

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 this *Supplement* are the same as for the previous volumes of the *Repertoire*. Those volumes should be consulted for a full statement of such principles.

Chapter VIII indicates the chain of proceedings on the substance of each of the questions included in 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 and 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 Palestine question² and the India-Pakistan question,³ which were included in the Council's agenda before the period under review, in the order of resumption of their consideration by the Council. In respect of each question, there is given at the outset a summary of the case presented to the Council,

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; *Repertoire of the Practice of the Security Council, Supplement, 1952-1955*, pp. 110-118.

³ *Repertoire of the Practice of the Security Council, 1946-1951*, pp. 344-352; *Repertoire of the Practice of the Security Council, Supplement, 1952-1955*, pp. 107-109.

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 volumes of the *Repertoire*, an analytical table of measures adopted by the Council arranged broadly by types of measures 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. At the end of the table, under a new heading, have been added measures adopted by the Council, in three separate instances, to convene an emergency special session of the General Assembly in accordance with General Assembly resolution 377 A (V).

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 documents.

I. Preliminary measures for the elucidation of fact

- A. Hearing of interested governments and authorities.
(For invitations extended to interested governments and authorities, see chapter III.)

II. Determination of the nature of the question

- A. Determination of the existence of a dispute or situation the continuance of which is likely to endanger the maintenance of international peace and security.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 1.

III. Injunctions to governments and authorities involved in hostilities

- A. Precautionary action.

(i) India-Pakistan question :

Decision of 2 December 1957 (S/3922), para. 1.

(ii) Lebanon question :

Decision : President's statement of 22 July 1958.

- B. Establishment and maintenance of an armistice.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 4.

Decision of 4 June 1956 (S/3605), para. 6.

Decision of 22 January 1958 (S/3942), paras. 5-6.

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

- A. Withdrawal of fighting personnel.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 3a.

- B. Demilitarization of an area.

India-Pakistan question :

Decision of 2 December 1957 (S/3922), preamble, para. 6.

- C. Freedom of movement and safe conduct of supervision personnel.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 3b.

Decision of 4 June 1956 (S/3605), para. 3.

- D. Co-operation in preventing infiltration and incidents.

Palestine question :

Decision of 19 January 1956 (S/3538), para. 2, 6.

- E. Exchange of military prisoners.

Palestine question :

Decision of 19 January 1956 (S/3538), para. 8.

- F. Establishment of local arrangements for the prevention of incidents and the prompt detection of any violation of the armistice agreements.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 3c.

- G. Co-operation of the parties to prevent recurrences of incidents.

Palestine question :

Decision : President's statement of 15 December 1958.

****V. Measures in connexion with injunctions to be taken by other governments and authorities****VI. Measures for settlement**

- A. Procedures of pacific settlement noted, advised or recommended.

(i) Sudan question :

Decision : President's statement of 21 February 1958.

(ii) Tunisian question (II) :

Decision : President's statement of 4 June 1958.

- B. Provisions bearing on issues of substance, including terms of settlement.

1. Determination of accession of territory by plebiscite.

India-Pakistan question :

Decision of 24 January 1957 (S/3779), para. 2.

Decision of 2 December 1957 (S/3922), preamble, para. 4.

2. Election of a constituent assembly.

India-Pakistan question :

Decision of 24 January 1957 (S/3779), para. 3.

3. Requirements to be met in any settlement.

Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888 :

Decision of 13 October 1956 (S/3675), para. 2.

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

- A. Notice of possible consideration of further measures under the Charter.

Palestine question :

Decision of 19 January 1956 (S/3538), para. 5.

- B. Establishment or employment of subsidiary organs.

1. To make recommendations to the parties.

India-Pakistan question :

Decision of 2 December 1957 (S/3922), paras. 2-3.

2. To assure against illegal infiltration.

Lebanon question :

Decision of 11 June 1958 (S/4023), operative paras. 1-2.

- C. Intercession by the President.

India-Pakistan question :

Decision of 21 February 1957 (S/3793), para. 1.

- D. Endorsement of decisions of subsidiary organs.

Palestine question :

Decision of 22 January 1958 (S/3942), para. 3.

- E. Reaffirmation of previous decisions.

(i) Palestine question :

Decision of 19 January 1956 (S/3538), preamble, para. 1.

Decision of 4 April 1956 (S/3575), preamble, paras. 1-2.

Decision of 4 June 1956 (S/3605), preamble, para. 1.

(ii) India-Pakistan question :

Decision of 24 January 1957 (S/3779), paras. 2-3.

Decision of 21 February 1957 (S/3793), preamble.

Decision of 2 December 1957 (S/3922), preamble, para. 7.

- F. Finding of a violation of a Security Council cease-fire injunction and of the obligation of a party.

Palestine question :

Decision of 19 January 1956 (S/3538), paras. 3-4.

- G. Call upon the parties to co-operate fully with subsidiary organs.

Palestine question :

Decision of 19 January 1956 (S/3538), para. 9.

Decision of 4 June 1956 (S/3605), para. 2.

- H. Request to the Secretary-General to undertake a survey of the various aspects of enforcement of and compliance with armistice agreements.

Palestine question :

Decision of 4 April 1956 (S/3575), para. 2.

- I. Expression of censure of retaliatory action and condemnation of attack by armed forces.

Palestine question :

Decision of 19 January 1956 (S/3538), preamble, para. 4, operative paras. 1-4.

