

COMPLAINT BY KUWAIT, COMPLAINT BY IRAQ

INITIAL PROCEEDINGS

By telegram^{404/} dated 1 July 1961, the State Secretary of Kuwait requested the President of the Security Council to call a meeting to consider urgently the following question:

"Complaint by Kuwait in respect of the situation arising from threats by Iraq to the territorial independence of Kuwait which is likely to endanger the maintenance of international peace and security."

By letter^{405/} dated 1 July 1961, the representative of the United Kingdom expressed his Government's support for the request from the Ruler of Kuwait and requested that a meeting of the Council be called accordingly.

By letter^{406/} dated 2 July 1961, the representative of Iraq requested that the Security Council be convened to consider the following question:

"Complaint by the Government of the Republic of Iraq in respect of the situation, arising out of the armed threat by the United Kingdom to the independence and security of Iraq which is likely to endanger the maintenance of international peace and security."

At the 957th meeting on 2 July 1961, the provisional agenda of the Security Council included the two items submitted by the United Kingdom and Kuwait and by Iraq, respectively, as items 2 and 3. Following the adoption of the agenda, the representative of Iraq was invited to participate in the discussions. At the 958th meeting on 5 July 1961, the representative of Kuwait was also invited to participate.^{407/} The Council considered the question at its 957th to 960th meetings, between 2 and 7 July 1961.

Decisions of 7 July 1961 (960th meeting): Rejection of the United Kingdom and United Arab Republic draft resolutions; Statement by the President

At the 957th meeting on 2 July 1961, the representative of the United Kingdom stated that his Government had dispatched a force to Kuwait in response to an urgent request of the Ruler of Kuwait and pursuant to a treaty obligation to the latter. It had been placed at the Ruler's disposal to afford such assistance as he might consider necessary for the preservation of the independence of Kuwait in the face of recent developments there. He emphasized his Government's hope that the necessity to make use of this force would not arise and that it would be withdrawn as soon as the Ruler considered that the threat to the independence of Kuwait was over. The action was in no way hostile to Iraq and the force could only be employed in a combat role if Kuwait were attacked from across the border.^{408/}

The representative of Iraq stated that his Government had repeatedly indicated that it would employ only peaceful means to settle its difficulty with Kuwait and had denied the unsubstantiated reports of any troop concentrations in southern Iraq. In the absence of any troop concentrations and in view of the repeated assurances given by his Government, it must conclude that this complaint by the United Kingdom had been lodged "in order to cover up and justify the blatant act of aggression committed by the United Kingdom by landing its forces in Kuwait". This was the reason why his Government had requested the consideration by the Council of the situation arising out of the landing of the United Kingdom troops in the Arab country of Kuwait, an integral part of Iraq—a situation which was likely to endanger international peace and security and to violate and threaten the independence, security and territorial integrity of Iraq. He further maintained that the treaty of 1899 to which the Government of the United Kingdom referred was nothing but an agreement concluded by a British agent with a local administrative officer of a sovereign State. It had, therefore, no legal validity whatsoever and could not be considered as binding on any side. Finally, he expressed the hope that the Council would be in a position to order the unconditional and immediate withdrawal of the British forces from Kuwait.^{409/}

At the 959th meeting on 6 July 1961, the representative of the United Kingdom submitted a draft resolution^{410/} under which the Council would call upon all States to respect the independence and territorial integrity of Kuwait; urge that all concerned should work for peace and tranquillity in the area; and agree to keep the situation under review.

At the 960th meeting on 7 July 1961, the representative of the United Arab Republic introduced a draft resolution^{411/} under which the Council would urge that the question be solved by peaceful means and call upon the United Kingdom to withdraw immediately its forces from Kuwait.

At the 960th meeting on 7 July 1961, the United Kingdom draft resolution failed of adoption.^{412/} There were 7 votes in favour, 1 against, with 3 abstentions (the negative vote being that of a permanent member of the Council).

At the same meeting, the draft resolution submitted by the United Arab Republic was not adopted.^{413/} There were 3 votes in favour, none against, with 8 abstentions.

Before adjourning the meeting, the President (Ecuador) stated:

"I would appeal to them—and I think that I am speaking for the Council as a whole in doing so—to realize the hope expressed here by abstaining from any action that may aggravate the situation. That is a hope which I express as President of the Council.

"I should also like to state that we and all the other members of the Council will remain vigilant

^{404/} S/4844, O.R., 16th year, Suppl. for July-Sept. 1961, p. 1.

^{405/} S/4845, *ibid.*, pp. 1-2.

^{406/} S/4847, *ibid.*, p. 2; see also S/4848, *ibid.*, p. 3.

^{407/} 957th meeting: para. 13; 958th meeting: para. 21.

^{408/} 957th meeting: paras. 15-17, 35-37.

^{409/} 957th meeting: paras. 52-53, 65-67, 73.

^{410/} S/4855, O.R., 16th year, Suppl. for July-Sept. 1961, p. 5; 959th meeting: para. 61.

^{411/} S/4856, *ibid.*, p. 6; 960th meeting: para. 11.

^{412/} 960th meeting: para. 44.

