See chapter X, Case 1.

<sup>70/</sup> 861st meeting: preceding para. 1.

<sup>71/</sup> 861st meeting: paras. 1-13.

The representative of the USSR said that although the item on the Council's agenda was a separate one, it was directly connected with the item submitted by the Government of the USSR and previously debated. The major defect of the draft resolution was its failure to condemn the United States policy of provocation against the USSR. The Soviet Government was not opposed to the provisions recommended by the draft, but only to its failure to appeal to those who were destroying the possibility for negotiations.<sup>72/</sup> He proposed the following amendments:<sup>73/</sup>

(1) After the first preambular paragraph insertion of the following:

"Considering that the incursion of foreign military aircraft into the territory of other States is incompatible with the principles and purposes of the United Nations and constitutes a threat to peace and international security."

(2) At the end of the second operative paragraph the addition of the words:

"including the dispatch of their aircraft into the airspace of other States."

(3) The third operative paragraph to read:

"Requests the Governments concerned to continue their efforts towards the achievement of general and complete disarmament and the discontinuance of all nuclear weapons tests under an appropriate international control system as well as their negotiations on measures to prevent surprise attack."

At the 863rd meeting on 27 May 1960, the representative of Ecuador submitted a revised text<sup>74/</sup> of the four-Power draft resolution. The revision consisted in the amendment of operative paragraph 2 to appeal to all Member Governments not only to refrain from action likely to increase tension but also to refrain from the use or threat of force in their international relations and to respect each other's sovereignty, territorial integrity and political independence.

At the same meeting the President (Ceylon) stated<sup>75/</sup> that he had been informed that the Soviet Union did not wish to press for a vote on its third amendment.

The Council then voted on the remaining USSR amendments, which were rejected by a vote of 2 in favour, 6 against, with 3 abstentions.<sup>76/</sup>

The four-Power revised draft resolution was adopted by 9 votes in favour, with 2 abstentions.<sup>77/</sup> The resolution<sup>78/</sup> read:

"The Security Council,

"Mindful of its responsibility for the maintenance of international peace and security,

<sup>72/</sup> 361st meeting: paras. 93-127.

<sup>73/</sup> S/4326, O.R., 15th year, Suppl. for April-June 1960, pp. 13-19.

<sup>74/</sup> S/4323/Rev.2, same text as S/4328, see below; 863rd meeting: paras. 5-12.

<sup>75/</sup> 863rd meeting: paras. 42-44.

<sup>76/</sup> 863rd meeting: para. 47.

<sup>77/</sup> 863rd meeting: para. 48. For discussion concerning Article 33 in connexion with this draft resolution, see chapter X, Case 1.

<sup>78/</sup> S/4325, C.R., 15th year, Suppl. for April-June 1960, pp. 22-23.

"Noting with regret that the hopes of the world for a successful meeting of the Heads of Government of France, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics have not been fulfilled,

"Considering that these developments have caused great disappointment and concern in world public opinion,

"Considering also that the resulting situation may lead to an increase of international tensions likely to endanger peace and security,

"Being convinced of the necessity to make every effort to restore and strengthen international good will and confidence, based on the established principles of international law,

"Being especially aware of the mounting danger of the continuation of the armaments race,

"1. Recommends to the Governments concerned to seek solutions of existing international problems by negotiation or other peaceful means as provided in the Charter of the United Nations;

"2. Appeals to all Member Governments to refrain from the use or threats of force in their international relations; to respect each other's sovereignty, territorial integrity and political independence; and to refrain from any action which might increase tensions;

"3. Requests the Governments concerned to continue their efforts to achieve a constructive solution of the question of general and complete disarmament under effective international control, in accordance with resolution 1378 (XIV) of the General Assembly, and the discontinuance of all nuclear weapons tests under an appropriate international control system as well as their negotiations on measures to prevent surprise attack, including technical measures, as recommended by the General Assembly;

"4. Urges the Governments of France, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics to resume discussions as soon as possible and to avail themselves of the assistance that the Security Council and other appropriate organs of the United Nations may be able to render to this end."

#### COMPLAINT BY ARGENTINA (EICHMANN CASE) INITIAL PROCEEDINGS

By letter<sup>79/</sup> dated 15 June 1960, the representative of Argentina requested the President of the Security Council to call an urgent meeting of the Council

"to consider the violation of the sovereign rights of the Argentine Republic resulting from the illicit and clandestine transfer of Adolf Eichmann from Argentine territory to the territory of the State of Israel, contrary to the rules of international law and the purposes and principles of the Charter of the United Nations and creating an atmosphere of insecurity and mistrust incompatible with the preservation of international peace."

<sup>79/</sup> S/4336, *ibid.*, pp. 27-28.