- J. Request to the Secretary-General to arrange with the parties for adoption of measures which would reduce existing tension along armistice lines.
Palestine question :
Decision of 4 April 1956 (S/3575), para. 3.
- K. Expression of concern over non-implementation of specific measures requested by the Security Council.
Palestine question :
Decision of 4 April 1956 (S/3575), preamble, para. 3.
Decision of 4 June 1956 (S. 3605), preamble, para. 5.
- L. Noting assurances given by the parties unconditionally to observe cease fire.
Palestine question :
Decision of 4 June 1956 (S/3605), preamble, para. 3.
- M. Noting progress made toward the adoption of measures requested by the Security Council.
Palestine question :
Decision of 4 June 1956 (S/3605), preamble, para. 4.
- N. Endorsement of views of the Secretary-General :
Palestine question :
Decision of 4 June 1956 (S. 3605), para. 4.
- O. Invitation to the parties to co-operate with the President in examination of proposals for the settlement.
India-Pakistan question :
Decision of 21 February 1957 (S/3793), para. 2.
- P. Request to the Secretary-General and to the United Nations Representative for India and Pakistan to render to the President such assistance as he might request.
India-Pakistan question :
Decision of 21 February 1957 (S/3793), para. 3.
- Q. Directive to the Chief of Staff of the United Nations Truce Organization in Palestine to regulate activities within the zone between the armistice demarcation lines.
Palestine question :
Decision of 22 January 1958 (S, 3942), para. 1.
- R. Directive to the Chief of Staff to conduct survey of property records.
Palestine question :
Decision of 22 January 1958 (S/3942), para. 2.
- S. Noting of the intention of the Secretary-General to take up the situation for consideration.
Palestine question :
Decision : President's statement of 15 December 1958.
- VIII. Measures to ensure further consideration and to ascertain compliance**
- A. Request for information on the progress of settlement.
1. From the Secretary-General.
- Palestine question :
Decision of 4 April 1956 (S/3575), para. 5.
Decision of 4 June 1956 (S/3605), para. 7.
2. From the subsidiary organs.
(i) Palestine question :
Decision of 19 January 1956 (S/3538), para. 7.
Decision of 4 June 1956 (S/3605), para. 5.
Decision : President's statement of 28 May 1957.
Decision : President's statement of 6 September 1957.
Decision of 22 January 1958 (S/3942), para. 7.
(ii) India-Pakistan question :
Decision of 2 December 1957 (S/3922), para. 4.
(iii) Lebanon question :
Decision of 11 June 1958 (S/4023), operative para. 3.
3. From the President.
India-Pakistan question :
Decision of 21 February 1957 (S/3793), para. 1.
- B. Provision by express decision to consider the matter further.
India-Pakistan question :
Decision of 24 January 1957 (S/3779), para. 4.
- C. Statement by the President that the Council would remain seized of the question.
Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888 :
Decision : President's statement of 21 May 1957.
- IX. Measures in connexion with the inability of the Security Council to exercise its responsibility for the maintenance of international peace and security**
- A. Convocation of an emergency special session of the General Assembly under the provisions of General Assembly resolution 377 (V) of 3 November 1950.
(i) Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council (S/3712) :
Decision of 31 October 1956 (S/3721).
(ii) The situation in Hungary :
Decision of 4 November 1956 (S/3733).
(iii) Lebanon question :
Decision of 7 August 1958 (S/4083).

Part II

THE PALESTINE QUESTION

Decision of 19 January 1956 (715th meeting):

- (i) *Condemning the attack of 11 December 1955 by Israel armed forces in the area east of Lake Tiberias as a flagrant violation of the cease-fire provisions of the Security Council resolution of 15 July 1948, of the terms of the General Armistice Agreement between Israel and Syria, and of Israel's obligation under the Charter ;*

- (ii) *Calling upon Israel to comply with its obligations in the future, in default of which the Council would consider further measures under the Charter to maintain or restore peace ;*
- (iii) *Calling upon the parties to comply with their obligations under the General Armistice Agreement, and requesting the Chief of Staff to pursue his suggestions for improving the situation in the area ;*

- (iv) *Calling upon the parties to arrange with the Chief of Staff for an immediate exchange of all military prisoners, and to co-operate with the Chief of Staff in this and all other respects, to carry out the provisions of the General Armistice Agreement in good faith, and in particular to make full use of the Mixed Armistice Commission's machinery in the interpretation and application of its provisions*

By letter¹ dated 13 December 1955, the permanent representative of Syria informed the President of the Security Council that, on the night of 11-12 December 1955, Israel armed forces had launched a concentrated large-scale attack along the whole area lying to the east of Lake Tiberias. After a fierce fight, they had occupied four observation posts parallel to the eastern shores of Lake Tiberias and lying on Syrian territory. As a result of the planned attack, five officers, thirty-two soldiers, and twelve civilians, including three women, had been killed; eight other soldiers had been wounded and thirty taken prisoner. In the course of the attack, a large number of houses belonging to Syrian villages had been destroyed and the occupants killed under the debris. The whole series of attacks constituted a most flagrant violation of the Syrian-Israel General Armistice Agreement and an act of open aggression and provocation. Accordingly, Syria requested the Security Council to meet as soon as possible to take the measures necessary to meet that serious situation.

At the 707th meeting of the Security Council on 16 December 1955, the provisional agenda² listed under the general heading, "The Palestine question":

"Letter dated 13 December 1955 from the representative of Syria addressed to the President of the Security Council."

The agenda was adopted³ and the Security Council considered the question at its 707th, 709th, 710th, 711th, 712th, 713th, 714th and 715th meetings between 16 December 1955 and 19 January 1956. The representatives of Israel and Syria were invited to take part in the discussions.

At the 709th meeting on 22 December 1955, the Council had before it a report⁴ dated 15 December 1955 from the Chief of Staff of the United Nations Truce Supervision Organization concerning the incidents in the area east of Lake Tiberias. In a supplementary report⁵ dated 30 December 1955, the Chief of Staff dealt with additional evidence regarding the Lake Tiberias incidents.

At the same meeting, the representative of Syria submitted a draft resolution⁶ under which the Security

Council would have: (1) condemned Israel for the attack carried out by its military forces on 12 December 1955; (2) decided that this action was a violation of the resolution of 15 July 1948, the Syrian-Israel Armistice Agreement and Israel's obligations under the Charter; (3) decided that the armed attack constituted an aggression under the provisions of Article 39 of the Charter; (4) called upon the Members of the United Nations to adopt the necessary measures for applying economic sanctions against Israel; (5) decided to expel Israel from the United Nations under Article 6 of the Charter for persistent violation of the Charter; (6) decided that Israel should pay adequate compensation for the loss of and damage to life and property caused by the attack; and (7) requested the Secretary-General to render to the Security Council progress reports on the implementation of this resolution.

At the same meeting, the representative of Israel*, after referring to captured Syrian documents which Israel had communicated to the Council on 21 December 1955,⁷ expressed the hope that the Council would include in its resolution on this question a clear injunction to Syria to avoid interfering with Israel's activity on Lake Tiberias and Israel territory surrounding the Lake; and also a clear statement forbidding Syria from exercising illegal control on Lake Tiberias or its shores.⁸

By letter⁹ dated 29 December 1955, the representative of Israel transmitted to the Council certain observations by the Government of Israel on the report of the Chief of Staff on the Lake Tiberias incidents.

At the 710th meeting on 12 January 1956, the Council had before it a letter¹⁰ dated 9 January 1956 from the representative of the USSR to the President of the Council requesting that, in accordance with rule 38 of the provisional rules of procedure, the Syrian draft resolution be put to a vote, with an amendment proposed by the USSR. The amendment would have deleted operative paragraphs 3, 4 and 5 of the Syrian draft resolution and replaced them by two operative paragraphs which would have: (1) called upon Israel to take all necessary measures to prevent such actions; and (2) warned Israel that any future recurrence of such actions would bring about a situation requiring the Council to consider the question of the application of Article 39 of the Charter.

