

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 the supplement are the same as for the previous volume of the *Repertoire*. That volume should be consulted for a full statement of those principles.

This chapter indicates the chain of proceedings on the substance of each question included within 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, XII of the *Repertoire* is presented ancillary material from the Official 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 expressly related 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 Council¹ and with regard to the India-Pakistan question,² Appointment of a Governor of the Free Territory of Trieste³ and the Palestine question,⁴ which were included in the Council's agenda before the period under review, in the order of resumption of their consideration

¹ For a tabulation of the data on submission, see chapter X, part III.

² *Repertoire of the Practice of the Security Council 1946-1951*, pp. 325-344.

³ *Repertoire of the Practice of the Security Council 1946-1951*, p. 314.

⁴ *Repertoire of the Practice of the Security Council 1946-1951*, pp. 344-352.

by the Council. In respect of each question, there is given at the outset a summary of the case presented to the Council, together with a summary of the contentions made in rebuttal.

The framework of the material for each question is provided by the succession 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 volume of the *Repertoire* an analytical table of measures adopted by the Council arranged broadly by types has been 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 headings adopted in the compilation of this table nor to the inclusion of particular measures under the individual headings.

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 procedure have constituted an aspect of the proceedings of the Council itself.

Part I

ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL

NOTE

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.

- **I. Preliminary measures for the elucidation of fact
- **II. Determination of the nature of the question

III. Injunctions to governments and authorities involved in hostilities

**A. Precautionary action.

B. Cessation of hostilities.

Guatemalan question:

Decision of 20 June 1954.

- **C. Arrangement, maintenance or prolongation of truce.
- D. Establishment and maintenance of an armistice.

Palestine question:

- Decision of 29 March 1955 (S/3378), paras. 5-6.
- Decision of 30 March 1955 (S/3379).
- Decision of 8 September 1955 (S/3432), para. 2.

IV. Measures in connexion with injunctions to be taken by the governments and authorities directly involved in hostilities

- **A. Withdrawal of fighting personnel.
- B. Demilitarization of an area.
 - India-Pakistan question:
 - Decision of 31 January 1952.
 - Decision of 25 December 1953 (S/2883), para. 8.
- **C. Delineation of demarcation lines.
- **D. Restriction on the introduction of new fighting personnel into the area of hostilities.
- **E. Restriction on the importation or furnishing of war materials.
- **F. Restriction on the mobilization of men of military age.
- **G. Release of political prisoners.
- **H. Protection of Holy Places.
- **I. Protection of life and property.
- J. Freedom of movement and safe conduct of supervision personnel.
 - Palestine question:
 - Decision of 8 September 1955 (S/3432), para. 4.
- **K. Prevention and punishment of breaches of the truce.
- **L. Termination of the exercise of the right of visit, search and seizure.
- M. Suspension of works in a demilitarized zone.
 - Palestine question:
 - Decision of 27 October 1953 (S/3128), paras. 3-4.
- N. Cooperation in preventing infiltration and incidents.
 - Palestine question:
 - Decision of 30 March 1955, para. 3.

V. Measures in connexion with injunctions to be taken by other governments and authorities

- **A. Prevention of the introduction of fighting personnel.
- **B. Prevention of the importation of war materials.
- C. Restriction on assistance by Members to one of the authorities involved.
 - Guatemalan question:
 - Decision of 20 June 1954, para. 2.
- **D. Provision of assistance by Members in circumstances of a breach of the peace.

VI. Measures for settlement

- **A. Compliance with purposes and principles of the Charter.
- B. Procedures of pacific settlement noted, advised or recommended.
 1. Direct negotiations.
 - (i) India-Pakistan question:
 - Decision of 23 December 1952 (S/2883), para. 7.
 - (ii) Palestine question:
 - Decision: President's statement of 11 November 1954.
 2. Good offices, mediation or conciliation.
 - Palestine question:
 - Decision: President's statement of 13 January 1955.
- C. Provisions bearing on issues of substance, including terms of settlement.

India-Pakistan question:

Decision of 23 December 1952 (S/2883), para. 7.

- **D. In connexion with the General Assembly.

VII. Measures to promote the implementation of resolutions of the Security Council

- **A. Notice of possible action under Chapter VII of the Charter.
- B. Establishment or employment of subsidiary organs.
 - **1. For observation or supervision in connexion with the ending of hostilities.
 2. For good offices, mediation or conciliation.
 - India-Pakistan question:
 - Decision: Statement of the President (572nd meeting, pp. 8-9) of 31 January 1952 (authorization of the United Nations Representative for India and Pakistan to continue efforts to fulfil his mission).
 - **3. For the organization of a plebiscite.
- **C. Intercession by the President.
- D. Endorsement of decisions of subsidiary organs.
 - (i) India-Pakistan question:
 - Decision of 23 December 1952 (S/2883), paras. 2, 4.
 - (ii) Palestine question:
 - Decision of 30 March 1955 (S/3379).
 - Decision of 8 September 1955 (S/3432), para. 3.
- **E. Time limits fixed for compliance.
- F. Reaffirmation of previous decisions.
 - (i) India-Pakistan question:
 - Decision of 23 December 1952 (S/2883), para. 1.
 - (ii) Palestine question:
 - Decision of 24 November 1953 (S/3139/Rev.2), Part B, para. 2; Part C, para. 1.
 - Decision of 29 March 1955 (S/3378), para. 2.
 - Decision: President's statement of 19 April 1955.
 - Decision of 8 September 1955 (S/3432), preamble para. 1.
- G. Finding of a violation of a Security Council cease fire injunction and of the obligations of a party.
 - Palestine question:
 - Decision of 24 November 1953 (S/3139/Rev.2), Part A, para. 1.
 - Decision of 29 March 1955 (S/3378).
- H. Call upon parties to ensure the effective cooperation of local security forces.
 - Palestine question:
 - Decision of 24 November 1953 (S/3139/Rev.2), Part B, para. 3.
- I. Emphasis upon the obligations of parties to cooperate fully with subsidiary organs.
 - Palestine question:
 - Decision of 24 November 1953 (S/3139/Rev.2), Part C, para. 2.
 - Decision: President's statement of 11 November 1954.
 - Decision of 30 March 1955 (S/3379), para. 3.
 - Decision of 8 September 1955, para. 5.
- J. Request to Secretary-General to consider best ways of strengthening subsidiary organs.
 - Palestine question:
 - Decision of 24 November 1953 (S/3139/Rev.2), part C, para. 3.
- K. Expression of censure of retaliatory action and condemnation of attack by armed forces.
 - Palestine question:
 - Decision of 24 November 1953 (S/3139/Rev.2), part A, para. 2.
 - Decision of 29 March 1955 (S/3378), para. 4.

VIII. Measures to ensure further consideration and to ascertain compliance

A. Request for information on the progress of settlement.

1. From the parties.

- (i) India-Pakistan question:
Decision of 23 December 1952 (S/2883), para. 9.
- (ii) Palestine question:
Decision: President's statement of 11 November 1954.

**2. From the Secretary-General.

3. From the subsidiary organs.

- (i) India-Pakistan question:
Decision of 23 December 1952 (S/2883), para. 10.
- (ii) Palestine question:
Decision of 24 October 1953 (S/3139/Rev.2) Part C, para. 4.
Decision of 27 November 1953 (S/3128), para. 5.
Decision of 30 March 1955 (3379), para. 4.
Decision of 8 September 1955 (S/3432), para. 6.

**B. Retention of the question by express decision on the list of matters of which the Security Council is seized.

**C. Provision by express decision to consider the matter further.

Part II

THE INDIA-PAKISTAN QUESTION

Decision of 31 January 1952 (572nd meeting): Authorizing the United Nations Representative to continue his efforts and submit his report

At the 570th meeting on 17 January 1952, the Security Council began consideration of the second report dated 18 December 1951 from the United Nations Representative for India and Pakistan,⁵ submitted in accordance with paragraph 4 of the Security Council resolution of 10 November 1951. At that meeting the United Nations Representative, in a statement presenting the report, said:⁶

"... the United Nations Representative deems that there is no substantial change in the positions of the Governments of India and Pakistan in regard to their main points of difference concerning demilitarization of the State of Jammu and Kashmir on the basis of the draft agreement submitted to them on 7 September 1951, which were set forth in paragraph 60 of the first report of the United Nations Representative [S/2375] ...

"...

"The United Nations Representative deems it necessary to emphasize that, from his experience, he believes that any negotiations that could be undertaken by the United Nations to obtain the demilitarization of the State of Jammu and Kashmir under the UNCIP resolutions of 13 August 1948 and 5 January 1949, taking into account the resolutions themselves or following the procedure proposed by the United Nations Representative in the draft plan for agreement submitted to the parties, would find almost unsurmountable obstacles if the circumstances prevailing are the same as now, unless in one way or another agreed solutions are found for the following: (1) a definite period for demilitarization; (2) the scope of demilitarization and quantum of forces that will remain at the end of the period of demilitarization; (3) the day for the formal induction into office of the Plebiscite Administrator."

Consideration of the report, which was continued at the 571st meeting on 30 January 1952, was concluded at the 572nd meeting on 31 January 1952, when the President (France) noted that, with the exception of

the representative of the USSR, the Security Council was agreed that "in keeping with the earlier resolutions, the United Nations Representative of India and Pakistan is authorized, without any new decision by the Council, to continue his efforts to fulfil his mission and to submit his report, which the Council hopes will be final, within two months". In the absence of objection, this was considered to be the sense of the Security Council.⁷

Decision of 23 December 1952 (611th meeting): Urging the parties to enter into negotiations to reach agreement on quantum of forces to remain at the end of the period of demilitarization

In accordance with the President's statement of 31 January 1952, the United Nations Representative held preliminary consultations with the representatives of the Governments of India and Pakistan in Paris and held separate discussions with the parties during his visit to the Indian sub-continent between 29 February and 25 March. In his third report⁸ submitted to the Security Council on 22 April 1952, he reviewed the progress of the negotiations and recommended:⁹

"(1) That, taking notice of the progress made in the demilitarization of the State of Jammu and Kashmir through withdrawals of forces from both sides of the cease-fire line, the Governments of India and Pakistan refrain from taking any action which would augment the present military potential of the forces in the State.

"(2) That the Governments of India and Pakistan, taking into account their agreements under the UNCIP resolutions and their acceptances under the twelve proposals, should:

"(a) Continue their determination not to resort to force and to adhere to peaceful procedures; and to follow faithfully their agreement to instruct their official spokesmen and to urge all their citizens not to make statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir (twelve proposals, paragraphs 1 and 2).

⁵ 572nd meeting: paras. 34-35.

⁶ S/2611 and Corr. 1, O.R., 7th year, Special Suppl. No. 2, pp. 1-19.

⁷ S/2611 and Corr. 1, O.R., 7th year, Special Suppl. No. 2, pp. 16-17.

⁸ S/2448, O.R., 7th year, Special Suppl. No. 1, pp. 1-37.

⁹ 570th meeting: paras. 56, 58.

"(b) Observe the cease-fire effective from 1 January 1949 and the Karachi Agreement of 27 July 1949 (twelve proposals, paragraph 3).

