

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.<sup>612/</sup>

At the 1068th meeting on 12 September 1963, the representative of Ghana introduced a draft resolution,<sup>613/</sup> 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.<sup>614/</sup>

The question remained on the list of matters of which the Security Council is seized.<sup>615/</sup>

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

<sup>613/</sup> S/5425/Rev.1; 1068th meeting: para. 4.

<sup>614/</sup> 1069th meeting: para. 64.

<sup>615/</sup> S/5500.

## COMPLAINT BY THE GOVERNMENT OF CYPRUS INITIAL PROCEEDINGS

By letter<sup>616/</sup> 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<sup>617/</sup> to include the question in its agenda. The representatives of Cyprus, Greece and Turkey were invited<sup>618/</sup> 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".<sup>619/</sup>

<sup>616/</sup> S/5488, O.R., 18th year, Suppl. for Oct.-Dec. 1963, pp. 112-114.

<sup>617/</sup> 1085th meeting: preceding para. 1.

<sup>618/</sup> 1085th meeting: paras. 1-2.

<sup>619/</sup> See chapter XII, Case 11.

He stated further that the cause of the difficulties was the divisive provisions of the Constitution that divided the people into two camps hostile to each other. He stated that while he could understand the wish of the Turkish Government to protect the interests of the Turks in Cyprus, those interests were not promoted by incitement to violence or to the use of force, but rather by inducing them to co-operate with the Greek side in order to find a peaceful solution of the differences that divided them. In conclusion, he requested the Council to consider the question as a matter of urgency with regard to the preservation of the cease-fire and the promotion of peace in the island.<sup>620/</sup>

In reply to the allegation made by the representative of Cyprus that Turkish ships were heading towards Cyprus, the representative of Turkey\* stated that his Government had already denied "such rumours", and had instructed him "categorically and officially" to deny them. He stated that after a campaign lasting for more than two years designed to repudiate the rights of the Turkish community in Cyprus, to violate those rights and to make them ineffective, the Greek Cypriots, during the night of 21/22 December, embarked on a very serious course of action, "the massacre of the entire Turkish community of the island". After describing the efforts made by his Government to end hostilities on the island, he expressed surprise that "... at this very moment, when there is hope for peace, Ambassador Rossides should come here to make totally unfounded accusations". Turkey, however, would continue its efforts at conciliation, as far as it could, and hoped that the other party would do likewise.<sup>621/</sup>

The representative of Greece\* observed that the representative of Cyprus had expressed the wish to limit his request, for the time being, to the strict and faithful implementation of the cease-fire in Cyprus. Such a request was a wise one at that stage and if the Council were to favour it and encourage the efforts that were being made in Cyprus for the implementation of the cease-fire, it would have performed a very useful work at this serious time. He read a message addressed by the King of Greece to the President of Turkey which disputed Turkey's account of the situation, and afterwards noted that the assurances given by the representative of Turkey

<sup>620/</sup> 1085th meeting: paras. 6-33.

<sup>621/</sup> 1085th meeting: paras. 34-47.

to the Council were of the kind that could dispel the apprehensions of the people of Cyprus.<sup>622/</sup>

In exercise of his right of reply, the representative of Cyprus noted that the representative of Turkey had referred to the Treaty of Guarantee as giving Turkey the right to use force in Cyprus, and contended that such an interpretation was invalid under Article 103 of the Charter.<sup>623/</sup> He repeated that Article 2, paragraph 4, entirely prohibited any threat or use of force except in strict self-defence under Article 51 or in execution of collective measures under the Charter for the maintenance and restoration of peace.<sup>624/</sup> Only the United Nations could use force to restore order where there was a threat to international peace. Moreover, the Treaty of Guarantee did not stipulate anything about force. It provided that Cyprus, Greece and Turkey undertook to ensure the maintenance of Cyprus' independence, territorial integrity and security, as well as respect of its Constitution. He then expressed the wish that the Council would adopt a resolution

"ensuring the peace of Cyprus, and ensuring also that there shall be no intervention by force, that the cease-fire shall continue, that the agreement shall continue without threat and without force and that everybody shall do what is necessary for promoting peace in the island. . . ." <sup>625/</sup>

The representative of Turkey denied that Turkish troops in Cyprus had taken part in the fighting, and after repeating his assurances that Turkish ships were not heading towards the island, he expressed Turkey's desire to receive the assurance that the cease-fire would be respected and that the slaughter and carnage in Cyprus would be stopped.<sup>626/</sup>

The President (United States) stated that Council members, having heard statements from the interested parties, might wish to consider them. He proposed that the meeting be adjourned, to be reconvened on consultation by the President when and if it was considered appropriate by the members. In the absence of any objection, it was so decided.<sup>627/</sup>

The question remained on the list of matters of which the Security Council is seized.<sup>628/</sup>

<sup>622/</sup> 1085th meeting: paras. 48-56.

<sup>623/</sup> See chapter XII, Case 29.

<sup>624/</sup> See chapter XII, Case 11.

<sup>625/</sup> 1085th meeting: paras. 58-74.

<sup>626/</sup> 1085th meeting: paras. 75-81.

<sup>627/</sup> 1085th meeting: paras. 92-93.

<sup>628/</sup> S/5500.