At the same meeting, the Council also had before it a joint draft resolution¹¹ which had been circulated on 11 January 1956 by France, the United Kingdom and the United States.

¹ S/3505, O.R., 10th year, Suppl. for Oct.-Dec. 1955, p. 21.

² 707th meeting: preceding para. 1.

³ 707th meeting: preceding para. 1.

⁴ S/3516, O.R., 10th year, Suppl. for Oct.-Dec. 1955, pp. 24-33.

⁵ S/3516/Add.1, O.R., 10th year, Suppl. for Oct.-Dec. 1955, pp. 33-36.

⁶ S/3519, O.R., 10th year, Suppl. for Oct.-Dec. 1955, pp. 41-42.

⁷ S/3519, O.R., 10th year, Suppl. for Oct.-Dec. 1955, pp. 36-41.

⁸ 709th meeting: paras. 73-74.

⁹ S/3524, O.R., 10th year, Suppl. for Oct.-Dec. 1955, pp. 42-47.

¹⁰ S/3528, O.R., 11th year, Suppl. for Jan.-Mar. 1956, pp. 1-2.

¹¹ S/3530 and Corr.1, O.R., 11th year, Suppl. for Jan.-Mar. 1956, pp. 2-3.

At the 711th meeting on 12 January 1956, the representative of Iran introduced several amendments¹² to the joint draft resolution.

At the 713th meeting on 17 January 1956, the representative of the United Kingdom, on behalf of the three sponsoring Powers, introduced a revised text¹³ of the joint draft resolution.

At the 714th meeting on 18 January 1956, the representative of Yugoslavia submitted a draft resolution¹⁴ described as a compromise text which he hoped would render possible a unanimous decision.¹⁵

At the same meeting, the representative of Iran replaced his original amendments by new ones.¹⁶ The representatives of France, the United Kingdom and the United States accepted some parts of the Iranian amendments to the joint draft resolution.¹⁷

At the 715th meeting on 19 January 1956, after a brief discussion, the Council decided, by 8 votes in favour and 2 against, with 1 abstention, to vote first on the three-Power draft resolution, as revised on 18 January 1956.¹⁸

At the same meeting, the revised joint draft resolution¹⁹ was adopted unanimously.²⁰ The resolution²¹ read as follows:

"The Security Council,

"Recalling its resolutions of 15 July 1948, 11 August 1949, 18 May 1951, 24 November 1953, and 29 March 1955,

"Taking into consideration the statements of the representatives of Syria and Israel and the reports of the Chief of Staff of the United Nations Truce Supervision Organization on the Syrian complaint that an attack was committed by Israel regular army forces against Syrian regular army forces on Syrian territory on 11 December 1955,

"Noting the report of the Chief of Staff that this Israel action was a deliberate violation of the provisions of the General Armistice Agreement, including those relating to the demilitarized zone, which was crossed by the Israel forces which entered Syria,

"Noting also, without prejudice to the ultimate rights, claims and positions of the parties, that according to the reports of the Chief of Staff there has been interference by the Syrian authorities with Israel activities on Lake Tiberias, in contravention

¹² S/3532, 711th meeting: paras. 48-55.

¹³ S/3530/Rev.2, O.R., 11th year, Suppl. for Jan.-Mar. 1956, pp. 3-4.

¹⁴ S/3536, O.R., 11th year, Suppl. for Jan.-Mar. 1956, pp. 4-5.

¹⁵ 714th meeting: para. 29.

¹⁶ S/3537, O.R., 11th year, Suppl. for Jan.-Mar. 1956, pp. 5-6.

¹⁷ 714th meeting: paras. 70, 78-80, 85-87, 99, 102.

¹⁸ 715th meeting: para. 130. For the procedural discussion, see chapter I, Case 23.

¹⁹ S/3530/Rev.3, 715th meeting: paras. 108, 130, 141.

²⁰ 715th meeting: para. 141.

²¹ S/3538, O.R., 11th year, Suppl. for Jan.-Mar. 1956, pp. 6-7.

of the terms of the General Armistice Agreement between Israel and Syria,

"1. *Holds* that this interference in no way justifies the Israel action;

"2. *Reminds* the Government of Israel that the Council has already condemned military action in breach of the general armistice agreements, whether or not undertaken by way of retaliation, and has called upon Israel to take effective measures to prevent such action;

"3. *Condemns* the attack of 11 December 1955 as a flagrant violation of the cease-fire provisions of its resolution of 15 July 1948, of the terms of the General Armistice Agreement between Israel and Syria, and of Israel's obligations under the Charter;

"4. *Expresses its grave concern* at the failure of the Government of Israel to comply with its obligations;

"5. *Calls upon* the Government of Israel to do so in the future, in default of which the Council will have to consider what further measures under the Charter are required to maintain or restore the peace;

"6. *Calls upon* the parties to comply with their obligations under article V of the General Armistice Agreement to respect the armistice demarcation line and the demilitarized zone;

"7. *Requests* the Chief of Staff to pursue his suggestions for improving the situation in the area of Lake Tiberias without prejudice to the rights, claims and positions of the parties and to report to the Council as appropriate on the success of his efforts;

"8. *Calls upon* the parties to arrange with the Chief of Staff for an immediate exchange of all military prisoners;

"9. *Calls upon* both parties to co-operate with the Chief of Staff in this and all other respects, to carry out the provisions of the General Armistice Agreement in good faith, and in particular to make full use of the Mixed Armistice Commission's machinery in the interpretation and application of its provisions."

Decision of 4 April 1956 (722nd meeting):

- (i) *Considering that the situation prevailing between the parties is such that its continuance is likely to endanger the maintenance of international peace and security;*
- (ii) *Requesting the Secretary-General to survey, as a matter of urgency, the various aspects of enforcement of and compliance with the four Armistice Agreements and the Council's resolution under reference, and to arrange for the adoption of measures which he considers would reduce the existing tensions along the Armistice Demarcation Lines*

By letter²² dated 20 March 1956, the representative of the United States requested the President of the

²² S/3561, O.R., 11th year, Suppl. for Jan.-Mar. 1956, p. 20.

Security Council to call an early meeting of the Council to consider the following agenda item:

“The Palestine question: status of compliance given to the general armistice agreements and the resolutions of the Security Council adopted during the past year.”

