

Chapter VIII

~~CONSIDERATION OF QUESTIONS UNDER THE COUNCIL'S RESPONSIBILITY
FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY~~

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INTRODUCTORY NOTE

The principles underlying the organization and presentation of the material presented in chapters VIII-XII of this Supplement are the same as for the should be consulted for a full statement of such principles.

Chapter VIII indicates the chain of proceedings on the substance of each of the questions included in the Report of the Security Council to the General Assembly under the heading "Questions considered by the Security Council under its responsibility for the maintenance of international peace and security". The range of questions covers broadly those which may be deemed to fall under Chapters VI and VII of the Charter. In chapters X, XI and XII of the Repertory are presented as ancillary material from the United Nations Records bearing on relevant Articles of the Charter. References to the ancillary material are given at the appropriate points in the entries for each question in this chapter.

Chapter VIII, as an outline of the proceedings of the Council in respect of the questions included in its agenda, constitutes a framework within which the ancillary legal and constitutional discussion recorded in chapters X to XII may be considered. The chapter is, therefore, an aid to the examination of the deliberations of the Council as they relate to the provisions of the Charter within the context of the chain of proceedings on the agenda item.

The questions are dealt with in the chronological order of their inclusion in the agenda of the Council^{1/} and with regard to the Palestine question^{2/} and the India-Pakistan question^{3/} which were included in the Council's agenda before their inclusion in the order of resumption of their consideration by the Council. In respect of each question, there is given at the outset a summary of the case presented

^{1/} For a tabulation of the date of submission, see chapter X, part III. As indicated in the Editorial Note, the questions included in the agenda of the Council during the years 1959 to 1963 appear under conventional short titles.

^{2/} Repertoire of the Practice of the Security Council 1946-1951, pp. 325-344; *ibid.*, Supplement, 1952-1955, pp. 110-119; *ibid.*, Supplement, 1956-1958, pp. 53-105.

^{3/} Repertoire of the Practice of the Security Council 1946-1951, pp. 112-116; Supplement, 1952-1955, pp. 112-116.

to the Council, together with a summary of the contentions made in rebuttal.

The framework of the material for each question is completed by the recording of affirmative and negative decisions within the purview of this chapter. Decisions related to the subject matter of chapters I-VI of the Repertoire are, with certain exceptions, omitted as not relevant to the purpose of this chapter or of the ancillary chapters X-XII. The decisions are entered in uniform manner. Affirmative decisions are entered under a heading indicative of the content of the decision, and negative decisions are entered under a heading indicative solely of the origin of the proposal or draft resolution. Affirmative decisions have been reproduced in full as constitutive of the practice of the Council, while negative decisions are indicated in summarized form. Where the negative decision relates to a draft resolution in connexion with which discussion has taken place concerning the application of the Charter, the text of the relevant parts of the draft resolution will in most instances be found in chapters X-XII.

As in the previous volumes of the Repertoire, an analytical table of measures adopted by the Council is included as part I of chapter VIII. This table should be regarded as of the nature of an index to chapter VIII; and no constitutional significance should be attached to the inclusion or exclusion of particular measures under the individual headings. Although the main headings are the same as those appearing in the Repertoire Supplement 1956-1958, the sub-headings have been considerably expanded to include types of measures not previously adopted by the Council.

Much of the activity of the Council in connexion with chapters VI and VII of the Charter has taken place through the instrumentality of subsidiary organs established to operate in the area of the dispute. As previously, no attempt has been made to reproduce within the Repertoire material relating to the organization and procedures of such subsidiary bodies save where questions relating to their organization and procedures are raised in the course of the proceedings of the Council.

Part I

ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL

NOTE

AS in the previous volumes of the Repertoire, the entries in this tabulation are restricted to a reference to the question, the date of the decision and the serial number of the decision in the S/ series documents.

I. PRELIMINARY MEASURES FOR THE ELUCIDATION OF FACTS

- A. Appointment of a sub-committee to examine evidence and to conduct inquiries.
- B. Appointment of a sub-committee to examine evidence and to conduct inquiries.

Report by the Secretary-General relating to Laos:

Decision of 7 September 1959 (S/4216).

C. Holding of an investigation.

The situation in the Republic of the Congo:

Decision of 21 February 1961 (S/4741), part A, para. 4.

Republic

II. DETERMINATION OF THE NATURE OF THE QUESTION

A. Determination of the existence of a dispute or situation the continuance of which is likely to endanger the maintenance of international peace and security.