^{413/} 960th meeting: para. 45.

with regard to the dangerous situation that unfortunately still exists. As President, I shall be prepared to convene the Council whenever circumstances make it necessary to do so."^{414/}

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

COMPLAINT BY TUNISIA

INITIAL PROCEEDINGS

By telegram^{415/} dated 20 July 1961 addressed to the President of the Security Council, the Secretary of State for Foreign Affairs of Tunisia informed the President that the town and gouvernorat of Bizerta had been under attack by French naval and air forces since the afternoon of 19 July, and requested a meeting of the Security Council as a matter of extreme urgency for the purpose of considering a complaint against France "for acts of aggression infringing the sovereignty and security of Tunisia and threatening international peace and security". By letter^{416/} of the same date addressed to the President of the Council, the representative of Tunisia reiterated the request and submitted an explanatory memorandum which stated that, in addition to the air and naval attacks of 19 July, 800 French paratroopers had been dropped over Bizerta, thus violating Tunisia's airspace, despite the categorical prohibition of the Tunisian Government. During the night of 19/20 July, French armoured units had also taken up positions outside the Bizerta base. These acts represented a flagrant violation of the airspace and the territorial integrity of Tunisia and also constituted a clear and premeditated act of aggression, gravely threatening international peace and security. After recalling the repeated efforts made by Tunisia to obtain the evacuation of French troops from the Bizerta base and a portion of the south-east territory of Tunisia, which was also occupied by French forces, the memorandum stated that on 6 July a final approach had been made in the form of a personal message from President Bourguiba to General de Gaulle. No reply had been given to that last attempt to obtain a peaceful settlement. Following this demonstration of France's intention to flout Tunisia's national dignity, the Tunisian Government was forced to take steps similar to those taken after the act of aggression at Sakiet-Sidi-Youssef and was compelled to exercise its right of self-defence^{417/} in accordance with Article 51 of the Charter.

^{414/} 960th meeting: paras. 82-83.

^{415/} S/4861, O.R., 16th year, Suppl. for July-Sept. 1961, p. 6.

^{416/} S/4862, *ibid.*, pp. 7-9.

^{417/} In a letter dated 20 July 1961 (S/4864, O.R., 16th year, Suppl. for July-Sept. 1961, pp. 11-14) the representative of France requested the circulation of the text of two notes dated 18 and 20 July 1961 respectively which had been delivered to the office of the Secretary of State for Foreign Affairs of Tunisia. In the first note, the French Government noted that the measures announced by the President of the Republic of Tunisia were designed, not to restore normal conditions, but on the contrary to increase tension. Action of this nature would, moreover, serve only to delay conversations concerning the Bizerta base, which were provided for in the exchange of letters of 17 June 1958 and which the French Government still wished to see opened. In the face of the increasingly serious threats, the French Government was compelled to take all necessary steps to ensure the inviolability of the base installations and freedom of communication between them. In the note of 20 July, the French Government warned the Tunisian Government against the attempt it had announced to cripple the Bizerta base by

At its 961st meeting on 21 July 1961, the Security Council included the item on its agenda.^{418/} The Council considered the question at its 961st to 966th meetings held between 21 and 29 July 1961. After the adoption of the agenda, the President (Ecuador) invited the representative of Tunisia to the Council table.^{419/}

Decision of 22 July 1961 (962nd meeting): Calling for an immediate cease-fire and a return of all armed forces to their original position and deciding to continue the debate

Opening the debate, the representative of Tunisia* stated that since 19 July 1961 France had been committing armed, premeditated and continuous aggression against Tunisia, which had, with great patience and understanding, made every effort using diplomatic means to secure the evacuation of foreign forces from its territory. Those efforts had been fruitless; even President Bourguiba's personal appeal on 6 July to General de Gaulle had gone unanswered, on the pretext that popular demonstrations made negotiations impossible. Tunisia was fighting because it was the victim of aggression by forces far stronger than its own, and was using its right of self-defence under Article 51 of the Charter in order to regain its legitimate sovereignty over all its territory. In that situation, he called on the Council to bring an immediate end to the aggression; to assist Tunisia to repel the aggression, if necessary; and to assist Tunisia in removing from its territory the permanent danger of aggression constituted by the presence of French troops on Tunisian territory against its will.^{420/}

The representative of France stated that his Government would have had every justification if it had complained to the Council of the premeditated and systematic aggression committed by the Tunisian Government in Bizerta against the French Government. The legal basis for the French military presence in Bizerta was to be found in the exchange of letters of June 1958 between the French and Tunisian Governments, which provided for the maintenance of the base at Bizerta pending negotiation of a final agreement on the evacuation of the French forces stationed throughout Tunisia. The evacuation of all forces outside Bizerta had been completed in October 1958. The French Government had taken the initiative in proposing to the Government of Tunisia that talks be held in connexion with the base. That invitation had been renewed repeatedly, and negotiations had taken place on many occasions. However, they had never been fruitful. The French Government was, therefore, not opposed to negotiations, but the military and aggressive actions of the Tunisian authorities made it impossible. The French Government had solemnly warned the Tunisian Government against action which it had deliberately undertaken and for which it bore full and sole responsibility.^{421/}

means of popular demonstrations and force. It further stated that on 19 July and during the night of 19/20 July the Tunisian authorities had taken the initiative in committing deliberate acts of aggression against the French installations and forces. The latter, after waiting for a long time, had been compelled to retaliate in self-defence.

^{418/} 961st meeting: para. 2.

^{419/} 961st meeting: para. 3.

^{420/} 961st meeting: paras. 5-62.

^{421/} 961st meeting: paras. 63-67.