The representative of the United States expressed his Government's concern over recent developments in the Palestine area which might well endanger the maintenance of international peace and security. Information relating to the build-up of armed forces on either side of the armistice demarcation lines had led the United States to believe that the parties might not be fully complying with the provisions of their armistice agreements. Despite the earnest efforts of the Chief of Staff of the Truce Supervision Organization, the parties had not agreed to the proposals which he had put forward to them on his own initiative, or as a result of the Security Council's resolutions of 3 March and 8 September 1955, and 19 January 1956. These resolutions had been adopted unanimously by the Council, and it should be a matter of concern to each of its members to ascertain the extent of compliance with them.

At the 717th meeting on 26 March 1956, the Security Council included²³ the item in the agenda and considered it at its 717th-722nd meetings, between 26 March and 4 April 1956. The representatives of Egypt, Israel, Jordan, Lebanon and Syria were invited to participate in the discussion.

At the 717th meeting on 26 March 1956, the representative of the United States submitted a draft resolution.²⁴

At the 718th and 719th meetings on 28 March and 3 April 1956, the representatives of Egypt*, Lebanon* and Syria* raised questions and requested clarifications concerning paragraphs 2, 3 and 5 of the United States draft resolution.²⁵

At the 719th meeting, the President, speaking as the representative of the United States, declared that his Government saw no way of preventing further deterioration of the situation except by providing for strict compliance with the General Armistice Agreements and the resolutions of the Security Council mentioned in the draft resolution. Paragraph 3 of the draft resolution envisaged that the Secretary-General should arrange, after discussion with the parties and the Chief of Staff, for measures which were entirely within the framework of the General Armistice Agreements and the relevant resolutions of the Council. Such measures would be applicable wherever the Secretary-General and the parties agreed that conditions warranted them. The demilitarized zones and defensive areas referred to in the draft resolution were those defined in the Armistice Agreements. The various aspects of compliance with

the Armistice Agreements, which the Secretary-General was requested in paragraph 2 of the draft resolution to survey, referred only to measures which would come within the natural purview of the armistice machinery and the United Nations Truce Supervision Organization. The arrangements referred to in paragraph 3(c) would be those agreed between the parties and the Secretary-General. In adopting the United States draft resolution, the Council would not of course relinquish its primary responsibility for the maintenance of international peace and security. The phrase “in his discretion” in paragraph 5 of the draft resolution meant that the Secretary-General would, if he considered it desirable, report sooner than one month from the date of the adoption of the draft resolution. He submitted a corrigendum²⁶ to capitalize the initial letters of the words “Defensive Areas” in operative paragraph 3(b).²⁷

At the 720th meeting on 3 April 1956, the representative of the USSR, in introducing amendments²⁸ to the United States draft resolution, observed that all measures adopted in the Palestine area to relieve the existing tensions should be carried out only by agreement with the parties concerned and with due regard to their interests. The adoption of the first operative paragraph in the United States draft resolution would force the Council to decide prematurely that the situation prevailing between the parties was likely to endanger international peace and security. The Council should first hear the reports of the Secretary-General and the Chief of Staff before stating its conclusions with respect to the situation. The USSR amendments to the draft resolution were the following: (1) in the first paragraph of the preamble to add mention of the Security Council resolutions of 24 November 1953 and 29 March 1953; (2) inoperative paragraph 1 to replace the words “such that its continuance is likely to endanger the maintenance of international peace and security” by the word “unsatisfactory”; and (3) in operative paragraph 3 to replace the words “after discussion” by the words “after concordance” and, in sub-paragraph 3(b), to delete the words “and in the Defensive Areas”.²⁹

The sponsor of the draft resolution declared that he could not accept the USSR amendments.³⁰

At the 722nd meeting on 4 April 1956, the USSR amendments were rejected as follows: the amendment to paragraph 1 of the preamble by 1 vote in favour and 2 against, with 8 abstentions; the amendment to operative paragraph 1 by 2 votes in favour and 3 against, with 6 abstentions; the first part of the amendment to operative paragraph 3 by 1 vote in favour and 2 against, with 8 abstentions. The second part of the last amendment was not voted upon.³¹

²³ 717th meeting: para. 3.

²⁴ S/3562, *O.R.*, 11th year, *Suppl. for Jan.-Mar. 1956*, p. 21; 717th meeting: para. 12.

²⁵ 718th meeting: paras. 23-28, 39-40; 719th meeting: paras. 25-26.

²⁶ S/3562, *O.R.*, 11th year, *Suppl. for Jan.-Mar. 1956*, p. 21.

²⁷ 719th meeting: paras. 38-42.

²⁸ S/3574, 720th meeting: paras. 17-21.

²⁹ 720th meeting: paras. 17-20.

³⁰ 720th meeting: paras. 43-50.

³¹ 722nd meeting: paras. 36, 44-46.

The United States draft resolution was adopted unanimously.³² The resolution³³ read as follows:

"The Security Council,

"Recalling its resolutions of 30 March 1955, 8 September 1955, and 19 January 1956,

"Recalling that in each of these resolutions the Chief of Staff of the United Nations Truce Supervision Organization and the parties to the general armistice agreements concerned were requested by the Council to undertake certain specific steps for the purpose of ensuring that the tensions along the armistice demarcation lines should be reduced,

"Noting with grave concern that despite the efforts of the Chief of Staff the proposed steps have not been carried out,

"1. Considers that the situation now prevailing between the parties concerning the enforcement of the armistice agreements and the compliance given to the above-mentioned resolutions of the Council is such that its continuance is likely to endanger the maintenance of international peace and security;

"2. Requests the Secretary-General to undertake, as a matter of urgent concern, a survey of the various aspects of enforcement of and compliance with the four general armistice agreements and the Council's resolutions under reference;

"3. Requests the Secretary-General to arrange with the parties for the adoption of any measures which, after discussion with the parties and with the Chief of Staff, he considers would reduce existing tensions along the armistice demarcation lines, including the following points:

"(a) Withdrawal of their forces from the armistice demarcation lines;

"(b) Full freedom of movement for observers along the armistice demarcation lines, in the demilitarized zones and in the defensive areas;

"(c) Establishment of local arrangements for the prevention of incidents and the prompt detection of any violations of the armistice agreements;

"4. Calls upon the parties to the general armistice agreements to co-operate with the Secretary-General in the implementation of this resolution;

"5. Requests the Secretary-General to report to the Council in his discretion but not later than one month from this date on the implementation given to this resolution in order to assist the Council in considering what further action may be required."

