

**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 Council<sup>1</sup> and with regard to the India-Pakistan question,<sup>2</sup> Appointment of a Governor of the Free Territory of Trieste<sup>3</sup> and the Palestine question,<sup>4</sup> which were included in the Council's agenda before the period under review, in the order of resumption of their consideration

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

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

<sup>3</sup> *Repertoire of the Practice of the Security Council 1946-1951*, p. 314.

<sup>4</sup> *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,<sup>5</sup> 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:<sup>6</sup>

"... 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.<sup>7</sup>

*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 report<sup>8</sup> submitted to the Security Council on 22 April 1952, he reviewed the progress of the negotiations and recommended:<sup>9</sup>

"(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).

<sup>5</sup> 572nd meeting: paras. 34-35.

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

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

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

<sup>9</sup> 570th meeting: paras. 56, 58.