

of President Duvalier who maintained a rule of terror in Haiti, and, as a climax, had ordered an undisciplined and fanatic soldiery to invade the Dominican Republic Embassy in Port-au-Prince to seize and imprison the adversaries of his regime, at the same time ordering the military occupation of the premises of the Dominican diplomatic mission in the Haitian capital. The attacks against the symbols of the Dominican Republic in Haitian territory such as those committed against its diplomatic mission clearly constituted acts of provocation. The deployment of troops on the Dominican-Haitian frontier could not be considered an act of aggression since they were in a posture of legitimate defence, and in order to prevent the carrying out of Haitian incursions into Dominican territory. The chaotic situation in Haiti resulted from the very nature of the political situation there and not from pressure exercised from the territory of the Dominican Republic. Both the Dominican Republic and Haiti had referred the dispute to the Organization of American States, the regional organization which was intended to solve conflicts of the nature that had emerged between them. In this connexion, the Dominican representative quoted Article 52 of the Charter, paragraphs 2 and 3 of which were the application of the principles of Articles 33 and 36. The Dominican Republic hoped that in accordance with those Articles the Security Council would decide to suspend its consideration of the matter and leave it in the hands of the OAS.

The representative of the Dominican Republic stated further that he would also like to point out the weakness of the Haitian argument that the fundamental cause of the crisis between the Dominican Republic and the Republic of Haiti was the effort of the former to destroy the only Negro State in the Americas. This allegation was, in his view, so absurd that it did not even require a denial, for the fact should be stressed that within the Dominican Republic there had never been racial antagonisms, nor could such antagonisms conceivably exist, since the population was composed of elements from both races who lived together in a close community of interests and feelings. The Dominican Republic had no aggressive designs against the Haitian people or any other people. It saw no reason for the Haitian Government to bring the question before the Security Council since the problem was already being dealt with by the Organization of American States, which had already taken measures that were expected to be effective in re-establishing as soon as possible harmony between both countries.^{544/}

At the end of the discussion, the President (France) noted that all the members of the Council had had an opportunity to express their views on the question and stated that most of the Council members considered it preferable, at the current stage, to leave the initiative to the regional organization which was trying to bring about an amicable settlement of the dispute between two of its members. Those members had indicated that they had no objection to that procedure. The President also stated that the question would remain on the agenda of the Council. He added that he was convinced that, in conformity with their obligations as Members of the United Nations, the two parties would avoid any action which might compromise

the success of measures likely to bring about a peaceful solution of their disputes.^{545/}

REPORTS BY THE SECRETARY-GENERAL CONCERNING YEMEN

INITIAL PROCEEDINGS

By letter^{546/} dated 8 June 1963, the representative of the USSR requested the President of the Security Council to convene the Council in order to consider the reports of the Secretary-General^{547/} on developments relating to Yemen, "since the reports contain proposals concerning possible measures by the United Nations to maintain international peace and security, on which, under the Charter, decisions are taken by the Security Council".

In his first report to the Security Council, dated 29 April 1963 (S/5298), the Secretary-General referred to consultations he had with the representatives of Saudi Arabia, the United Arab Republic and the Yemen Arab Republic regarding "certain aspects of the situation in Yemen of external origin" with a view to making the Office of the Secretary-General "available to the parties for such assistance as might be desired towards ensuring against any developments in that situation which might threaten the peace of the area". As a result of these efforts, undertaken to ease tension and restore conditions to normal, there had emerged an agreement among the three Governments concerned on "identical terms of disengagement in Yemen". In substance, the terms of the agreement provided that the Government of Saudi Arabia would terminate all support and aid to the Royalists of Yemen and prohibit the use of Saudi Arabian territory by Royalist leaders for the purpose of carrying on their struggle against the Republican Government in Yemen. The United Arab Republic undertook to begin simultaneously withdrawal from Yemen of the troops sent on request of the Yemen Republican Government. A demilitarized zone to a distance of twenty kilometres on each side of the demarcated Saudi Arabia-Yemen border was to be established. The demilitarized zone was to be under the observation of impartial observers. The United Arab Republic and Saudi Arabia had further undertaken to cooperate with a representative of the United Nations Secretary-General in reaching agreement on the modalities and verification of disengagement. The Secretary-General reported further that he had designated General Von Horn as his representative to undertake exploratory talks in this respect with the authorities of the parties concerned.

In his second report, dated 27 May 1963 (S/5321), the Secretary-General concluded, as a result of the talks held by General Von Horn, that "United Nations observers in the Saudi Arabia-Yemen area are vitally necessary and could well be the decisive factor in avoiding serious trouble in that area; their presence is desired by all parties concerned; moreover, as the need is urgent, they should be dispatched

^{545/} 1036th meeting: para. 150.

^{546/} S/5326, C.R., 18th year, Suppl. for April-June 1963, p. 51.