Decision of 4 June 1956 (728th meeting):

(i) Commending the Secretary-General and the parties on the progress already achieved;

(ii) Declaring that the parties should speedily carry out measures agreed upon with the Secretary-General, and should co-operate with him and the

Chief of Staff to effectuate further practical proposals, pursuant to the resolution of 4 April 1956, towards full implementation of that resolution and full compliance with armistice agreements; that full freedom of movement of United Nations observers must be respected;

(iii) Endorsing the Secretary-General's view that re-establishment of full compliance with armistice agreements represented a stage which had to be passed in order to make progress on main issues between the parties;

(iv) Requesting the Chief of Staff to continue to carry out his observation of the cease-fire, and the Secretary-General to continue his good offices with the parties with a view to full implementation of the resolution of 4 April 1956 and full compliance with the armistice agreements, and to report to the Council as appropriate

On 9 May 1956, the Secretary-General submitted to the Security Council a report³⁴ on the results of his mission to the Middle East undertaken pursuant to the Council's resolution of 4 April 1956. The Council considered the report at its 723rd to 728th meetings, between 29 May and 4 June 1956. The representatives of Egypt, Israel, Jordan, Lebanon and Syria were invited to participate in the discussion.

At the 723rd meeting on 29 May 1956, the representative of the United Kingdom submitted a revision³⁵ of a draft resolution³⁶ which he had circulated on 25 May 1956. The discussions in the Council touched upon the following paragraphs of the draft resolution: preambular paragraph 3, noting those passages of the Secretary-General's report which referred to the assurances given to him by all the parties to the armistice agreements to unconditionally observe the cease-fire; preambular paragraph 6, expressing awareness of the need to create conditions in which a peaceful settlement of the dispute between the parties could be made on a mutually acceptable basis; operative paragraph 3, declaring that full freedom of movement of United Nations observers must be respected in all areas along the armistice demarcation lines, in the demilitarized zones and in the defensive areas as defined in the armistice agreements; operative paragraph 4, endorsing the Secretary-General's view that the re-establishment of full compliance with armistice agreements represented a stage which had to be passed in order to make progress possible on the main issues between the parties; and operative paragraph 7, requesting the Secretary-General to continue his good offices with the parties, and to report to the Security Council as appropriate.

At the 725th meeting on 31 May 1956, the representatives of Egypt*, Jordan*, Lebanon* and Syria*

³⁴ S/3596, O.R., 11th year, Suppl. for Apr.-June 1956, pp. 30-66.

³⁵ S/3600 Rev.1, O.R., 11th year, Suppl. for Apr.-June 1956, pp. 68-69; 723rd meeting: para. 36.

³⁶ S/3600, O.R., 11th year, Suppl. for Apr.-June 1956, pp. 66-67.

³² 722nd meeting: para. 46.

³³ S/3575, O.R., 11th year, Suppl. for Apr.-June 1956, pp. 1-2.

maintained that, although their Governments had accepted the Secretary-General's original mandate as entirely within the scope of the General Armistice Agreements, the United Kingdom draft resolution would extend the mission of the Secretary-General beyond that scope. In this connexion, they raised questions concerning preambular paragraphs 3 and 6, and operative paragraphs 3, 4 and 7 of the draft resolution.³⁷

At the 726th meeting on 1 June 1956, the representative of the United Kingdom stated that, while his delegation could not agree to amend or omit paragraph 6 of the preamble, it was prepared to amend operative paragraphs 3 and 7 in line with the suggestions which had been made. He submitted revisions of those paragraphs.³⁸

The representative of Iran stated that the apprehensions which the representatives of the Arab States had expressed before the Council concerning certain paragraphs of the United Kingdom draft resolution were well founded. He considered that the objective of paragraph 6 of the preamble would exceed the scope of the draft resolution which the Council ought to adopt on the question, and that the inclusion of the paragraph might compromise previous United Nations resolutions on the question. He moved an amendment³⁹ to delete the paragraph.⁴⁰

At the 728th meeting on 4 June 1956, the representative of the United Kingdom stated that, in the interest of unanimity, he would accept the amendment submitted by the representative of Iran. He made a further consequential revision in the seventh paragraph of the preamble.⁴¹ At the same meeting, the United Kingdom draft resolution, as amended, was adopted unanimously.⁴² The resolution⁴³ read as follows:

"The Security Council,

"Recalling its resolutions of 4 April 1956 [S/3575] and 11 August 1949,

"Having received the report of the Secretary-General on his recent mission on behalf of the Security Council [S/3596],

"Noting those passages of the report (section III and annexes 1-4) which refer to the assurances given to the Secretary-General by all the parties to the general armistice agreements unconditionally to observe the cease-fire,

"Noting also that progress has been made towards the adoption of the specific measures set out in

operative paragraph 3 of the Security Council's resolution of 4 April 1956,

"Noting, however, that full compliance with the general armistice agreements and with the Council's resolutions of 30 March 1955, 8 September 1955 and 19 January 1956 is not yet effected, and that the measures called for in operative paragraph 3 of its resolution of 4 April 1956 have been neither completely agreed upon nor put fully into effect,

"Believing that further progress should now be made in consolidating the gains resulting from the Secretary-General's mission and towards full implementation by the parties of the armistice agreements,

"1. Commends the Secretary-General and the parties on the progress already achieved;

"2. Declares that the parties to the armistice agreements should speedily carry out the measures already agreed upon with the Secretary-General, and should co-operate with the Secretary-General and the Chief of Staff of the United Nations Truce Supervision Organization to put into effect their further practical proposals, pursuant to the resolution of 4 April 1956, with a view to full implementation of that resolution and full compliance with the armistice agreements;

"3. Declares that full freedom of movement of United Nations observers must be respected along the armistice demarcation lines, in the demilitarized zones and in the defensive areas, as defined in the armistice agreements, to enable them to fulfil their functions;

"4. Endorses the Secretary-General's view that the re-establishment of full compliance with the armistice agreements represents a stage which has to be passed in order to make progress possible on the main issues between the parties;

"5. Requests the Chief of Staff to continue to carry out his observation of the cease-fire pursuant to the Security Council's resolution of 11 August 1949 and to report to the Council whenever any action undertaken by one party to an armistice agreement constitutes a serious violation of that agreement or of the cease-fire, which in his opinion requires immediate consideration by the Council;

"6. Calls upon the parties to the armistice agreement to take the steps necessary to carry out this resolution, thereby increasing confidence and demonstrating their wish for peaceful conditions;

"7. Requests the Secretary-General to continue his good offices with the parties, with a view to full implementation of the Council's resolution of 4 April 1956 and full compliance with the armistice agreements, and to report to the Security Council as appropriate."

Decision of 25 October 1956 (745th meeting): Statement by the President adjourning the discussion

By letter⁴⁴ dated 15 October 1956, the representative of Jordan informed the President of the Security Council

³⁷ 725th meeting: paras. 6-19, 89-98, 114-120, 123, 127, 129, 134-135, 166, 169.