Decision of 1 April 1960 (S/4300), para. 1.

(ii) Complaint by Argentina (Eichmann Case):

Decision of 23 June 1960 (S/4349), para. 1.

(iii) The situation in Angola:

Decision of 9 June 1961 (S/4835), preamble.

(iv) The situation in territories in Africa under Portuguese administration:

Decision of 31 July 1963 (S/5380), para. 4.

Decision of 7 August 1963 (S/5386), preamble.

Decision of 4 December 1963 (S/5471), preamble.

III. INJUNCTIONS TO GOVERNMENTS AND AUTHORITIES INVOLVED IN HOSTILITIES

A. Precautionary action.

Decision of 24 April 1963 (S/5293), para. 2.

(ii) Reports by the Secretary-General concerning Yemen:

Decision of 11 June 1963 (S/5331), para. 2.

B. Cooperation of the parties.

(i) Complaint by Tunisia:

Decision of 22 July 1961 (S/4882), para. 1.

(ii) The Palestine question:

Decision of 9 April 1962 (S/5111), preamble and para. 5.

The Palestine question:

Decision of 11 April 1961 (S/4788), para. 3.

Decision of 9 April 1962 (S/5111), paras. 6 and 7.

IV. MEASURES IN CONNEXION WITH INJUNCTIONS TO BE TAKEN BY THE GOVERNMENTS AND AUTHORITIES DIRECTLY INVOLVED IN HOSTILITIES

A. Withdrawal of fighting personnel.

Decision of 22 July 1961 (S/4882), para. 1.

B. Cooperation of the parties to prevent recurrence of incidents.

(i) The Palestine question:

Decision of 9 April 1962 (S/5111), para. 3 (second part).

(ii) Reports by the Secretary-General concerning Yemen:

Decision of 11 June 1963 (S/5331), para. 2.

V. MEASURES IN CONNEXION WITH INJUNCTIONS TO BE TAKEN BY OTHER GOVERNMENTS AND AUTHORITIES

facture.

(i) The situation in the Republic of the Congo:

Decision of 24 November 1961 (S/5002), para. 6.

(ii) Question of race conflict in South Africa:

Decision of 7 August 1963 (S/5386), para. 3.

Decision of 4 December 1963 (S/5471), para. 5.

B. Avoidance of actions impeding the exercise of governmental authority and undermining the territorial integrity and political independence of a State.

The situation in the Republic of the Congo:

Decision of 22 July 1960 (S/4405), para. 2.

C. Provision of documents and denial of access to fighting personnel and other personnel not under United Nations Command.

The situation in the Republic of the Congo:

Decision of 21 February 1961 (S/4741), part A, para. 4.

D. Avoidance of support to activities against the United Nations.

Decision of 21 November 1961 (S/5002), para. 7.

E. Avoidance of actions likely to increase tensions between the parties.

Complaint by Cuba (letter of 11 July 1960):

Decision of 19 July 1960 (S/4395), para. 3.

F. Withholding of assistance including supply of arms which would enable a Government to continue repressive actions in a Non-Self-Governing Territory.

The situation in Territories in Africa under Portuguese administration:

Decision of 31 July 1963 (S/5380), para. 6.

Decision of 11 December 1963 (S/5481), para. 2.

G. Avoidance of actions contrary to the purposes and principles of the United Nations.

The situation in the Republic of the Congo:

Decision of 24 November 1961 (S/5002), para. 6.

H. Compliance with decisions of the Council in accordance with Chapter VIII of the Charter.

The situation in the Republic of the Congo:

Decision of 9 August 1960 (S/4426), para. 5.

VI. MEASURES FOR SETTLEMENT

A. Compliance with purposes and principles of the Charter.

(i) Complaint concerning South Africa (letter of 25 March 1960):

Decision of 1 April 1960 (S/4300), preamble and para. 5.

(ii) Complaint by Ceylon, Ecuador and Tunisia:

Decision of 27 May 1960 (S/4929), para. 1.

(iii) Complaint by Argentina (Eichmann Case):

Decision of 23 June 1960 (S/4349), para. 2.

(iv) Complaint by Cuba (letter of 31 December 1960):

Decision: President's statement of 5 January 1961.

(v) The Palestine question:

Decision of 9 April 1962 (S/5111), para. 5.

(vi) Complaint by Senegal:

Decision of 24 April 1963 (S/5293), preamble and para. 2.

(vii) Complaint by Haiti:

Decision of 27 May 1960 (S/4929), para. 1.