"(3) That the Governments of India and Pakistan, as a means of further implementing the resolutions of 13 August 1948 and 5 January 1949, should undertake by 15 July 1952 further to reduce the forces under their control in the State of Jammu and Kashmir.

"(4) That the United Nations Representative's negotiations with the Governments of India and Pakistan be continued with a view to:

"(a) Resolving the remaining differences on the twelve proposals, with special reference to the quantum of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and

"(b) The general implementation of the UNCIP resolution of 13 August 1948 and 5 January 1949."

By letter dated 29 May 1952,¹⁰ the United Nations Representative informed the President of the Security Council that the negotiations on the question of the State of Jammu and Kashmir had been renewed in agreement with the Governments of India and Pakistan and that he would report at the appropriate moment to the Council on the outcome of this phase of the negotiations. Further, by letter dated 30 July 1952,¹¹ he informed the President of the Security Council that the two Governments had agreed to a meeting at the ministerial level under his auspices in the European Office of the United Nations, Geneva, beginning 25 August,

In his fourth report¹² regarding the negotiations, submitted to the Council on 16 September 1952, the United Nations Representative stated¹³ *inter alia*:

"The United Nations Representative holds the view that for reaching an agreement on a plan of demilitarization it is necessary either:

"(a) To establish the character and number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization; or

"(b) To declare that the forces to remain on each side of the cease-fire line at the end of the period of demilitarization should be determined in accordance with the requirements of each area, and, accordingly, principles or criteria should be established which would serve as guidance for the civil and military representatives of the Governments of India and Pakistan in the meeting contemplated in the Provisional Clause of the revised proposals."

This report was considered by the Security Council at its 605th to 611th meetings between 10 October and 23 December 1952. At the 611th meeting on 23 December 1952, the Council adopted by 9 votes to none, with 1 abstention, the representative of Pakistan not participating in the vote,¹⁴ a joint draft resolution¹⁵

¹⁰ S/2649, O.R., 7th year, Suppl. for April-June 1952, p. 16.

¹¹ S/2727, O.R., 7th year, Suppl. for July-Sept. 1952, p. 25.

¹² S/2783 and Corr. 1, O.R., 7th year, Special Suppl. No. 2, pp. 19-48.

¹³ S/2783 and Corr. 1, O.R., 7th year, Special Suppl. No. 2, p. 33.

¹⁴ 611th meeting: para. 111.

¹⁵ S/2839 and Corr. 1, O.R., 7th year, Suppl. for Oct.-Dec. 1952, pp. 54-55.

dated 5 November 1952, submitted by the representatives of the United Kingdom and the United States, as modified by a Netherlands amendment¹⁶ which was accepted by the sponsors of the joint draft resolution. The resolution¹⁷ read as follows:

"The Security Council,

"Recalling its resolutions of 30 March 1951, 30 April 1951, and 10 November 1951,

"Further recalling the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 which were accepted by the Governments of India and Pakistan and which provided that the question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

"Having received the third report dated 22 April 1952 and the fourth report dated 16 September 1952 of the United Nations Representative for India and Pakistan;

"Endorses the general principles on which the United Nations Representative has sought to bring about agreement between the Governments of India and Pakistan;

"Notes with gratification that the United Nations Representative has reported that the Governments of India and Pakistan have accepted all but two of the paragraphs of his twelve-point proposals;

"Notes that agreement on a plan of demilitarization of the State of Jammu and Kashmir has not been reached because the Governments of India and Pakistan have not agreed on the whole of paragraph 7 of the twelve-point proposals;

"Urges the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative for India and Pakistan in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, this number to be between 3,000 and 6,000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the India side of the cease-fire line, as suggested by the United Nations Representative in his proposals of 16 July 1952 (S/2783, annex 3) such specific numbers to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952 (S/2783, annex 8);

"Records its gratitude to the United Nations Representative for India and Pakistan for the great efforts which he has made to achieve a settlement and requests him to continue to make his services available to the Governments of India and Pakistan to this end;

¹⁶ S/2881, 611th meeting: para. 72.

¹⁷ S/2883, O.R., 7th year, Suppl. for Oct.-Dec. 1952, page 66. In connexion with the consideration of the resolution in the draft stage, see for the discussion in the Security Council of the applicable principles of pacific settlement of disputes chapter X, footnote 63.

"Requests the Governments of India and Pakistan to report to the Security Council not later than thirty days from the date of the adoption of this resolution; and further

"Requests the United Nations Representative for India and Pakistan to keep the Security Council informed of any progress."

By letter dated 23 January 1953,¹⁸ the United Nations Representative informed the President of the Security Council that the Governments of India and Pakistan had agreed to continue the negotiations and to hold a meeting at the ministerial level under his auspices in the European Office of the United Nations, Geneva, beginning 4 February. He stated that the negotiations would be resumed "on the basis of the UNCIP resolutions of 13 August 1948 and 5 January 1949, bearing in mind the assurances, clarifications and elucidations given to the Governments of India and Pakistan by the UNCIP" but "without prejudice to a further consideration, should that become necessary" of the United Nations Representative's twelve proposals.

In his fifth report¹⁹ regarding the negotiations, submitted to the Security Council on 27 March 1953, the United Nations Representative stated that, in agreement with the representatives of the Governments of India and Pakistan, he had concluded the ministerial conference on 19 February 1953 since he had felt that there was no ground left at that stage on which to continue the conference.²⁰

QUESTION OF AN APPEAL TO STATES TO ACCEDE TO AND RATIFY THE GENEVA PROTOCOL OF 1925

INITIAL PROCEEDINGS

At the 577th meeting on 18 June 1952, the provisional agenda of the Security Council included the following item relating to a draft resolution submitted²¹ on 14 June 1952 by the representative of the USSR: "Appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons". With the addition of the words, "Question of an . . ." at the beginning of the title, the item was included in the agenda.²²

The Security Council considered the question at the 577th to 579th and 581st to 583rd meetings between 18 and 26 June 1952.

At the 577th meeting on 18 June 1952, the President, in his capacity as representative of the USSR, proposed adoption of his previously submitted draft resolution²³ which, stating that differences of opinion existed among statesmen and public figures in various countries concerning the admissibility of using bacterial weapons, and noting that the use of such weapons had been condemned by world public opinion, as expressed in the signing by forty-two States of the Geneva Protocol of

17 June 1925, provided for a decision by the Council to appeal to all States, which had not ratified or acceded to the Protocol, to do so.

At the same meeting, the representative of the United States proposed that the USSR draft resolution should be referred to the Disarmament Commission in accordance with rule 33 of the provisional rules of procedure of the Security Council.²⁴

Decision of 26 June 1952 (583rd meeting): Rejection of the USSR draft resolution

At the 583rd meeting on 26 June 1952, the USSR draft resolution was not adopted. There was 1 vote in favour with 10 abstentions.²⁵

At the same meeting, the representative of the United States, in view of the decision taken by the Council, withdrew his proposal to refer the USSR draft resolution to the Disarmament Commission, noting that the matter was in any case under discussion in the Commission.²⁶

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

QUESTION OF A REQUEST FOR INVESTIGATION OF ALLEGED BACTERIAL WARFARE

INITIAL PROCEEDINGS

At the 579th meeting on 20 June 1952, the representative of the United States requested that the item "Question of a request for investigation of alleged bacterial warfare" be placed on the provisional agenda for the next meeting.²⁷

He requested also that a draft resolution²⁸ be circulated to the members of the Council. Under this draft resolution, the Security Council, noting the concerted dissemination by certain governments and authorities of grave accusations charging the use of bacterial warfare by United Nations forces and the repetition of those charges by the Government of the USSR in organs of the United Nations; recalling that the Unified Command for Korea had immediately denied the charges and had requested an impartial investigation, would: (1) request the International Committee of the Red Cross to investigate the charges and to report the results to the Council as soon as possible; (2) call upon all governments and authorities concerned to accord to that Committee full co-operation, including the right of entry to and free movement in such areas as the Committee might deem necessary in the performance of its task; (3) request the Secretary-General to

¹⁸ S/2910, O.R., 8th year, Suppl. for Jan.-March 1953, p. 26.

¹⁹ S/2967, O.R., 8th year, Special Suppl. No. 1.

²⁰ S/2967, O.R., 8th year, Special Suppl. No. 1, p. 13.

²¹ S/2663. Also 577th meeting: para. 111.

²² 577th meeting: paras. 86-89. For consideration of the phrasing of the item on the agenda, see chapter II, Case 16.

²³ S/2663, 577th meeting: para. 111.

²⁴ 577th meeting: para. 138. For consideration of the proposal to refer the question to the Disarmament Commission, see chapter I, Case 20.

²⁵ 583rd meeting: para. 6.

²⁶ 583rd meeting: para. 23.

²⁷ 579th meeting: paras. 38-39. For preparation of the provisional agenda in connexion with the question, see chapter II, Case 1; for consideration of the inclusion of the question in the agenda, see chapter II, Cases 4 and 5; for consideration of the order of discussion of items on the agenda in connexion with the question, see chapter II, Case 11; for consideration of the question of extending an invitation to the representatives of the People's Republic of China and a representative of the People's Democratic Republic of Korea, see chapter III, Case 22.

²⁸ S/2671, O.R., 7th year, Suppl. for April-June 1952, p. 17.

furnish the Committee with such assistance as it might require.

At the 580th meeting on 23 June 1952, the Security Council discussed the adoption of the provisional agenda and at the 584th meeting on 1 July 1952, decided to include the question in its agenda.²⁹

The Security Council considered the question at its 584th to 590th meetings between 1 and 9 July 1952.

Decision of 3 July 1952 (587th meeting): Rejection of the United States draft resolution

At the 587th meeting on 3 July 1952, the United States draft resolution was not adopted. There were 10 votes in favour and 1 against,³⁰ the negative vote being that of a permanent member.

Decision of 9 July 1952 (590th meeting): Rejection of the United States draft resolution

At the same meeting, the representative of the United States submitted a new draft resolution³¹ to: (1) conclude, from the refusal of those Governments and authorities making the charges to permit impartial investigation, that these charges must be presumed to be without substance and false; (2) condemn the practice of fabricating and disseminating such false charges, which increased tension among nations and which was designed to undermine the efforts of the United Nations to combat aggression in Korea and the support of the people of the world for these efforts.

At the 590th meeting of 9 July 1952, the United States draft resolution was not adopted. There were 9 votes in favour and 1 against, with 1 abstention,³² the negative vote being that of a permanent member.

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

APPOINTMENT OF A GOVERNOR OF THE FREE TERRITORY OF TRIESTE

(b) LETTER DATED 12 OCTOBER 1953 FROM THE PERMANENT REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE PRESIDENT OF THE SECURITY COUNCIL (S/3105)

By letter dated 12 October 1953³³ addressed to the President of the Security Council, the permanent representative of the USSR referred to the statement on the question of Trieste issued by the Governments of the United States and the United Kingdom on 8 October 1953. In connexion with the statement he requested the President to call a meeting of the Security Council to discuss the question of the appointment of a governor of the Free Territory of Trieste. He also enclosed the text of a draft resolution³⁴ providing that the Council decide: (1) to appoint Colonel Flueckiger as Governor of the Free Territory; (2) to bring the Instrument for the Provisional Regime of the Free Territory into effect forthwith; (3) to establish the Provisional Council of

Government of the Free Territory in accordance with the terms of the Treaty of Peace with Italy; (4) to bring the Permanent Statute of the Free Territory into effect within the three months following the appointment of the Governor.