³⁸ S/3600 Rev.2, O.R., 11th year, Suppl. for Apr.-June 1956, pp. 69-70. 726th meeting: paras. 6-19.

³⁹ S/3602, O.R., 11th year, Suppl. for Apr.-June 1956, p. 70.

⁴⁰ 726th meeting: paras. 21-25.

⁴¹ 728th meeting: paras. 3-6.

⁴² 728th meeting: para. 38.

⁴³ S/3605, O.R., 11th year, Suppl. for Apr.-June 1956, pp. 72-73.

⁴⁴ S/3678, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 53.

that on 11 October the Israel army had launched a major military attack against the Jordanian villages of Qalqiliya, Sufin, Hablah and Habi Ilyas. The Israel attacking force had used heavy arms and equipment including bombers. Twenty-five Jordanian soldiers and national guards had been killed and thirteen wounded. The police post of Qalqiliya had been demolished and the villages had been shelled. A similar attack had been launched on the night of 25-26 September against the Jordanian territory in the area of Husan where twenty-five Jordanians had been killed and six others wounded. These acts of aggression were a flagrant violation of the Armistice Agreement between Jordan and Israel and of the principles of the United Nations Charter, and constituted a threat to peace and security. He requested an early meeting of the Council to consider the situation.

By letter⁴⁵ dated 17 October 1956, the representative of Israel requested the President of the Security Council to include the following complaint against Jordan in the agenda of the Council for urgent consideration:

"Persistent violations by Jordan of the General Armistice Agreement and of the cease-fire pledge made to the Secretary-General on 26 April 1956."

At the 744th meeting on 19 October 1956, the Security Council had before it the provisional agenda which, under the general heading: "The Palestine question", listed as sub-items (a) and (b) the complaints submitted by Jordan and Israel, respectively.⁴⁶

The agenda was adopted,⁴⁷ and the Security Council considered the question at its 744th and 745th meetings, held on 19 and 25 October 1956, respectively. The representatives of Israel and Jordan were invited to take part in the discussion.

At the 744th meeting on 19 October 1956, the representative of Jordan*, after outlining the events complained of, requested the Council to apply the terms of Article 41 of the Charter against Israel in order to put an end to its aggression in Palestine.⁴⁸

At the 745th meeting on 25 October 1956, the representative of Israel* stated that Israel would observe all the provisions of the Armistice Agreement, if all its provisions were carried out by the other side. In particular, Israel would observe the cease-fire so long as it was faithfully observed by Jordan.⁴⁹

The representative of Iran suggested that the Council should hear the views and suggestions of the Secretary-General who had been acting in previous months as mediator. He therefore proposed an adjournment for a few days.⁵⁰

At the conclusion of the meeting, the President (France) stated:

⁴⁵ S/3682, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 60.

⁴⁶ 744th meeting: preceding para. 1.

⁴⁷ 744th meeting: para. 1.

⁴⁸ 744th meeting: para. 44.

⁴⁹ 745th meeting: paras. 74-75.

⁵⁰ 745th meeting: para. 102.

"I hope I am expressing the views of all my colleagues when I recall that the role of the Security Council, as defined by the Charter, is not only to determine responsibilities but also to maintain or restore peace. Therefore, one of its most important tasks in the present crisis is to try to prevent what it should be powerless to cure, to strive constructively towards a solution of the problem of maintaining peace along the armistice demarcation lines in Palestine.

"...

"It has been suggested that the Secretary-General should also be asked to turn his attention to this problem. The other day, the Iranian representative outlined a programme, which he mentioned again today and which seems to me to have the tacit support of the Council..."

After stating that he would leave the Council time for an exchange of views, the President, in the absence of objection, adjourned the meeting.⁵¹

The Council has held no further meeting on these complaints.

*Decision of 30 October 1956 (749th meeting):
Rejection of the United States draft resolution*

In a letter⁵² dated 29 October 1956 addressed to the President of the Security Council, the representative of the United States of America stated that his Government had received information to the effect that, in violation of the Armistice Agreement between Israel and Egypt, the armed forces of Israel had penetrated deeply into Egyptian territory in a military action begun on 29 October which was continuing in the Sinai area. This situation made imperative a meeting of the Council as soon as possible to consider the following item:

"The Palestine question: steps for the immediate cessation of the military action of Israel in Egypt."

At the 748th meeting on 30 October 1956, the item was included⁵³ in the agenda. It was discussed at the 748th, 749th and 750th meetings held on 30 October 1956. The representatives of Egypt and Israel were invited to take part in the discussions.

At the 748th meeting on 30 October 1956, the representative of the United States stated that it was imperative that the Council act in the promptest manner to determine that a breach of the peace had occurred, to order that the military action undertaken by Israel cease immediately and that the Israel armed forces should be immediately withdrawn behind the established armistice lines. He noted further that the Chief of Staff of the United Nations Truce Supervision Organization in Palestine had already issued a cease-fire order on his own authority which Israel had so far ignored and that military observers of the United Nations Truce Super-

⁵¹ 745th meeting: paras. 107-111.

⁵² S/3706, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 108.

⁵³ 748th meeting: para. 2.

vision Organization had been prevented by Israel authorities from performing their duties.⁵⁴

The Secretary-General informed the Council of the main points of certain messages received from the Chief of Staff of the United Nations Truce Supervision Organization in Palestine.⁵⁵

At the 749th meeting on 30 October 1956, the representative of the United Kingdom quoted from the statement made that day in the House of Commons by the British Prime Minister after consultation with the Prime Minister and the Foreign Minister of France. The Prime Minister had informed the House of Commons that the United Kingdom and French Governments had addressed urgent communications to the Governments of Egypt and Israel to stop all war-like action by land, sea and air forthwith and to withdraw their military forces a distance of ten miles from the Canal. Further, in order to separate the belligerents and to guarantee freedom of transit through the Canal by the ships of all nations, the Egyptian Government had been asked to agree that Anglo-French forces should move temporarily into key positions at Port Said, Ismailia and Suez. The Governments of Egypt and Israel had been asked to answer the communication within twelve hours. It had been made clear to them that if at the expiration of that time one or both had not undertaken to comply with these requirements, British and French forces would intervene in whatever strength might be necessary to obtain compliance with the above-mentioned requirements.⁵⁶

At the same meeting, the representative of the United States submitted a draft resolution⁵⁷ according to which the Security Council would: (1) call upon Israel immediately to withdraw its armed forces behind the established armistice lines; (2) call upon all Members (a) to refrain from the use of force or threat of force in the area in any manner inconsistent with the purposes of the United Nations; (b) to assist the United Nations in ensuring the integrity of the armistice agreements; (c) to refrain from giving any military, economic or financial assistance to Israel so long as it had not complied with this resolution; and (3) request the Secretary-General to keep the Security Council informed on compliance with this resolution and to make whatever recommendations he deemed appropriate for the maintenance of international peace and security in the area by the implementation of this and prior resolutions.