^{547/} S/5298, *ibid.*, pp. 33-34; S/5321, *ibid.*, pp. 46-48; S/5323, *ibid.*, pp. 48-50; S/5325, *ibid.*, pp. 50-51.

^{544/} 1035th meeting: paras. 42-53; 1036th meeting: paras. 21-28.

with the least possible delay". The Secretary-General further stated:

"Because of the importance and urgency of the United Nations observation function to the peaceful resolution of the Yemen issues, I have it in mind to proceed with the establishment of the operation as soon as the necessary arrangements for the men and their requirements can be made."

The third report of the Secretary-General dated 3 June 1963 (S/5323) dealt with financial implications of the United Nations observation mission proposed to be sent to Yemen.

In his fourth report, dated 7 June 1963 (S/5325), the Secretary-General explained that since the two parties principally involved had undertaken to defray the costs of the Yemen operation for two months there were "no financial implications for the United Nations in getting the Yemen observation mission established and the operation under way, or for its maintenance for an initial period of two months". The Secretary-General further stated that it was his intention to proceed with the organization and dispatch of the mission and that the arrival in the area of an advance party of United Nations Observers would "formally signify that all provisions of the terms of disengagement are in effect and that the agreement is being implemented in full".

At the 1037th meeting on 10 June 1963, the Security Council decided to include the question in its agenda.^{548/} The question was considered by the Council at its 1037th to 1039th meetings on 10 and 11 June 1963.

Decision of 11 June 1963 (1039th meeting):

- (i) *Requesting the Secretary-General to establish the observation operation as defined by him;*
- (ii) *Urging the parties concerned to observe fully the agreed terms of disengagement;*
- (iii) *Requesting the Secretary-General to report to the Security Council on the implementation of this decision*

At the 1037th meeting the Secretary-General referred to his "conception of the measures involving United Nations action which might be taken in fulfilment of the terms of disengagement accepted by the parties". These measures, he added, were "in the form of a United Nations observation function". He reiterated his reports regarding the lack of financial implications for the United Nations during a period of two months, and the urgent need to initiate the observation operation. He also announced that General Von Horn was alerted and ready to proceed to the area with an advance party on twenty-four hours' notice.^{549/}

At the 1038th meeting on 11 June 1963, both the President (Ghana) and the Secretary-General referred to informal consultations among the Council members.^{550/} The Secretary-General made a statement concerning the observation function the United Nations was called upon to provide, and which could be commenced immediately. He warned that the agreement

on the terms of disengagement might be jeopardized if the United Nations Observation Group was not promptly on the spot, and he expressed the hope that the Council would soon agree on the matter.^{551/}

At the same meeting the representative of Morocco introduced a draft resolution,^{552/} jointly submitted with Ghana.

At the 1039th meeting on 11 June 1963, the Ghana-Morocco draft resolution was adopted by 10 votes in favour to none against, with 1 abstention.^{553/}

The resolution^{554/} read:

"The Security Council,

"Noting with satisfaction the initiative of the Secretary-General mentioned in his report of 24 April 1963 [S/5298] 'about certain aspects of the situation in Yemen of external origin', and aimed at achievement of a peaceful settlement and 'ensuring against any developments in that situation which might threaten the peace of the area',

"Noting further the statement by the Secretary-General before the Security Council on 10 June 1963 [1037th meeting],

"Noting further with satisfaction that the parties directly concerned with the situation affecting Yemen have confirmed their acceptance of identical terms of disengagement in Yemen, and that the Governments of Saudi Arabia and the United Arab Republic have agreed to defray the expenses over a period of two months of the United Nations observation function called for in the terms of disengagement,

"1. Requests the Secretary-General to establish the observation operation as defined by him;

"2. Urges the parties concerned to observe fully the terms of disengagement set out in the report of 29 April and to refrain from any action which would increase tension in the area;

"3. Requests the Secretary-General to report to the Security Council on the implementation of this decision."

In accordance with the last operative paragraph, the Secretary-General submitted to the Security Council a report^{555/} on the implementation of the Council resolution. This report was followed by a series of further reports^{556/} on the extension of the United Nations Yemen Observation Mission for additional periods of two months.

The question remained on the list of matters of which the Security Council is seized.

^{551/} 1038th meeting: paras. 2-6. See chapter I, Case 42.

^{552/} S/5330, 1038th meeting: para. 27.

^{553/} 1039th meeting: para. 7.

^{554/} S/5331, O.R., 18th year, Suppl. for April-June 1963, pp. 52-53.

^{555/} S/5412, O.R., 18th year, Suppl. for July-Sept. 1963, pp. 152-157.

^{556/} See chapter V, Case 3 for the Council's procedures in authorizing the establishment of UNYOM, and for reports concerning its extension and its termination.

^{548/} 1037th meeting: para. 3.

^{549/} 1037th meeting: paras. 6-8.

^{550/} 1033th meeting: paras. 1 and 3.