The Security Council discussed the question at the 625th, 628th, 634th, 641st and 647th meetings between 15 October and 14 December 1953.

At each of these meetings, the Security Council decided to postpone the consideration of the question.³⁵

Decision of 14 December 1953 (647th meeting): Postponement of consideration pending the outcome of efforts to find a solution

At the 647th meeting on 14 December 1953, the representative of the United States proposed³⁶ that the Council decide to postpone "further consideration of the Trieste item pending the outcome of the current efforts to find a solution" for this matter.³⁷

This proposal was adopted by 8 votes in favour, 1 against, with 1 abstention³⁸ (one member of the Security Council being absent).

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

THE PALESTINE QUESTION

Decision of 24 November 1953 (642nd meeting):

- (i) *Finding in the retaliatory action at Qibya taken by the armed forces of Israel a violation of the cease fire provisions of the Security Council resolution of 15 July 1948 and expressing the strongest censure of that action;*
- (ii) *Recalling to Israel and Jordan their obligations in connexion with the prevention of infiltration and acts of violence on either side of the demarcation line;*
- (iii) *Reaffirming the importance of compliance with obligations, and emphasizing the obligation to co-operate with the Chief of Staff, and requesting the Secretary-General and Chief of Staff to take various steps in connexion with the supervision of compliance with and enforcement of the general armistice agreements.*

²⁹ 625th meeting: para. 87.

³⁰ 628th meeting: para. 133; 634th meeting: para. 89; 641st meeting: para. 101. For consideration of the proposal to adjourn under rule 33 (5) of the provisional rules of procedure, see chapter I, Case 22 (628th meeting).

³¹ 647th meeting: para. 3. For observations on the bearing of Article 33, see chapter X, Case 2.

³² By letter dated 5 October 1954 (S/3301 and Add.1), the Observer of Italy and the representatives of the United Kingdom, the United States and Yugoslavia transmitted to the Security Council the text of a Memorandum of Understanding and its annexes concerning practical arrangements for the Free Territory of Trieste, initialled at London on the same date by representatives of their Governments. On 12 October (S/3305), the representative of the USSR informed the Council that his Government took cognizance of that agreement. In a letter dated 17 January 1955 (S/3351), the Observer of Italy and the representatives of the United Kingdom, the United States and Yugoslavia reported that the necessary steps had been taken to carry out the arrangements provided in the Memorandum of Understanding.

³³ 647th meeting: para. 43.

²⁹ 584th meeting: paras. 51-52.

³⁰ 587th meeting: para. 16.

³¹ S/2688, 587th meeting: para. 23.

³² 590th meeting: para. 17.

³³ S/3105, O.R., 8th year, Suppl. for Oct.-Dec. 1953, p. 3.

³⁴ 625th meeting: para. 70.

By identical letters dated 17 October 1953,³⁹ the representatives of France, the United Kingdom and the United States requested the President of the Security Council to call an urgent meeting of the Council to consider under "The Palestine question" the matter of tension between Israel and the neighbouring Arab States, with particular reference to recent acts of violence⁴⁰ and to compliance with and the enforcement of the General Armistice Agreement. They stated that their Governments believed that prompt consideration of that question by the Security Council was necessary to prevent a possible threat to the security of the area, and in that connexion considered that the Council would, in the first instance, be assisted by a report in person as soon as possible from the Chief of Staff of the Truce Supervision Organization.

At the 626th meeting on 19 October 1953, the Security Council had before it the following provisional agenda:

"The Palestine question:

"(a) Letters dated 17 October 1953 from the representatives of France, United Kingdom and United States addressed to the President of the Security Council (S/3109, S/3110 and S/3111)."⁴¹

The representative of Lebanon expressed his inability to vote on the provisional agenda in its existing form contending that the Council should adopt a particular topic, rather than a letter as its agenda.⁴² He formally proposed that after the words "The Palestine question", be added the following words: "Recent acts of violence committed by Israel armed forces against Jordan".⁴³

At the same meeting, the Security Council decided to invite the Chief of Staff of the United Nations Truce Supervision Organization in Palestine to appear before the Council as soon as possible.⁴⁴

At the 627th meeting on 20 October 1953, the Council continued its discussion concerning the drafting of the provisional agenda and adopted the following text proposed by the representative of Greece: "The Palestine question: compliance with and enforcement of the

³⁹ S/3109, S/3110, S/3111, *O.R.*, 8th year, *Suppl. for Oct.-Dec. 1953*, pp. 6-7.

⁴⁰ By letter dated 16 October 1953 (S/3113, *O.R.*, 8th year, *Suppl. for Oct.-Dec. 1953*, p. 8) the Envoy Extraordinary and Minister Plenipotentiary of the Hashemite Kingdom of the Jordan to the United States of America informed the President of the Security Council that on 14 October 1953 a battalion scale attack had been launched by Israeli troops on the village of Qibya in the Hashemite Kingdom of Jordan. The bodies of forty-two Arab civilians had been recovered; several more bodies were still under the wreckage. To cover their withdrawal, Israeli support troops had shelled the neighbouring villages of Budrus and Shuqba from positions in Israel. At an emergency meeting on 15 October, the Mixed Armistice Commission by a majority vote had condemned Israel under Article III, paragraphs 2 and 3 of the Armistice Agreement, for the attack by its regular Army on Qibya and Shuqba and for the shelling of Budrus. The Jordan Government felt that the "criminal Israeli aggression" was so serious that it might start war in the area and it was, therefore, of the view that the situation called for immediate and effective action by the United Nations, and especially by those States Parties to the Tripartite Declaration of 25 May 1950.

⁴¹ 626th meeting: p. 1. For consideration of the phrasing of the item on the agenda, see chapter II, Case 18.

⁴² 626th meeting: para. 2.

⁴³ 626th meeting: para. 114.

⁴⁴ 626th meeting: para. 147.

General Armistice Agreements, with special reference to recent acts of violence, and in particular to the incident at Qibya on 14-15 October: report by the Chief of Staff of the Truce Supervision Organization".⁴⁵

The Security Council considered the question at its 627th, 630th, 632nd, 635th, 637th, 638th, 640th, 642nd and 643rd meetings between 20 October and 25 November 1953.

At the 630th meeting on 27 October 1953, the Chief of Staff of the United Nations Truce Supervision Organization read his report⁴⁶ to the Council.

At the 640th meeting on 20 November 1953, the representative of the United States introduced⁴⁷ a draft resolution⁴⁸ submitted jointly by France, the United Kingdom and the United States.

At the 642nd meeting on 21 November 1953, the representative of Israel* referred⁴⁹ to his letter dated 23 November 1953⁵⁰ to the Secretary-General in which, on behalf of the Government of Israel, he requested him to convoke, under an obligatory provision of the Armistice Agreement, a conference between the representatives of Israel and Jordan for the purpose of reviewing the Israel-Jordan Armistice Agreement.

The President, speaking as the representative of France, stated that the Israel proposal might lead to satisfactory results for finding means of removing or attenuating some of the basic causes of the recurrent disputes. Therefore, it was necessary to mention the conference proposed by the representative of Israel, in the joint draft resolution. The amendment of the last paragraph of the original draft resolution had that specific object.⁵¹

At the 642nd meeting on 24 November 1953, the Security Council adopted the revised joint draft resolution by 9 votes in favour, none against, with 2 abstentions.⁵² The resolution read as follows:⁵³

⁴⁵ 627th meeting: para. 10, 52.

⁴⁶ 630th meeting: paras. 10-68.

⁴⁷ 640th meeting: para. 1.

⁴⁸ S/3139.

⁴⁹ 642nd meeting: para. 7.

⁵⁰ S/3140, *O.R.*, 8th year, *Suppl. for Oct.-Dec. 1953*, pp. 58-59. In this letter, the representative of Israel drew the attention of the Secretary-General to article XII of the Israel-Jordan Armistice Agreement. Under that article either of the parties, after the Agreement had been in operation for one year, might call upon the Secretary-General to convoke a conference of representatives of the two parties for purposes stated in that article. Article XII, paragraph 3, went on to say:

"Participation in such conference shall be obligatory upon the parties".

Accordingly, the representative of Israel formally invoked Article XII of the Israel-Jordan Armistice Agreement and submitted to the Secretary-General the following request:

"(a) On behalf of the Government of Israel, I have the honour, in accordance with article XII of the Israel-Jordan General Armistice Agreement, to call upon Your Excellency urgently to convoke a conference of representatives of the two parties, namely the Governments of Israel and Jordan, for the purpose of reviewing the Agreement as envisaged in paragraph 3 of the afore-said article . . .

"(b) I have the honour to request that this letter be communicated to the President and members of the Security Council . . ."

⁵¹ 642nd meeting: paras. 107-108.

⁵² 642nd meeting: para. 128.

⁵³ S/3139/Rev.2, *O.R.*, 8th year, *Suppl. for Oct.-Dec. 1953*, pp. 57-58.

"The Security Council,

"Recalling its previous resolutions on the Palestine question, particularly those of 15 July 1948, 11 August 1949 and 18 May 1951 concerning methods for maintaining the armistice and resolving disputes through the Mixed Armistice Commissions,

"Noting the reports of 27 October 1953 and 9 November 1953 to the Security Council by the Chief of Staff of the United Nations Truce Supervision Organization and the statements to the Security Council by the representatives of Jordan and Israel,

"A

"Finds that the retaliatory action at Qibya taken by armed forces of Israel on 14-15 October 1953 and all such actions constitute a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and are inconsistent with the parties' obligations under the General Armistice Agreement and the Charter;

"Expresses the strongest censure of that action, which can only prejudice the chances of that peaceful settlement which both parties, in accordance with the Charter, are bound to seek, and calls upon Israel to take effective measures to prevent all such actions in the future;

"B

"Takes note of the fact that there is substantial evidence of crossing of the demarcation line by unauthorized persons, often resulting in acts of violence, and requests the Government of Jordan to continue and strengthen the measures which it is already taking to prevent such crossings;

"Recalls to the Governments of Israel and Jordan their obligations under Security Council resolutions and the General Armistice Agreement to prevent all acts of violence on either side of the demarcation line;

"Calls upon the Governments of Israel and Jordan to ensure the effective co-operation of local security forces;

"C

"Reaffirms that it is essential, in order to achieve progress by peaceful means towards a lasting settlement of the issues outstanding between them, that the parties abide by their obligations under the General Armistice Agreement and the resolutions of the Security Council;

"Emphasizes the obligation of the Governments of Israel and Jordan to co-operate fully with the Chief of Staff of the Truce Supervision Organization;

"Requests the Secretary-General to consider, with the Chief of Staff, the best ways of strengthening the Truce Supervision Organization and to furnish such additional personnel and assistance as the Chief of Staff of the Truce Supervision Organization may require for the performance of his duties;

"Requests the Chief of Staff of the Truce Supervision Organization to report within three months to the

Security Council with such recommendations as he may consider appropriate on compliance with and enforcement of the General Armistice Agreements, with particular reference to the provisions of this resolution and taking into account any agreement reached in pursuance of the request by the Government of Israel for the convocation of a conference under article XII of the General Armistice Agreement between Israel and Jordan."