The representative of Egypt* drew the attention of the Council to the fact that he had submitted a request⁵⁸ dated 30 October 1956 for the inclusion on the agenda of a new item concerning the ultimatum addressed to Egypt.⁵⁹

⁵⁴ 748th meeting: paras. 3, 8-10.

⁵⁵ 748th meeting: paras. 13-19.

⁵⁶ S/3711; 749th meeting: paras. 3-11.

⁵⁷ S/3710, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 110.

⁵⁸ S/3712, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 111-112.

⁵⁹ 749th meeting: paras. 112-113.

The representative of the United States, in order to meet the suggestion made by several members of the Council, inserted in the draft resolution a new operative paragraph 1 calling upon Israel and Egypt to cease fire immediately.⁶⁰

At the same meeting, the draft resolution, as amended, was put to the vote and failed of adoption. There were 7 votes in favour and 2 against, with 2 abstentions, the negative votes being those of permanent members of the Council.⁶¹

Decision of 30 October 1956 (750th meeting): Rejection of the USSR draft resolution

At the 749th meeting on 30 October 1956, the representative of the USSR submitted a draft resolution⁶² consisting of the preamble and paragraph 2 of the operative part of the revised United States draft resolution.⁶³

Considering that a cease-fire and withdrawal of armed forces were inseparable, the representative of China submitted an amendment⁶⁴ to the USSR draft resolution calling upon Israel and Egypt to cease fire immediately. The Soviet representative accepted this amendment and an Iranian amendment⁶⁵ to include in the USSR text the last paragraph of the United States draft resolution.

At the 750th meeting on 30 October 1956, the representative of the USSR explained that paragraph 1 of the revised draft resolution⁶⁶ introduced by his delegation had been reworded as a matter of drafting to read: "Calls upon all the parties concerned immediately to cease fire".

At the same meeting, the representative of the USSR, in view of doubt expressed by four members of the Council concerning the new wording of operative paragraph 1 of the USSR draft resolution, reverted to the earlier version of that paragraph, which read: "Calls upon Israel and Egypt immediately to cease fire".

At the same meeting, the revised draft resolution, as amended, was put to the vote and not adopted. There were 7 votes in favour and 2 against, with 2 abstentions, the negative votes being those of permanent members of the Council.⁶⁷

The Security Council then proceeded to the next item on its agenda, the letter dated 30 October 1956 from the representative of Egypt.⁶⁸

⁶⁰ 749th meeting: para. 125.

⁶¹ 749th meeting: para. 186.

⁶² S/3713, 749th meeting: para. 188.

⁶³ S/3710, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 110.

⁶⁴ 749th meeting: paras. 191-192.

⁶⁵ 749th meeting: para. 199.

⁶⁶ S/3713/Rev.1, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 112, and 750th meeting: para. 15.

⁶⁷ 750th meeting: para. 23.

⁶⁸ S/3712, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 111-112; See in this chapter, p. 111, below.

Decision of 28 May 1957 (782nd meeting): Noting statement by the Secretary-General that he would request, in the light of the Council's discussion, the Acting Chief of Staff of the United Nations Truce Supervision Organization in Palestine to present an additional report within a month

By letter⁶⁹ dated 13 May 1957, the representative of Syria requested the President of the Security Council to convene a meeting for the purpose of examining the question of the construction of a bridge by Israel at the southern end of Lake Huleh in the demilitarized zone, which he stated to be a violation of the Israel-Syrian General Armistice Agreement, likely to give the Israel authorities a military advantage, and to constitute a threat to peace. He stated further that the Acting Chief of Staff of the United Nations Truce Supervision Organization in Palestine had been requested by the Syrian delegation to the Israel-Syria Mixed Armistice Commission to order the dismantling of the bridge on the grounds that its construction constituted a military activity and was likely to give the Israel authorities a military advantage. While the Syrian Government was able to subscribe to most of the statements in the report⁷⁰ of the Acting Chief of Staff, particularly with regard to the powers of the Mixed Armistice Commission and the functions of United Nations Military Observers, it could not concur in his conclusions which were not in accordance with facts and did not represent a strict application of the provisions of the Israel-Syrian General Armistice Agreement. In view of the fact that the retention of the bridge constituted a violation of the General Armistice Agreement and a threat to peace, the representative of Syria requested a meeting of the Security Council to consider the question.

At the 780th meeting on 23 May 1957, the Security Council had before it the following provisional agenda:

"The Palestine question

"Letter dated 13 May 1957 from the permanent representative of Syria to the United Nations, addressed to the President of the Security Council concerning the construction of a bridge in the demilitarized zone established by the General Armistice Agreement between Israel and Syria (S/3827)."

⁶⁹ S/3827, O.R., 12th year, Suppl. for Apr.-June 1957, pp. 19-20.

⁷⁰ In a report (S/3815) dated 20 April 1957, the Acting Chief of Staff of the United Nations Truce Supervision Organization in Palestine stated that although the bridge could be used for military purposes, he was nevertheless satisfied that it had been erected in connexion with the Huleh Reclamation project. Accordingly, he did not think that he would be justified in asking for its removal since such a request would have to be based on the assumption that a party would use the bridge for military purposes in violation of the armistice agreement, an assumption he was not entitled to consider. The Acting Chief of Staff also suggested that, in view of the difficulties which had occurred in the investigation, it would be advisable to re-affirm the special powers of the Chairman of the Mixed Armistice Commission and of the United Nations Military Observers in the demilitarized zone (O.R., Suppl. for Apr.-June 1957, pp. 4-7).

The agenda was adopted,⁷¹ and the Security Council considered the question at its 780th, 781st and 782nd meetings on 23 and 28 May 1957. The representatives of Israel and Syria were invited to take part in the discussion.