(viii) Question of race conflict in South Africa:

Decision of 4 December 1963 (S/5471), para. 5.

B. Expression of hope for a peaceful solution.

The situation in Angola:

Decision of 9 June 1961 (S/4835), preamble and paras. 1 and 3.

C. Injunctions concerning human rights and fundamental freedoms.

(i) Complaint concerning South Africa (letter dated 25 March 1960):

Decision of 1 April 1960 (S/4300), preamble.

(ii) The situation in the Republic of the Congo:

Decision of 21 February 1961 (S/4741), part B, preamble.

(iii) The situation in Angola:

Decision of 9 June 1961 (S/4835), preamble and paras. 1 and 3.

(iv) The situation in territories in Africa under Portuguese administration:

Decision of 31 July 1963 (S/5380), para. 5.

Decision of 11 December 1963 (S/5481), para. 6.

(v) Question of race conflict in South Africa:

Decision of 7 August 1963 (S/5386), para. 3.

Decision of 4 December 1963 (S/5471), preamble and paras. 2 and 4.

D. Injunctions concerning the granting of independence to colonial countries and peoples.

(i) The situation in Angola:

Decision of 9 June 1961 (S/4835), preamble and para. 1.

(ii) The situation in territories in Africa under Portuguese administration:

Decision of 31 July 1963 (S/5380), para. 6.

Decision of 11 December 1963 (S/5481), preamble and paras. 3, 5 and 6.

E. Procedures of pacific settlement noted, advised or recommended.

1. Direct negotiations.

Letter of 23 May 1960 from the representatives of Argentina, Ceylon, Ecuador and Tunisia:

Decision of 27 May 1960 (S/4328), paras. 1 and 4.

2. Resort to regional agencies or arrangements.

(i) Complaint by Cuba (letter of 11 July 1960):

Decision of 19 July 1960 (S/4395), paras. 1 and 2.

Decision of 5 August 1960 (S/4426), para. 5.

relating to Dominican Republic):

Decision of 9 August 1960 (S/4426), para. 5.

3. Provision of hearing on issues of substance including terms of settlement.

The situation in the Republic of the Congo:

Decision of 14 July 1960 (S/4387), para. 1.

Decision of 22 July 1960 (S/4405), para. 1.

Decision of 9 August 1960 (S/4426), preamble.

2. Measures for evacuation of certain foreign personnel not under the United Nations Command.
The situation in the Republic of the Congo;
Decision of 21 November 1961 (S/5002), para. 4.
To prevent entry on territory of certain personnel of other States and United Nations forces and other war material.
3. Request that appropriate reparation be made.
Complaint by Argentina (Eichmann Case);
Decision of 23 June 1960 (S/4349), para. 2.
4. Request to parties concerned to observe fully the terms of disengagement.
Reports by the Secretary-General concerning Yemen;
Decision of 11 June 1963 (S/5331), para. 2.
5. Convening of the Parliament.
The situation in the Republic of the Congo;
Decision of 21 February 1961 (S/4741), part B, preamble and para. 1.
6. Re-organization of armed units and personnel.
The situation in the Republic of the Congo;
Decision of 21 February 1961 (S/4741), part B, para. 3.
7. Release of political prisoners.
Question of race conflict in South Africa;
Decision of 7 August 1963 (S/5386), para. 2.
Decision of 4 December 1963 (S/5471), para. 4.
8. Compliance with General Assembly resolutions setting forth the basis for a settlement.
(i) Letter of 23 May 1960 from the representatives of Argentina, Ceylon, Ecuador and Tunisia;
Decision of 27 May 1960 (S/4325), para. 3.
(ii) The situation in Angola;
Decision of 9 June 1961 (S/4835), paras. 1 and 3.
(iii) The situation in territories in Africa under Portuguese administration;
Decision of 31 July 1963 (S/5380), paras. 1, 2, 3 and 5.
(iv) Question of race conflict in South Africa;
Decision of 7 August 1963 (S/5386), preamble.
Decision of 4 December 1963 (S/5471), preamble and para. 3.
9. Measures to prevent the occurrence of civil war, including the use of force if necessary.
The situation in the Republic of the Congo;
Decision of 21 February 1961 (S/4741), part A, para. 1.
10. Investigation and punishment of perpetrators of crimes.
The situation in the Republic of the Congo;
Decision of 21 February 1961 (S/4741), part A, para. 2.
11. Support to a government to maintain law and order and national integrity.
The situation in the Republic of the Congo;
Decision of 24 November 1961 (S/5002), paras. 9 and 10.
12. Action to maintain territorial integrity and political independence. Cessation of secessionist activities.
The situation in the Republic of the Congo;
Decision of 21 November 1961 (S/5002), paras. 1, 2 and 8.
13. Measures to obtain compliance.
(a) Of the Security Council:
(i) The situation in the Republic of the Congo;
Decision of 9 August 1960 (S/4426), preamble and para. 1.
President's statement of 10 September 1960.
Decision of 21 February 1961 (S/4741), part A, para. 5.
Decision of 21 February 1961 (S/4741), part A, para. 4.
(ii) The Palestine question;
Decision of 9 April 1962 (S/5111), preamble and para. 2.
(iii) Question of race conflict in South Africa;
Decision of 7 August 1963 (S/5386), preamble and para. 2.
Decision of 4 December 1963 (S/5471), preamble and paras. 1 and 4.
(iv) The situation in territories in Africa under Portuguese administration;
Decision of 11 December 1963 (S/5481), preamble.
(b) Of the General Assembly:
(i) The situation in the Republic of the Congo;
Decision of 21 February 1961 (S/4741), part A, para. 5.
Decision of 24 November 1961 (S/5002), preamble and paras. 9 and 10.
(ii) The situation in Angola;
Decision of 9 June 1961 (S/4835), para. 1.
(iii) The situation in territories in Africa under Portuguese administration;
Decision of 11 December 1963 (S/5481), para. 4.
14. Request for immediate withdrawal of troops.
Decision of 9 August 1960 (S/4426), para. 2.
15. Request for compliance with previous resolutions.
(i) The situation in the Republic of the Congo;
Decision of 21 February 1961 (S/4741), part A, para. 5.
(ii) The question of race conflict in South Africa;
Decision of 7 August 1963 (S/5386), para. 2.
(iii) The situation in territories in Africa under Portuguese administration;
Decision of 11 December 1963 (S/5481), para. 2.