Decision of 27 October 1953 (631st meeting): Noting the statement of the representative of Israel regarding the undertaking given by his Government concerning the suspension of works on the west bank of the Jordan

By letter dated 16 October 1953,⁵⁴ the permanent representative of Syria informed the President of the Security Council that on 2 September 1953 the Israel authorities had started works to change the bed of the River Jordan in the central sector of the demilitarized zone between Syria and Israel with the purpose of diverting the river into a new channel in order to make it flow through territory controlled by the Israel authorities. These acts had been accompanied by military operations, and partial mobilization had been carried out behind the sector in question. The Chief of Staff of the United Nations Truce Supervision Organization in Palestine, in his capacity of Chairman of the Syria-Israel Armistice Commission, in accordance with the provisions of the Syria-Israel General Armistice Agreement, had requested the Israel authorities to call a halt to the operations begun in the demilitarized zone on 2 September 1953.⁵⁵ The Israel authorities had refused to comply with this request. This attitude constituted flagrant violation of the General Armistice Agreement between Syria and Israel and was in addition a threat to the peace. The President of the Security Council was requested to convene a meeting of the Council so that the question might be placed on the agenda of the Council and a prompt decision taken.

At the 629th meeting on 27 October 1953, the Security Council had before it the provisional draft agenda which under the general heading: "The Palestine question" listed:⁵⁶

"Complaint by Syria against Israel concerning work on the west bank of the River Jordan in the demilitarized zone (S/3108/Rev.1)".

The agenda was adopted⁵⁷ and the Security Council considered the question at its 629th, 631st, 633rd, 636th, 639th, 645th, 646th and 648th to 656th meetings between 27 October 1953 and 22 January 1954.

⁵⁴ S/3108/Rev.1. O.R., 8th year, Suppl. for Oct.-Dec. 1953, pp. 5-6.

⁵⁵ On 23 October 1953, the Chief of Staff of the Truce Supervision Organization forwarded to the Secretary-General, for the information of the Security Council, a report (S/3122, O.R., 8th year, Suppl. for Oct.-Dec. 1953, pp. 32-36) containing the text of a decision he had taken on 23 September 1953, requesting the Israel Government to ensure that the authority which had started work in the demilitarized zone on 2 September 1953 was instructed to cease working in the zone so long as an agreement was not arranged. The report also contained a letter dated 24 September, from the Israel Foreign Minister and comments made thereupon by the Chief of Staff.

⁵⁶ 629th meeting: p. 1.

⁵⁷ 629th meeting: p. 1.

At the 629th meeting on 27 October 1953, the representative of Pakistan submitted a draft resolution⁶⁸ to request Israel to instruct the authority which had started work in the demilitarized zone on 2 September 1953 to cease working in the zone pending the consideration of the question by the Security Council.

At the 631st meeting on 27 October 1953, the representative of Israel* informed the Council that he was empowered to state that the Government of Israel was willing to arrange a temporary suspension of the works in the demilitarized zone for the purpose of facilitating the Council's consideration of the question without prejudice to the merits of the case itself.⁶⁹

The representative of France declared that the statement of the representative of Israel appeared to have rendered pointless the Pakistan draft resolution.⁶⁰ He submitted the following draft resolution:⁶¹

"The Security Council,

"Having taken note of the report of the Chief of Staff of the Truce Supervision Organization dated 23 October 1953 (S/3122),

"Desirous of facilitating the consideration of the question, without, however, prejudicing the rights, claims or position of the parties concerned,

"Deems it desirable to that e d that the works started in the demilitarized zone on 2 September 1953 should be suspended during the urgent examination of the question by the Security Council;

"Notes with satisfaction the statement made by the Israel representative at the 631st meeting regarding the undertaking given by his Government to suspend the works in question during that examination;

"Requests the Chief of Staff of the Truce Supervision Organization to inform it regarding the fulfilment of that undertaking."

At the same meeting, the Security Council unanimously adopted the French draft resolution.⁶²

At the 633rd meeting on 30 October 1953, the President (Denmark) announced receipt of a letter from the Chief of Staff of the Truce Supervision Organization, informing the Council that the works in the demilitarized zone had been stopped at midnight on 28 October.⁶³

Decision of 22 January 1954 (656th meeting): Rejection of joint draft resolution submitted by the representatives of France, the United Kingdom and the United States

At the 648th meeting on 16 December 1953, the representative of the United States, on behalf of his own delegation and the delegations of France and the United Kingdom introduced a joint draft resolution.⁶⁴

At the 651st meeting on 21 December 1954, the representative of the United States, on behalf of the three sponsors, submitted an additional paragraph which

became paragraph 13 of the revised joint draft resolution.⁶⁵

At the 655th meeting on 21 January 1954, the representative of the United Kingdom introduced a second revision of the joint draft resolution.⁶⁶ This revision omitted paragraph 9 of the original draft resolution, which would have called upon the Chief of Staff to maintain the demilitarized character of the zone as defined in paragraph 5 of article V of the Armistice Agreement. Paragraph 11 of the original draft resolution was also revised to specify the interests to be reconciled. The second revised joint draft resolution, after (1) recalling the previous resolution on the Palestine question; and (2) taking into consideration the statements of the representatives of Syria and Israel and the reports of the Chief of Staff, would have had the Council (3) take note of the request made by the Chief of Staff to the Government of Israel on 23 September 1953 to ensure that the authority which started work in the demilitarized zone on 2 September 1953 was instructed to cease work in the zone so long as an agreement was not arranged; (4) endorse this action of the Chief of Staff; (5) recall its resolution of 27 October 1953; (6) declare that, in order to promote the return of permanent peace in Palestine, it was essential that the General Armistice Agreement between Syria and Israel be strictly and faithfully observed by the two parties; (7) remind the parties that under article VII, paragraph 8, of the Armistice Agreement where the interpretation of the meaning of a particular provision of the Agreement other than the preamble and articles I and II was at issue, the Mixed Armistice Commission interpretation was to prevail; (8) note that article V of the General Armistice Agreement gave to the Chief of Staff, as Chairman of the Mixed Armistice Commission, responsibility for the general supervision of the demilitarized zone; (9) call upon the parties to comply with all his decisions and requests in the execution of his authority under the Armistice Agreement; (10) request and authorize the Chief of Staff to explore possibilities of reconciling the Israel and Syrian interests involved in the dispute over the Jordan waters at Banat Ya'coub, including full satisfaction of existing irrigation rights at all seasons, while safeguarding the rights of individuals in the demilitarized zone, and to take such steps in accordance with the Armistice Agreement as he might deem appropriate to effect a reconciliation; (11) call upon the Governments of Israel and Syria to co-operate with the Chief of Staff to this end and to refrain from any unilateral action which would prejudice it; (12) request the Secretary-General to place at the disposal of the Chief of Staff a sufficient number of experts, in particular hydraulic engineers, to supply him on the technical level with the necessary data for a complete appreciation of the project in question and its effect on the demilitarized zone; (13) affirm that nothing in the resolution should be deemed to supersede the Armistice Agreement or change the legal status of the demilitarized zone thereunder; and (14) direct the Chief of Staff to report to the Security Council

⁶⁸ S/3125, O.R., 8th year, Suppl. for Oct.-Dec. 1953, pp. 36-37.

⁶⁹ 631st meeting: para. 4.

⁷⁰ 631st meeting: para. 11.

⁷¹ S/3128, O.R., 8th year, Suppl. for Oct.-Dec. 1953, p. 37.

⁷² 631st meeting: para. 76. For related discussion in connexion with Article 40, see chapter XI, Case 1.

⁷³ 633rd meeting: para. 1.

⁷⁴ S/3151, 648th meeting: paras. 2-18.

⁷⁵ S/3151/Rev.1, 651st meeting: para. 3.

⁷⁶ S/3151/Rev.2, O.R., 8th year, Suppl. for Oct.-Dec. 1953, pp. 79-80.

within ninety days on the measures taken to give effect to the resolution.

At the 650th meeting on 18 December 1953, the representative of Lebanon stated that he was unable to support the joint draft resolution and submitted a draft resolution.⁶⁷ The third paragraph of the preamble recalled (1) the conclusions of the Chief of Staff in paragraph 8 of his report that both on the basis of protection of normal civilian life in the demilitarized zone and of the value of the zone to both parties for the separation of their armed forces, he did not consider that a party should, in the absence of an agreement, carry out in the demilitarized zone work prejudicing the object of the demilitarized zone as stated in article V, paragraph 2, of the General Armistice Agreement, as well as (2) his request to the Israel Government concerning cessation of work in the zone so long as an agreement was not arranged. The operative portion of the draft resolution would have had the Council (1) endorse the action of the Chief of Staff and call upon the parties to comply with it; (2) declare that non-compliance with this decision and continuation of the unilateral action of Israel in contravention of the Armistice Agreement was likely to lead to a breach of the peace; and (3) request and authorize the Chief of Staff to endeavour to bring about an agreement between the parties concerned and call upon the latter to co-operate with the Mixed Armistice Commission and the Chief of Staff in reaching such an agreement.

At the 655th meeting on 21 January 1954, the representative of Lebanon submitted a draft resolution⁶⁸ to (1) endorse the actions of the Chief of Staff as described in his report of 23 October 1953; (2) request the Chief of Staff to explore possibilities of bringing about a reconciliation between the parties to the dispute and to report to the Council on the results of his efforts within ninety days; and (3) decide to remain seized with this item and keep it under consideration.

At the 656th meeting on 22 January 1954, the revised three-Power draft resolution was not adopted. There were 7 votes in favour and 2 against (one vote against being that of a permanent member), with 2 abstentions.⁶⁹ No action was taken on the draft resolutions submitted by the representative of Lebanon.

Decision of 29 March 1954 (664th meeting): Rejection of draft resolution submitted by the representative of New Zealand

By letter dated 28 January 1954,⁷⁰ the representative of Israel requested the Security Council to include in its agenda for urgent consideration the following item:

"Complaint by Israel against Egypt concerning:

"(a) Enforcement by Egypt of restrictions on the passage of ships trading with Israel through the Suez Canal;

⁶⁷ S/3152, 650th meeting: para. 53.

⁶⁸ S/3166, 655th meeting: para. 83. For the proceedings prior to the submission of the draft resolution, see chapter I, Case 13.

⁶⁹ 656th meeting: para. 135.

⁷⁰ S/3168, O.R., 9th year, Suppl. for Jan.-March 1954, p. 1.

"(b) Interference by Egypt with shipping proceeding to the Israeli port of Elath on the Gulf of Aqaba."

In an explanatory memorandum dated 29 January 1954,⁷¹ the representative of Israel stated that the Egyptian blockade practices constituted violations of the Security Council resolution of 1 September 1951⁷² and of the Egypt-Israel General Armistice Agreement.

By letter dated 3 February 1954,⁷³ the representative of Egypt requested that the following item be included in the same agenda for urgent consideration:

"Complaint by Egypt against Israel concerning 'violations by Israel of the Egyptian-Israeli General Armistice Agreement at the demilitarized zone of El Auja'."

At the 657th meeting on 4 February 1954, the Council had before it a provisional agenda which, under the general heading, "The Palestine question", listed the Israel complaint only. The representative of the United Kingdom moved that the Council adopt the provisional agenda and that it decide upon the inclusion of the Egyptian complaint after it had received an explanatory memorandum on the substance and urgency of the proposed item.⁷⁴ The representative of Lebanon moved that the provisional agenda be amended to include also the complaint submitted by Egypt.⁷⁵ Upon the proposal of the representative of the United States,⁷⁶ the Security Council adopted an amended agenda which included both the complaint of Israel and that of Egypt, and agreed that the two items should be considered consecutively.⁷⁷

The Council considered the complaint submitted by Israel at its 657th to 664th meetings between 4 February and 29 March 1954. The complaint submitted by Egypt has not been taken up.

At the 662nd meeting on 23 March 1954 the representative of New Zealand introduced a draft resolution to note with grave concern that Egypt had not complied with the Security Council resolution of 1 September 1951, to call upon Egypt in accordance with its obligations under the Charter to comply therewith, and to consider that the complaint concerning interference with shipping to the port of Elath should in the first instance be dealt with by the Mixed Armistice Commission.⁷⁸

At the 664th meeting on 29 March 1954, the draft resolution was not adopted. There were 8 votes in favour and 2 against (the vote against being that of a permanent member), with 1 abstention.⁷⁹

⁷¹ S/3168/Add.1, O.R., 9th year, Suppl. for Jan.-March 1954, pp. 2-5.

⁷² S/2322, 558th meeting: para. 5.

⁷³ S/3172, O.R., 9th year, Suppl. for Jan.-March 1954, p. 5.

⁷⁴ 657th meeting: para. 8.

⁷⁵ 657th meeting: para. 18.

⁷⁶ 657th meeting: para. 46.

⁷⁷ 657th meeting: para. 114. For communication of the provisional agenda in connexion with the question, see chapter II, Case 3; for consideration of the scope of items on the agenda in relation to the scope of discussion, see chapter II, Case 14.

⁷⁸ S/3188/Corr.1, O.R., 9th year, Suppl. for Jan.-March 1954, p. 44. For consideration of contentions concerning Article 25 advanced in connexion with discussion of the binding force of the resolution of 1 September 1951, see chapter XII, Case 3.

⁷⁹ 664th meeting: para. 69.

Decision of 4 May 1954 (670th meeting): Concurrent consideration of complaints submitted by Lebanon and Israel

By letter dated 1 April 1954,⁸⁰ the representative of Lebanon submitted, on behalf of the Hashemite Kingdom of the Jordan, the following complaint for urgent consideration:

"Flagrant breach of article III, paragraph 2, of the General Armistice Agreement between Israel and the Hashemite Kingdom of the Jordan by the crossing of the demarcation line by a large group of military-trained Israelis who planned and carried out the attack on Nahhalin Village on March 28-29, 1954 . . ."

By letter dated 5 April 1954,⁸¹ the representative of Israel requested that the following item be included in the agenda of the Council for urgent consideration:

"Complaints by Israel against Jordan concerning the repudiation by Jordan of its obligations under the General Armistice Agreement . . ."

At the 665th meeting on 8 April 1954, the Council had before it a provisional agenda which, under the general heading "The Palestine question", included the complaints submitted by Lebanon and Israel as sub-items 2 (a) and 2 (b), respectively. The representative of the United Kingdom suggested that the two sub-items be discussed concurrently⁸² while the representative of Lebanon proposed that they be considered consecutively.⁸³

The Council discussed the question of the procedure to be followed in dealing with the two items at the 665th to 670th meetings between 8 April and 4 May 1954.

At the 670th meeting on 4 May 1954, the Council, by 8 votes in favour, 2 against, and 1 abstention adopted a Brazilian-Colombian proposal⁸⁴ to adopt the agenda, to hold a general discussion in which reference might be made to any or all of the items on the agenda, and not to commit itself, at that stage, to the separate or joint character of its eventual resolution or resolutions.

Decision of 12 May 1954 (671st meeting): Adjournment

At the 670th meeting on 4 May 1954, after the adoption of the agenda, the President (United Kingdom) invited the representative of Jordan and the representative of Israel to the Security Council table.

The representative of Jordan made a statement in the course of which he stressed the importance to his Government of a separate discussion ending in an independent resolution by the Council on the Nahhalin incident which formed the subject of the complaint.⁸⁵

The representative of Israel inquired whether, in inviting the representative of Jordan to the Council for the purpose of presenting a complaint against Israel, the Council had satisfied itself whether the Government of Jordan had given, or would give, assurances, under

Article 35 (2) of its acceptance in advance of the obligations of pacific settlement provided in the Charter.⁸⁶

At the same meeting, the representative of Lebanon submitted a draft resolution⁸⁷ to express the strongest censure and condemnation of the attack on Nahhalin, to request Israel to pay compensation, and to call upon the Members of the United Nations to apply, in accordance with Article 41, such measures against Israel as they deemed necessary to prevent the repetition of such actions and the aggravation of the situation.

At the 671st meeting on 12 May 1954, before inviting the representatives of Jordan and Israel to the table, the President suggested that the Council should take up the question raised by the representative of Israel at the preceding meeting. In this connexion, he reviewed the previous practice of the Council relating to the assumption of obligations by non-member States invited to the Council table.⁸⁸

The Council adopted by 9 votes in favour and none against, with 2 abstentions, a motion made by the representative of France to adjourn the meeting.⁸⁹

The Council has held no further meetings on this subject.

Decision of 11 November 1954 (685th meeting): Statement by the President summing up the general trend of the discussion

By letter dated 28 September 1954,⁹⁰ the representative of Israel informed the President of the Security Council that an Israel cargo vessel, the *Bat Galim*, had been seized by the Egyptian authorities at the entrance to the Suez Canal. In protesting this act, he demanded that the ship, its crew and its cargo be released forthwith. On 4 October 1954, the representative of Israel by another letter⁹¹ requested that the Council give further consideration to his Government's earlier complaint,⁹² which read: "Complaint by Israel against Egypt concerning (a) Enforcement by Egypt of restrictions on the passage of ships trading with Israel through the Suez Canal".

By letters dated 29 and 30 September and 7 October 1954,⁹³ respectively, the representative of Egypt informed the President of the Council that the Egyptian authorities had arrested the crew of the *Bat Galim* after the vessel, without any provocation, had opened fire on Egyptian fishing boats within Egyptian territorial waters, and that Egypt had lodged a complaint before the Mixed Armistice Commission.

The Council discussed this question at the 682nd to 685th meetings between 14 October 1954 and 11 November 1954.

At the 682nd meeting on 14 October 1954, after statements had been made by the representatives of

⁸⁰ S/3195, O.R., 9th year, Suppl. for April-June 1954, p. 1.

⁸¹ S/3196, O.R., 9th year, Suppl. for April-June 1954, p. 2.

⁸² 665th meeting: paras. 11, 24.

⁸³ 665th meeting: para. 28. For consideration of the scope

of items on the agenda in relation to the scope of discussion, see

chapter II, Case 15.

⁸⁴ 670th meeting: paras. 2, 63-68, 73.

⁸⁵ 670th meeting: paras. 92-127.

⁸⁶ 670th meeting: paras. 147-149. See also chapter III, Case 24.

⁸⁷ S/3209, 670th meeting: para. 168.

⁸⁸ 671st meeting: paras. 7-17.

⁸⁹ 671st meeting: para. 20.

⁹⁰ S/3296.

⁹¹ S/3300, O.R., 9th year, Suppl. for Oct.-Dec. 1954, pp. 1-2.

⁹² See above, under Decision of 29 March 1954.

⁹³ S/3297/Corr.1, O.R., 9th year, Suppl. for July-Sept. 1954, p. 47; S/3298, S/3302, O.R., 9th year, Suppl. for Oct.-Dec. 1954, pp. 7, 9.

Israel* and Egypt*, the Council agreed, upon the proposal of the representative of Brazil, to defer consideration of the matter pending the receipt of a report from the Mixed Armistice Commission.⁹⁴

Following consideration by the Council of a message⁹⁵ from the Chief of Staff of the United Nations Truce Supervision Organization that, in view of procedural objections raised by the Egyptian delegation, the Mixed Armistice Commission had been unable to discharge its duties, the President, at the 685th meeting on 11 November 1954, made the following statement summarizing the position of the Council:

“The Council considers that it is for the Chairman of the Mixed Armistice Commission to decide the order of importance of the questions considered by the Commission, and consequently to determine the order in which they shall be examined.

“The Council thinks that it would be advisable for the Chairman, in making that evaluation, to bear in mind that the Council has been seized of the *Bat Galim* incident and decided at its meeting of 14 October 1954 (682nd meeting) to defer the consideration of the matter pending receipt of the Mixed Armistice Commission's report. The Council consequently desires that the Chairman should give the consideration of this incident priority over that of other, less important, incidents, and that the Commission should consider the incident with great care and do everything possible to transmit its report to the Security Council without delay—that is to say, before the end of the month.

“The Council appeals to both parties to assist the Chairman of the Commission by conforming to the decision which he gives and expediting the consideration of their dispute by the Commission.

“The President of the Security Council will advise the Chief of Staff of the Truce Supervision Organization of the foregoing, and will see that the records of the Council's meetings of 14 October and 3 and 11 November 1954 are transmitted without delay to the Chairman of the Mixed Armistice Commission to inform him of the feeling of members of the Council.”

The President stated that if the Council felt that he had interpreted its views as accurately as possible, he would write to the Chief of Staff of the Truce Supervision Organization in the terms he had used.⁹⁶

Decision of 13 January 1955 (688th meeting): Statement by the President summing up the general trend of the discussion

At the 686th meeting on 7 December 1954 the Council had before it a report dated 25 November 1954 by the Chief of Staff of the Truce Supervision Organization.⁹⁷ The Council also had before it a letter dated 4 December 1954⁹⁸ from the representative of Egypt. The report of the Chief of Staff contained an account of

the consideration of the Egyptian complaint regarding the *Bat Galim* by the Egypt-Israel Mixed Armistice Commission, which had adopted an Israel draft resolution that the complaint was unfounded. The letter from the representative of Egypt informed the President of the Council that owing to insufficient evidence the Egyptian judicial authorities had set aside the charges against the members of the crew of the *Bat Galim*, who would be released on the conclusion of the necessary formalities. The Egyptian Government was prepared to release the seized cargo immediately.

At the 688th meeting on 13 January 1955, the President (New Zealand), no draft resolution having been introduced in the Council, summed up the general trend of the discussion as follows:⁹⁹

“In addition to the statements of the parties, we have heard statements from eight members of the Council. Although not all members of the Council have spoken, and although it must be recognized that the representative of Iran has limited himself to the *Bat Galim* incident, it is evident that most representatives here regard the resolution of 1 September 1951 as having continuing validity and effect, and it is in this context and that of the Constantinople Convention that they have considered the *Bat Galim* case.