RESOLUTIONS OF THE SECURITY COUNCIL

A. Establishment or employment of subsidiary organs.

1. For investigation.
The situation in Angola;
Decision of 9 June 1961 (S/4835), para. 2.
2. For observation or supervision in connexion with the ending of hostilities.
Reports by the Secretary-General concerning Yemen;
Decision of 11 June 1963 (S/5331), para. 1.
3. For examination of methods of resolving the situation in the territory of a Member State.
Question of race conflict in South Africa;
Decision of 4 December 1963 (S/5471), para. 6.
- B. Endorsement of decisions of subsidiary organs.
The Palestine question;
Decision of 11 April 1961 (S/4788), para. 2.
- C. Call upon the parties to co-operate fully with subsidiary organs.
(i) The Palestine question;
Decision of 11 April 1961 (S/4788), para. 2.
Decision of 9 April 1962 (S/5111), para. 4.
(ii) The situation in Angola;
Decision of 9 June 1961 (S/4835), preamble and para. 1.
- D. Invitation to the Government of a Member State to avail itself of the assistance of a subsidiary organ.
Question of race conflict in South Africa;
Decision of 4 December 1963 (S/5471), para. 7.
- E. Observation by the President.
The India-Pakistan question;
The situation in the Republic of the Congo;
President's statement of 22 August 1960.
- F. Authorizations to the Secretary-General.
The situation in the Republic of the Congo;
Decision of 14 July 1960 (S/4387), para. 2.

2. To evacuate military forces.
The situation in the Republic of the Congo;
Decision of 22 July 1960 (S/4405), para. 1.
Decision of 9 August 1960 (S/4426), para. 1.
3. To take necessary measures including the use of force to arrest and/or deport certain personnel, military or other, not under the United Nations Command.

3. Request for compliance with previous resolutions.
(i) The situation in the Republic of the Congo;
Decision of 21 February 1961 (S/4741), part A, para. 5.
(ii) The question of race conflict in South Africa;
Decision of 7 August 1963 (S/5386), para. 2.
(iii) The situation in territories in Africa under Portuguese administration;
Decision of 11 December 1963 (S/5481), para. 2.