“In so far as steps have been taken by Egypt towards a settlement—for example, the release of the crew and the announcement by the Egyptian Government of its willingness to release the cargo and the ship itself—these steps have been welcomed by representatives round this table. Hope has been expressed that a continued attitude of conciliation on both sides will speedily bring about an agreement on the arrangements for the release of the ship and the cargo.

“It has been suggested by the representative of Peru that, if this is desired by the parties, the Chief of Staff of the Truce Supervision Organization might be prepared to extend his good offices to expedite the conclusion of such arrangements. I have no doubt that, if requested by the parties, he would be prepared to do this.”

Decision of 29 March 1955 (695th meeting):

Condemning the attack by Israel regular army forces against Egyptian regular army forces in the Gaza Strip

Decision of 30 March 1955 (696th meeting):

Requesting the Chief of Staff of the Truce Supervision Organization to continue his consultation with the parties on measures to preserve security in the area of the demarcation line

By letters dated 1 and 2 March 1955,¹⁰⁰ respectively, the representative of Egypt informed the President of the Security Council of an attack by Israel armed forces against Egyptian armed forces in the Gaza Strip and requested him to call a meeting of the Council as a matter of urgency to consider the following complaint:

⁹⁴ 682nd meeting: paras. 181-182.

⁹⁵ S/3309, O.R., 9th year, Suppl. for Oct.-Dec. 1954, pp. 10-11.

⁹⁶ 685th meeting: paras. 7-17.

⁹⁷ S/3323, O.R., 9th year, Suppl. for Oct.-Dec. 1954, pp. 30-43.

⁹⁸ S/3326, O.R., 9th year, Suppl. for Oct.-Dec. 1954, p. 44.

⁹⁹ 688th meeting: paras. 98-101.

¹⁰⁰ S/3365, S/3367, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 32-33.

"Violent and premeditated aggression committed on 28 February 1955 by Israel armed forces against Egyptian armed forces inside Egyptian-controlled territory near Gaza . . . in violation of *inter alia* article I, paragraph 2, and article II, paragraph 2, of the Egyptian-Israeli General Armistice Agreement."

By letter dated 3 March 1955,¹⁰¹ the representative of Israel requested the President to place on the agenda of the Council the following item:

"Complaint by Israel of continuous violations by Egypt of the General Armistice Agreement and of resolutions of the Security Council, to the danger of international peace and security . . ."

At the 692nd meeting on 4 March 1955, the Council adopted the agenda including the two complaints, which were considered consecutively at this and four subsequent meetings ending on 30 March.

At the same meeting, the Security Council expressed the desire to continue the examination of the item after the receipt of a written or a personal report of the Chief of Staff of the United Nations Truce Supervision Organization.¹⁰² The Chief of Staff submitted his report¹⁰³ in person to the Security Council at its 693rd meeting on 17 March 1955.

At the 695th meeting on 29 March 1955, the representatives of the United Kingdom, France and the United States submitted a joint draft resolution¹⁰⁴ dealing with the Gaza incident.

At the same meeting, the Council unanimously adopted¹⁰⁵ the joint draft resolution, which read as follows:

"*The Security Council,*

"*Recalling* its resolutions of 15 July 1948, 11 August 1949, 17 November 1950, 18 May 1951 and 24 November 1953,

"*Having heard* the report of the Chief of Staff of the United Nations Truce Supervision Organization and statements by the representatives of Egypt and Israel,

"*Noting* that the Egyptian-Israeli Mixed Armistice Commission on 6 March 1955 determined that a 'prearranged and planned attack ordered by Israel authorities' was 'committed by Israel regular army forces against the Egyptian regular army force' in the Gaza strip on 28 February 1955,

"1. *Condemns* this attack as a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and as inconsistent with the obligations of the parties under the General Armistice Agreement between Egypt and Israel and under the United Nations Charter;

"2. *Calls again upon* Israel to take all necessary measures to prevent such actions;

"3. *Expresses* its conviction that the maintenance of the General Armistice Agreement is threatened by any deliberate violation of that agreement by one of the parties to it, and that no progress towards the return of permanent peace in Palestine can be made unless the parties comply strictly with their obligations under the General Armistice Agreement and the cease-fire provisions of its resolution of 15 July 1948."

At the 696th meeting on 30 March 1955, the Council had before it another draft resolution¹⁰⁶ submitted jointly by France, the United Kingdom and the United States concerning the general question of easing the situation along the armistice demarcation line between Egypt and Israel.

At the same meeting, the draft resolution was adopted unanimously.¹⁰⁷

It read as follows:

"*The Security Council,*

"*Taking note* of those sections of the report [S/3373] by the Chief of Staff of the United Nations Truce Supervision Organization which deal with the general conditions on the armistice demarcation line between Egypt and Israel, and the causes of the present tension,

"*Anxious* that all possible steps shall be taken to preserve security in this area, within the framework of the General Armistice Agreement between Egypt and Israel,

1. *Requests* the Chief of Staff to continue his consultations with the Governments of Egypt and Israel with a view to the introduction of practical measures to that end;

2. *Notes* that the Chief of Staff has already made certain concrete proposals to this effect;

3. *Calls upon* the Governments of Egypt and Israel to co-operate with the Chief of Staff with regard to his proposals, bearing in mind that, in the opinion of the Chief of Staff, infiltration could be reduced to an occasional nuisance if an agreement were effected between the parties on the lines he has proposed;

4. *Requests* the Chief of Staff to keep the Council informed of the progress of his discussions."

Decision of 19 April 1955 (698th meeting): Statement by the President of the consensus of the Council

By letter dated 4 April 1955,¹⁰⁸ the representative of Israel requested urgent consideration by the Council of the following item:

"Complaint by Israel against Egypt concerning repeated attacks by Egyptian regular and irregular armed forces and by armed marauders from Egyptian-controlled territory against Israel armed forces and civilian lives and property in Israel, to the danger of the peace and security of the area and in violation of the General Armistice Agreement and the resolutions of the Security Council . . ."

¹⁰¹ S/3368, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 33-34.

¹⁰² 692nd meeting: para. 68.

¹⁰³ S/3373, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 35-94.

¹⁰⁴ S/3378, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 95-96.

¹⁰⁵ 695th meeting: para. 114.

¹⁰⁶ S/3379, O.R., 10th year, Suppl. for Jan.-March 1955, p. 96.

¹⁰⁷ 696th meeting: p. 32.

¹⁰⁸ S/3385, O.R., 10th year, Suppl. for April-June 1955, pp. 1-3.

The Council considered this complaint at the 697th and 698th meetings on 6 and 19 April 1955, respectively.

At the 697th meeting on 6 April 1955, the Council, upon the proposal of the representative of the United Kingdom, decided to postpone further discussion of the matter pending the receipt of a report from the Chief of Staff of the Truce Supervision Organization.¹⁰⁹

At the conclusion of the 698th meeting on 19 April 1955, the President (USSR) stated¹¹⁰ the consensus of opinion of the Council to be that there was no need for any new action by the Council on the question under discussion, inasmuch as the facts brought to the Council's notice and the possible measures to avert frontier incidents along the demarcation line between Egypt and Israel were fully covered in the resolutions of 29 and 30 March 1955. He appealed to the parties to co-operate sincerely to give full effect to those resolutions.¹¹¹

Decision of 8 September 1955 (700th meeting): Calling upon the parties to take all steps necessary to bring about order and tranquillity in the area of the Egypt-Israel demarcation line

By letter dated 7 September 1955,¹¹² the representatives of France, the United Kingdom and the United States requested that the Security Council consider the following item:

"The Palestine question: Cessation of hostilities and measures to prevent further incidents in the Gaza area."

The three representatives explained that the discontinuance of the talks initiated by the Chief of Staff of the Truce Supervision Organization in accordance with the resolution of 30 March 1955, and the recent outbreak of violence in the Gaza area made it imperative that an unconditional cease-fire be maintained in full force and that concrete measures be taken urgently by Egypt and Israel to prevent further incidents and to bring about order and tranquillity in the area.

A joint draft resolution to this effect accompanied the letter.

The Council, which considered this item at its 700th meeting on 8 September 1955, also had before it a letter dated 6 September¹¹³ from the representative of Egypt concerning the observance by Egypt of the cease-fire proposed by the Chief of Staff of the United Nations Truce Supervision Organization, and an Israeli armed attack at Khan Yunis in the Gaza area. It also had before it a letter dated 6 September 1955¹¹⁴ from

¹⁰⁹ 697th meeting: paras. 81, 83. For the report of the Chief of Staff, see S/3390, *O.R.*, 10th year, *Suppl. for April-June 1955*, p. 6.

¹¹⁰ 698th meeting: paras. 149-150.

¹¹¹ A further appeal to the parties to co-operate fully in the prompt implementation of the Council's resolution of 30 March 1955 was contained in a letter (S/3406) dated 7 June 1955, which the President (United States) addressed to the members of the Council. Copies of the letter were sent to the representatives of Egypt and Israel and the Secretary-General. S/3406, *O.R.*, 10th year, *Suppl. for April-June 1955*, p. 27.

¹¹² S/3432.

¹¹³ S/3431.

¹¹⁴ S/3433.

the representative of Israel containing the reply of his Government to the proposed cease-fire.

At the same meeting, the joint draft resolution was adopted unanimously.¹¹⁵ It read as follows:

"The Security Council,

"Recalling its resolution of 30 March 1955 (S/3379),

"Having received the report of the Chief of Staff of the Truce Supervision Organization (S/3430),

"Noting with grave concern the discontinuance of the talks initiated by the Chief of Staff in accordance with the above-mentioned resolution,

"Deploring the recent outbreak of violence in the area along the Armistice Demarcation Line established between Egypt and Israel on 24 February 1949,

"1. Notes with approval the acceptance by both parties of the appeal of the Chief of Staff for an unconditional cease-fire;

"2. Calls upon both parties forthwith to take all steps necessary to bring about order and tranquillity in the area, and in particular to desist from further acts of violence and to continue the cease-fire in full force and effect;

"3. Endorses the view of the Chief of Staff that the armed forces of both parties should be clearly and effectively separated by measures such as those which he has proposed;

"4. Declares that freedom of movement must be afforded to United Nations Observers in the area to enable them to fulfill their functions;

"5. Calls upon both parties to appoint representatives to meet with the Chief of Staff and to co-operate fully with him to these ends; and

"6. Requests the Chief of Staff to report to the Security Council on the action taken to carry out this resolution."

THE THAILAND QUESTION

INITIAL PROCEEDINGS

By letter dated 29 May 1954,¹¹⁶ addressed to the President of the Security Council, the acting permanent representative of Thailand brought to the attention of the Council, in conformity with Articles 34 and 35 (1) of the Charter, a situation which, in the view of his Government, represented a threat to the security of Thailand, the continuance of which was likely to endanger the maintenance of international peace and security. Large-scale fighting had repeatedly taken place in the immediate vicinity of Thai territory and there was a possibility of direct incursions of foreign troops. He brought the situation to the attention of the Security Council to the end that the Council might provide for observation under the Peace Observation Commission.