4. Expression of concern over non-implementation of specific measures requested by the Security Council.
- (i) The Palestine question:
Decision of 9 April 1962 (S/5111), preamble.
- (ii) Question of race conflict in South Africa:
Decision of 4 December 1963 (S/5471), preamble.
- of the Security Council
- (i) The situation in territories in Africa under Portuguese administration:
Decision of 31 July 1963 (S/5380), para. 3.
- (ii) Question of race conflict in South Africa:
Decision of 4 December 1963 (S/5471), para. 3.
- M. Enforcement of measures of the Secretary-General
- (i) The situation in the Republic of the Congo:
Decision of 22 July 1960 (S/4405), para. 2.
- (ii) Reports by the Secretary-General concerning Yemen:
Decision of 11 June 1963 (S/5331), preamble.
- N. Request for assistance from the specialized agencies of the United Nations
- O. Finding of a violation of a Security Council cease-fire injunction.
The Palestine question:
Decision of 9 April 1962 (S/5111), para. 2.
- P. Expression of concern over military incursions into foreign territory
- Complaint by Senegal:
Decision of 24 April 1963 (S/5293), para. 3.
- (iv) Reports by the Secretary-General concerning Yemen:
Decision of 11 June 1963 (S/5331), para. 3.
- (v) The situation in territories in Africa under Portuguese administration:
Decision of 31 July 1963 (S/5380), para. 3.
Decision of 11 December 1963 (S/5401), para. 7.
Decision of 7 August 1963 (S/5386), para. 4.
Decision of 4 December 1963 (S/5471), para. 8.
2. From the subsidiary organs.
- (i) The situation in Angola:
Decision of 9 June 1961 (S/4835), para. 5.
- (ii) The Palestine question:
Decision of 9 April 1962 (S/5111), para. 2.
3. From regional agencies or arrangements
- Complaint by Cuba (letter of 11 July 1960):
Decision of 19 July 1960 (S/4395), preamble and para. 1.
- Complaint by Tunisia:
Decision of 22 July 1961 (S/4882), para. 2.
- (i) Complaint by Kuwait:
Decision; President's statement of 7 July 1961.
- (ii) Complaint by Tunisia:
Decision; President's statement of 22 July 1961.
- Decision; President's statement of 28 November 1961.
- October 1962):
Decision of 19 October 1962 (S/4950), para. 1.
- (v) Complaint by Haiti:
Decision; President's statement of 9 May 1963.
- IX. MEASURES IN CONNEXION WITH THE INABILITY OF THE SECURITY COUNCIL TO EXERCISE ITS RESPONSIBILITY FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY
- Assembly under the provisions of General Assembly resolution 377 (V) of 3 November 1950.
The situation in the Republic of the Congo:
Decision of 17 September 1960 (S/4526).

ASCERTAIN COMPLIANCE

- A. Request for information on the progress of settlement.
1. From the Secretary-General.

(i) Complaint concerning South Africa (letter dated 25 March 1960):

Decision of 1 April 1960 (S/4200), para. 5.

Decision of 22 July 1960 (S/4405), para. 5.
Decision of 9 August 1960 (S/4426), para. 6.

(iii) Complaint by Senegal:

Decision of 24 April 1963 (S/5293), para. 3.

PART II

THE PALESTINE QUESTION

Decision of 30 January 1959 (845th meeting): Adjournment

By letter^{4/} dated 26 January 1959, the permanent representative of Israel brought to the attention of the Security Council "the renewal of aggression by United Arab Republic armed forces on the Israel-Syrian border" and requested that a special meeting of the Council be convened to consider the matter. It was stated in the letter that a series of incidents, especially the latest one at Ma'ale Habashan, in which

tuted "grave violations of the Israel-Syrian General Armistice Agreement and of the Charter of the United Nations, threatening peace and security". The Government of Israel believed that it was the duty of the United Nations under the Charter to bring about an immediate cessation of these acts of aggression.

At the 845th meeting on 30 January 1959, the Security Council included the Israel complaint in its agenda. Following the adoption of the agenda

the representatives of Israel and the United Arab Republic were invited to take a place at the Council table.^{5/}

The representative of Israel* stated that the attack had been a climax in a series of incidents, about which in each instance complaints had been lodged by Israel with the Mixed Armistice Commission. The continuation of constant firing by Syrian forces into Israel Territory was likely to endanger international

the purview of Article 34 of the Charter. Further, Article 25 conferred upon each Member State the

The representative of the United Arab Republic* contended that under article VII of the General Armistice Agreement an incident of the kind referred to by the representative of Israel should be first dealt with by the Mixed Armistice Commission, the body which had been established by agreement between

the two parties under the auspices of the Security Council. Israel's recourse to the Council with a purely local

^{4/} S/4451 and Corr. 1, O.R., 14th year, Suppl. for Jan. June 1959, pp. 3-4.

^{5/} 845th meeting: para. 32.