At the 672nd meeting on 3 June 1954, the Security Council included the question in the agenda.¹¹⁷

The Council considered the question at its 672nd, 673rd and 674th meetings between 3 and 18 June 1954.

¹¹⁵ 700th meeting: para. 133.

¹¹⁶ S/3220, *O.R.*, 9th year, *Suppl. for April-June 1954*, p. 10.

¹¹⁷ 672nd meeting: para. 17. On the inclusion of the question in the agenda, see chapter II, Case 9.

Decision of 18 June 1954 (674th meeting): Rejection of the draft resolution submitted by the representative of Thailand

At the 673rd meeting on 16 June 1954, the representative of Thailand*, who was invited by the President (United States) to the Council table, submitted a draft resolution¹¹⁸ to request the Peace Observation Commission to establish a sub-commission of from three to five members, with authority: (1) to dispatch observers to Thailand; (2) to visit Thailand if necessary; (3) to make such reports and recommendations as it deemed necessary to the Peace Observation Commission and to the Security Council; and (4) if the Sub-Commission were of the opinion that it could not adequately accomplish its mission without observation or visit to States contiguous to Thailand, to report to the Commission or to the Council for the necessary instructions.

At the same meeting, the President, speaking as the representative of the United States, requested under rule 38 of the provisional rules of procedure, that the draft resolution be put to the vote at the appropriate time.¹¹⁹

At the 674th meeting on 18 June 1954, the draft resolution submitted by the representative of Thailand was not adopted. There were 9 votes in favour and 1 against (the negative vote being that of a permanent member) with 1 abstention.¹²⁰

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

THE GUATEMALAN QUESTION

INITIAL PROCEEDINGS

By cablegram dated 19 June 1954,¹²¹ the Minister for External Relations of Guatemala requested the President of the Security Council urgently to convene a meeting in order that the Council, in accordance with Articles 34, 35 and 39 of the Charter, might take the measures necessary to prevent the disruption of peace and international security in that part of Central America and also to put a stop to the aggression in progress against Guatemala. It was stated in the cablegram that Guatemala had made representations to the Government of Honduras, requesting it to restrain and control expeditionary forces which had been preparing to invade Guatemalan territory from Honduras. Notwithstanding those requests, the expeditionary forces had captured various Guatemalan posts on 17 June and had advanced about fifteen kilometres inside Guatemalan territory. On 19 June, aircraft coming from the direction of Honduras and Nicaragua had dropped bombs on fuel stocks in the port of San José, and attacked Guatemala City and other towns, machine-gunning Government and private buildings and bombing military bases. The cablegram also referred to "aggressor Governments and international provocateurs" respon-

sible for such outrages and acts of aggression and to "the policy of encircling and boycotting" Guatemala, which had been pursued "by United States leaders". It was further stated that the facts cited in the Guatemalan appeal "clearly prove that open aggression has been perpetrated by the Governments of Honduras and Nicaragua at the instigation of certain foreign monopolies whose interests have been affected by the progressive policy" of the Government of Guatemala.

The cablegram was placed on the provisional agenda of the 675th meeting on 20 June 1954. The agenda was adopted.¹²²

After the adoption of the agenda, the President invited the representatives of Guatemala, Honduras and Nicaragua to participate in the discussion.¹²³

The representative of Guatemala* stated that Guatemala had been invaded by expeditionary forces forming part of an "unlawful international aggression" which was the outcome of a vast international conspiracy against his country. The matter had been brought to the Security Council so that the latter might carry out its task of preventing a war which might spread and of preserving world peace and security. On behalf of his Government, the representative of Guatemala made two requests: First, that "an observation commission should be sent to Guatemala to ask questions, to investigate, and to listen to the diplomatic corps". It was the desire of the Guatemalan Government that the Security Council should in the first place send a warning to the Governments of Honduras and Nicaragua, calling upon them to apprehend the exiles and mercenaries who were invading Guatemala from bases of operations in their territories. Secondly, the Guatemalan Government requested that an observation commission of the Security Council should be constituted in Guatemala, and in other countries if necessary, to verify through an examination of the documentary evidence, the fact that the countries accused by Guatemala had connived at the invasion.¹²⁴

The representative of Guatemala stated that the Peace Committee of the Organization of the American States had met the previous day, but the Guatemalan Government, in exercise of its option as a member of that Organization, had officially declined to allow the Organization of American States and the Peace Committee to concern themselves with the situation.¹²⁵

The representatives of Honduras* and Nicaragua* both stated that the matter should be dealt with by the Organization of American States.¹²⁶

The representative of Brazil, drawing attention¹²⁷ to Chapter VIII of the Charter, and particularly to Article 52 (3), introduced a joint draft resolution¹²⁸ sponsored by Brazil and Colombia, to refer the complaint of the Government of Guatemala to the Organiza-

¹²² 675th meeting: p. 1.

¹²³ 675th meeting: para. 2. See chapter III, Case 6.

¹²⁴ 675th meeting: paras. 6, 10, 43-46.

¹²⁵ 675th meeting: para. 60.

¹²⁶ 675th meeting: paras. 63, 65.

¹²⁷ 675th meeting: para. 67.

¹²⁸ S/3236, 675th meeting: para. 69. For constitutional considerations advanced in connexion with this resolution, see chapter X, Cases 4, 6, 7, and chapter XII, Case 4.

¹¹⁸ S/3229, 673rd meeting: para. 10. With regard to participation, see chapter III, Case 5. For relations of the Council with the Peace Observation Commission, see chapter VI, Case 6. For discussion relevant to Article 34, see chapter X, Case 5.

¹¹⁹ 673rd meeting: para. 57.

¹²⁰ 674th meeting: para. 71.

¹²¹ S/3232, O.R., 9th year, Suppl. for April-June 1954, pp. 11-13.

tion of American States for urgent consideration, and to request the latter to inform the Council "as soon as possible, as appropriate, of the measures it has been able to take on the matter".

The representative of Colombia referred to the obligation under Article 33 of the Charter to resort to regional agencies or arrangements. He pointed out that "this Article must be read in conjunction with Article 52, paragraph 2 of which says that every effort must be made to achieve pacific settlement of local disputes through such regional arrangements or agencies before referring them to the Security Council". He stressed that the provisions of Article 52 (2) "impose on all members the duty to apply first to the regional organization". This was not "a right which can be renounced because the States which signed the Charter undertook this obligation".¹²⁹

The representative of France proposed addition of a final paragraph to the Brazilian-Colombian joint draft resolution, to call, without prejudice to such measures as the Organization of American States might take, for the immediate termination of any action likely to cause further bloodshed and request all States Members of the United Nations to abstain in the spirit of the Charter from giving assistance to any such action.¹³⁰

The representative of France also stated that he had no particular country in mind in submitting this amendment.¹³¹

The amendment was accepted by both the sponsors of the joint draft resolution.¹³²

The representative of Guatemala, after clarifying that he had not sought to impute connivance either to the people or to the Government of the United States,¹³³ declared that Articles 33 and 52 were inapplicable since the case was not a dispute but "an outright act of aggression". The request of the Government of Guatemala was based on Articles 34, 35 and 39, which gave his country the "unchallengeable right to appeal to the Security Council". Under these Articles, the Council could not deny Guatemala "its right of direct intervention by the Council, not intervention through a regional organization", which was safeguarded by Article 52 (4).¹³⁴

Decision of 20 June 1954 (675th meeting): Rejection of the Brazilian-Colombian joint draft resolution

At the 675th meeting on 20 June 1954, the Brazilian-Colombian joint draft resolution as amended by the representative of France was not adopted. There were 10 votes in favour and one against¹³⁵ (the negative vote being that of a permanent member).

Decision of 20 June 1954 (675th meeting): Calling for the termination of any action likely to cause bloodshed and requesting all Members of the United Nations to abstain from rendering assistance to any such action

¹²⁹ 675th meeting: paras. 72-73.

¹³⁰ 675th meeting: para. 77.

¹³¹ 675th meeting: para. 78.

¹³² 675th meeting: paras. 82, 84.

¹³³ 675th meeting: para. 98.

¹³⁴ 675th meeting: paras. 101-104, 190.

¹³⁵ 675th meeting: para. 194.

The representative of France re-introduced his amendment as a separate draft resolution¹³⁶ reading:

"The Security Council,

"Having considered on an urgent basis the communication of the Government of Guatemala to the President of the Security Council (S/3232),

"Calls for the immediate termination of any action likely to cause bloodshed and requests all Members of the United Nations to abstain, in the spirit of the Charter, from rendering assistance to any such action."

At the 675th meeting on 20 June 1954, the draft resolution submitted by the representative of France was adopted unanimously.¹³⁷

Decision of 25 June 1954 (676th meeting): Rejection of the provisional agenda

At the 676th meeting on 25 June 1954, the provisional agenda read:¹³⁸

"1. Adoption of the agenda.

"2. Cablegram dated 19 June 1954 from the Minister for External Relations of Guatemala addressed to the President of the Security Council and letter dated 22 June 1954 from the representative of Guatemala addressed to the Secretary-General."

The President (United States) drew attention to several communications, including a letter dated 22 June 1954¹³⁹ from the representative of Guatemala requesting an urgent meeting of the Council and stating that the resolution adopted on 20 June 1954 had not been complied with, and that due to the reasons therein specified, the Organization of American States could not take action on the question which was under the "full jurisdiction" of the Security Council.

The Council also had before it a cablegram dated 23 June 1954¹⁴⁰ from the Chairman of the Inter-American Peace Committee of the Organization of American States, informing the Council that the Committee had received a Nicaraguan proposal to establish a committee of inquiry to proceed to Guatemala, Honduras and Nicaragua, and that by unanimous decision Guatemala had been so informed and asked to agree to the proposed procedure.

In response to a proposal that the representative of Guatemala be invited to the Council table, the President ruled that it would not be in order to invite the representative of Guatemala, Honduras and Nicaragua until after the adoption of the agenda. The ruling of the President was maintained by the Council, a challenge having been rejected.¹⁴¹

¹³⁶ 675th meeting: para. 200.

¹³⁷ 675th meeting: para. 203.

¹³⁸ 675th meeting: p. 1. For discussion on the adoption of the agenda, see chapter II, Case 22.

¹³⁹ S/3241, O.R., 9th year, Suppl. for April-June 1954, pp. 14-15.

¹⁴⁰ S/3245, O.R., 9th year, Suppl. for April-June 1954, p. 16.

¹⁴¹ 676th meeting: paras. 31-63. For consideration of inclusion of the question in the agenda, see chapter II, Case 20; for proceedings regarding the retention and deletion of the item from the agenda, see chapter II, Case 21; for consideration of the invitation to the representatives of Guatemala, Honduras and Nicaragua, see chapter III, Cases 20, 25.

In the discussion on the adoption of the agenda, the representatives of Brazil and Colombia, with the support of the President, in his capacity as representative of the United States, after referring to the inter-American system in which they participated, contended that since the Organization of American States had already taken the question under consideration, and since the Inter-American Peace Committee of that regional organization was proposing to send a fact-finding committee to the scene of the conflict, the Security Council should not adopt the provisional agenda and should rather wait until it received the report of the fact-finding committee.¹⁴² The representative of the USSR, in opposing these views, referred to the Guatemalan assertion that the decision of the Council calling for a halt to aggression had not been complied with, and stated that the Council was in duty bound to adopt further measures to ensure the fulfilment of that decision. He also stated that since the representative of Guatemala had objected to having the Organization of American States deal with the question, the Council could not, under the provisions of the Charter, impose a procedure for settlement to which one of the parties involved objected.¹⁴³

At the same meeting, the provisional agenda was rejected by a vote of 4 in favour and 5 against, with 2 abstentions.¹⁴⁴

The question remained on the list of matters of which the Security Council is seized.¹⁴⁵

QUESTION OF ALLEGED INCIDENT OF ATTACK ON A UNITED STATES NAVY AIRCRAFT

INITIAL PROCEEDINGS

By letter dated 8 September 1954,¹⁴⁶ the representative of the United States informed the Security Council that on 4 September a United States Navy aircraft, on a peaceful mission over high seas, had been attacked without warning by two MIG-type aircraft with Soviet markings. The plane had been destroyed and not all survivors had been recovered. The United States Government had protested to the Government of the USSR and reserved all rights to claim damages. Believ-

ing that the incident was of a type which might endanger international peace and security, the United States requested an early meeting of the Council to consider the matter.

After inclusion of the question on the agenda¹⁴⁷ at the 679th meeting on 10 September 1954, the representative of the United States, after recounting the circumstances of this and earlier attacks by Soviet aircraft on United States planes, stated that, while, in the absence of a negotiated settlement, his government believed cases of this kind could be best resolved by the judicial process of the International Court of Justice, the refusal of the Soviet Government to respond to that reasonable proposal had made it essential to lay the problem before the Security Council in order by discussion there to prevent a repetition of such incidents.¹⁴⁸

The representative of the USSR contested the account of these incidents given by the representative of the United States, and asserted that in each case there had been violation by United States aircraft of rules and standards of international law, such as violations of Soviet air space. He attributed the incidents to the policy pursued by the United States military authorities and the State Department, a policy which had nothing in common with the peaceful assurances made by the representative of the United States.¹⁴⁹

At the 680th meeting on 10 September 1954, the President, speaking as the representative of Colombia, stated that he would have favoured, as one of the means of solution, an investigation of the incident in accordance with Article 34 of the Charter.¹⁵⁰

The representative of the USSR remarked that he could not see how Chapter VI of the Charter, and Article 31 in particular, could have any bearing on the incident brought to the attention of the Council. Such an incident could not seriously be considered, in his opinion, as capable of creating a threat to international peace and security. He would, therefore, reject any proposals based on the premise that the incident fell within the jurisdiction of the Security Council.¹⁵¹

At the close of the 680th meeting, the President stated¹⁵² that the list of speakers was exhausted and that the Council would be reconvened if and when any delegation so requested.¹⁵³

QUESTION OF HOSTILITIES IN THE AREA OF CERTAIN ISLANDS OFF THE COAST OF CHINA

INITIAL PROCEEDINGS

By letter dated 28 January 1955,¹⁵⁴ addressed to the President of the Security Council, the representative

¹⁴⁷ 679th meeting: para. 25. On the inclusion of the question in the agenda, see chapter II, Case 10.

¹⁴⁸ 679th meeting: paras. 38-39.

¹⁴⁹ 679th meeting: para. 70.

¹⁵⁰ 680th meeting: para. 63.

¹⁵¹ 680th meeting: paras. 75-78, 87.

¹⁵² 680th meeting: para. 128.

¹⁵³ The Security Council subsequently received the texts of diplomatic notes exchanged between the Governments of the United States and the USSR on various incidents referred to in the Council's discussion (S/3288, 10 September 1954; S/3295, 27 September 1954; S/3304, 12 October 1954; S/3308, 25 October 1954; and S/3391, 13 April 1955).

¹⁵⁴ S/3354, O.R., 10th year, Suppl. for Jan.-March 1955, p. 27.

¹⁴² 676th meeting: paras. 11-27, 64-83, 165-181.

¹⁴³ 676th meeting: paras. 138-151, 155-162.

¹⁴⁴ 676th meeting: para. 195. For consideration of the invitation to the representative of Guatemala at the 676th meeting, see chapter III, Case 23.

¹⁴⁵ By letter dated 27 June 1954 (S/3256), the Chairman of the Inter-American Peace Committee transmitted to the Secretary-General copies of various notes and information concerning the Committee's itinerary to Guatemala, Honduras and Nicaragua; by cablegram dated 5 July 1954 (S/3262) the Chairman of the Inter-American Peace Committee notified the Secretary-General that Guatemala, Honduras and Nicaragua had informed the Committee that the dispute between them had ceased to exist; by cablegram dated 9 July 1954 (S/3266), the Minister of External Relations of Guatemala informed the President of the Security Council that peace and order had been restored in his country and the *Junta de Gobierno* of Guatemala saw no reason why the Guatemalan question should remain on the agenda of the Security Council; by letter dated 8 July 1954 (S/3267) the Chairman of the Inter-American Peace Committee transmitted to the Secretary-General a copy of a report of the Committee on the dispute between Guatemala, Honduras and Nicaragua, and copies of all communications exchanged between the Committee and the parties concerned.

¹⁴⁶ S/3287, O.R., 9th year, Suppl. for July-Sept. 1954, p. 35.

of New Zealand requested, in the light of his Government's concern for the maintenance of international peace and security, that an early meeting of the Security Council be called to consider the question of the occurrence of armed hostilities between the People's Republic of China and the Republic of China in the area of certain islands off the coast of the mainland of China. As a result of these hostilities, a situation existed, the continuance of which was likely to endanger the maintenance of international peace and security.

By letter dated 30 January 1955,¹⁵⁵ addressed to the President of the Security Council, the representative of the Union of Soviet Socialist Republics requested that the Security Council be convened at once to consider the question of acts of aggression by the United States against the People's Republic of China in the area of Taiwan and other islands of China. It was stated in the letter that the intervention of the United States in the internal affairs of China and the extension of acts of aggression against the People's Republic of China were aggravating tension in the Far East and increasing the threat of a new war. In such circumstances, it was the duty of the Security Council to put an end to the acts of aggression by the United States against the People's Republic of China and to its intervention in the internal affairs of China.

A draft resolution transmitted with the letter proposed that the Council, considering that the unprovoked armed attacks on Chinese towns and coastal areas carried out by armed forces controlled by the United States, constituted aggression against the People's Republic of China in violation of the obligations assumed by the United States under international agreements concerning Taiwan and other Chinese islands, and noting that they constituted intervention in the internal affairs of China, a source of tension in the Far East, and a threat to peace and security in the area, (1) condemn those acts of aggression; (2) recommend that the Government of the United States take immediate steps to put an end to them and to its intervention in the internal affairs of China; (3) recommend that the Government of the United States immediately withdraw all its naval, air and land forces from the island of Taiwan and other territories belonging to China; (4) urge that no military action be permitted in the Taiwan area by either side, so that evacuation from the islands in that area of all armed forces not controlled by the People's Republic of China might be facilitated.

The Security Council after discussing the adoption of the provisional agenda at its 689th and 690th meetings on 31 January 1955, included in its agenda the item proposed by the representative of New Zealand as well as the item proposed by the representative of the USSR; it also decided to conclude its consideration of the New Zealand item before taking up the USSR item.¹⁵⁶

¹⁵⁵ S/3355, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 27-28.

¹⁵⁶ 690th meeting; paras. 111-113. On the inclusion of the matter in the agenda, see chapter II, Case 6; on order of discussion of items on the agenda, see chapter II, Case 13; on proceedings regarding the retention and deletion of items from the agenda, see chapter II, Case 24.

The Security Council considered the New Zealand item at its 690th and 691st meetings on 31 January and 14 February 1955.

Decisions of 31 January 1955 (690th meeting): To invite a representative of the People's Republic of China to attend the Council discussion, and to defer further consideration of the question

At the 690th meeting on 31 January 1955, the President, in his capacity as the representative of New Zealand, proposed that the Council invite a representative of the Central People's Government of the People's Republic of China to participate in the discussion of the New Zealand item and to ask the Secretary-General to convey this invitation to that Government.¹⁵⁷ The proposal was approved by 9 votes in favour and 1 against, with 1 abstention.¹⁵⁸

A motion for adjournment of the discussion until a later date was then submitted by the representative of Belgium. It was adopted by 10 votes in favour and 1 against.¹⁵⁹

On 4 February 1955, the Secretary-General circulated to the members of the Security Council an exchange of cablegrams between himself and the Prime Minister of the State Council and Minister for Foreign Affairs of the People's Republic of China.¹⁶⁰ In a cablegram dated 3 February 1955, the latter informed the Secretary-General that the People's Republic would not be able to send a representative to take part in the discussion of the New Zealand item, and would have to consider all decisions taken by the Council concerning China as illegal and null and void. It could agree to participate in the Council's deliberations only for the purpose of discussing the draft resolution submitted by the USSR, and only when its representative attended in the name of China and the other occupant of China's seat had been expelled.

Decision of 14 February 1955 (691st meeting): Rejection of the USSR motion to proceed to the consideration of the item proposed by the USSR delegation

At the 691st meeting on 14 February 1955, the representative of the United Kingdom, commenting on the cablegram of the Prime Minister of the State Council and Minister for Foreign Affairs of the People's Republic of China, suggested that

"... the Council should not today seek to push matters further forward. It was right that we should meet to consider the reply from Peking to our invitation. But, having done this, the wisest course for us to take now, in the view of my Government, is to adjourn without taking any further decision. The problem itself will, of course, remain under the constant and anxious consideration of the members of this Council."¹⁶¹

¹⁵⁷ 690th meeting; para. 116. For consideration of the proposal to invite a representative of the Central People's Government of the People's Republic of China, see chapter III, Case 21. In connexion with specific duties conferred upon the Secretary-General, see chapter I, part IV, Note, p. 11.

¹⁵⁸ 690th meeting; para. 143.

¹⁵⁹ 690th meeting; para. 149.

¹⁶⁰ S/3358, O.R., 10th year, Suppl. for Jan.-March 1955, pp. 29-31.

¹⁶¹ 691st meeting; para. 35.

The representative of the United States declared:

“... We shall continue our consultations with the members of the Council in an effort to bring about a cessation of hostilities. Until those are completed, therefore, we can adjourn the meeting, subject to the call of the President.”¹⁶²

The representative of the USSR proposed,¹⁶³ on the premise contested by other members of the Council

¹⁶² 691st meeting: para. 66.

¹⁶³ 691st meeting: para. 97.

that consideration of the New Zealand item had been completed,¹⁶⁴ that the Security Council:

“... shall decide to pass to the consideration of the following agenda item entitled ‘The question of acts of aggression by the United States of America against the People’s Republic of China in the area of Taiwan (Formosa) and other islands of China’.”

The USSR proposal was rejected by 1 vote in favour and 10 against.¹⁶⁵

¹⁶⁴ 691st meeting: para. 109.

¹⁶⁵ 691st meeting: para. 134.