At the 780th meeting on 23 May 1957, the representative of Syria* requested the Council to condemn Israel for violations of the General Armistice Agreement and of the Security Council's resolution of 18 May 1951, to order the removal of the bridge, to affirm the special powers of the Chairman of the Mixed Armistice Commission and United Nations Military Observers and to reaffirm the right of the United Nations observers to freedom of movement and access in all the sectors of the demilitarized zone.⁷²

The representative of Israel* stated that in 1951 the Chief of Staff of the United Nations Truce Supervision Organization in Palestine had categorically declared that the invocation of military advantage was inadmissible under the armistice agreement since the relationship between Israel and Syria, after the signing of this agreement, was no longer based on purely military considerations. Moreover, the bridge in question had been constructed by Israel for the sole purpose of transporting earth-moving and dredging machinery for the completion of the canal system to the Jordan river. He stated further that Israel had consistently refused to entertain Syrian complaints regarding the demilitarized zone, and did not agree to investigations in the demilitarized zone which had their basis in the Syrian complaints. No difficulty, however, had been encountered in the case of requests for investigations conducted by or on behalf of the Chairman of the Mixed Armistice Commission in pursuance of his functions under article V of the General Armistice Agreement.⁷³

At the 782nd meeting on 28 May 1957, the President (United States), no draft resolution having been introduced, in summing up the proceedings of the Council, made the following statement:

"All members of the Council appear to agree that the authority of the Chief of Staff of the Truce Supervision Organization should be respected and that the parties should co-operate with him. It was noted that in the instance before us he was delayed in his inspection of the bridge and in discharging other duties.

"Some members of the Council made it clear that they did not agree with the decision of the Acting Chief of Staff on the right of Israel to build the bridge. However, the majority have pointed out that the Chief of Staff is the proper authority for ensuring full implementation of the provisions of article V of the Armistice Agreement and have supported his decision. The parties have been asked to co-operate fully with the Acting Chief of Staff and to assist in any practical arrangements that he might feel are necessary in carrying out his responsibilities.

⁷¹ 780th meeting: preceding para. 1.

⁷² 780th meeting: para. 25.

⁷³ 780th meeting: paras. 128, 141-142.

"Note has also been taken of references in the report by the Acting Chief of Staff to other problems in the demilitarized zone, and the majority of the members have suggested that the Acting Chief of Staff submit an additional report at the proper time concerning conditions in the zone, including his freedom of access to the zone. Various inquiries have been made which might be covered in such a report. In this case, it is clear that the achievement of better conditions in the Near East is the Council's overriding objective. The United Nations and its representatives can continue to make an important contribution to this end. To do so, it needs the full co-operation of the Governments concerned."⁷⁴

Following discussion of the question of time-limit for the supplementary report,⁷⁵ the Secretary-General stated that in the light of the discussion and without any formal decision, he would request the Chief of Staff to present a report on the situation in the demilitarized zone and would indicate to him the desirability of presenting it within a month.⁷⁶

The President stated that there being no objections, the Council would proceed on this basis.⁷⁷

On 27 June 1957, the Acting Chief of Staff submitted his additional report.⁷⁸

The Council has not held any further meetings on this question.

Decision of 22 January 1958 (810th meeting):

- (i) *Directing the Chief of Staff of the United Nations Truce Supervision Organization in Palestine to regulate activities within the zone between the armistice demarcation lines around the Government House area in Jerusalem, subject to certain provisions and principles referred to in the resolution;*
- (ii) *Directing the Chief of Staff to conduct a survey of property records with a view to determining property ownership in the zone;*
- (iii) *Endorsing the recommendations of the Acting Chief of Staff to the effect that the parties should discuss through the Israel-Jordan Mixed Armistice Commission the suspension of civilian activities in the zone while provisions are made to regulate such activities, and that within a period of two months such discussions should be completed and their result advised to the Security Council;*
- (iv) *Calling upon the parties to co-operate with the Chief of Staff and in the Mixed Armistice Commission in carrying out the recommendations of the resolution and to observe the provisions of the General Armistice Agreement as regards pre-*

vention of military activities in the zone, and requesting the Chief of Staff to report to the Council on the implementation of the resolution

By letter⁷⁹ dated 4 September 1957, the permanent representative of Jordan informed the President of the Security Council that on 21 July 1957 a number of Israel civilians, under the protection of Israel security forces, had begun certain activities in violation of the provisions of the Israel-Jordan General Armistice Agreement, in a sector of the no-man's-land to the south of Jerusalem constituted by the Agreement and placed under the supervision and control of the United Nations. In spite of a protest and formal complaint lodged with the Chairman of the Mixed Armistice Commission and with the Chief of Staff of the United Nations Truce Supervision Organization respectively, the Israel civilians had refused to cease their activities. Jordan requested that the Security Council be convened in urgent meeting to consider the serious situation resulting from these violations of the General Armistice Agreement.

By letter⁸⁰ dated 5 September 1957, the acting permanent representative of Israel requested the President of the Security Council to place on the agenda the following complaint of Israel against Jordan:

"Violations by Jordan of the provisions of the General Armistice Agreement, and in particular article VIII thereof."

He stated that article VIII of the General Armistice Agreement, under which a Special Committee composed of representatives of both parties was to meet for the purpose of formulating arrangements designed to enlarge the scope of the agreement, had not been implemented because of an obdurate refusal by Jordan to carry out this clear obligation. The only one of the specific requirements mentioned in paragraph 2 of such article VIII which had been put into effect had been the resumption of the operation of the railroad to Jerusalem. All the others had remained unimplemented due to the refusal on the part of Jordan to agree to the functioning of the Special Committee during the previous eight years. As a result, rights which Israel considered to be of cardinal religious, educational and practical importance had been gravely prejudiced. Jordan was also in standing violation of certain other provisions of the General Armistice Agreement. The Government of Israel could not agree to a selective interpretation and implementation of that agreement by Jordan, and accordingly turned to the Security Council for relief from the intolerable situation which had been created.

At the 787th meeting on 6 September 1957, the Council had before it a provisional agenda which, under the general heading of "The Palestine question", listed as sub-items 2 (a) and 2 (b) the complaints submitted by Jordan and Israel, respectively.

⁷⁴ 782nd meeting: paras. 199-201.

⁷⁵ 782nd meeting: paras. 202-213.

⁷⁶ 782nd meeting: paras. 214-215.

⁷⁷ 782nd meeting: para. 216.

⁷⁸ S/3844, O.R., 12th year, Suppl. for Apr.-June 1957, pp. 2-9.

⁷⁹ S/3878, O.R., 12th year, Suppl. for July-Sept. 1957, pp. 33-34.

⁸⁰ S/3883, O.R., 12th year, Suppl. for July-Sept. 1957, pp. 35-36.

Following adoption of the agenda,⁸¹ the President invited the representatives of Jordan and Israel to the Security Council table.

Following discussion of the question whether the sub-items should be dealt with successively or concurrently, the Council decided by 9 votes in favour and 1 against, with 1 abstention, to hear the preliminary statements of the two interested parties first, and to postpone decision on the procedural question.⁸²

At the 788th meeting on 6 September 1957, after statements had been made by the representatives of Jordan* and Israel*, the representative of the Philippines, supported by the representatives of the United Kingdom and the United States, proposed that the Council should request from the Acting Chief of Staff of the Truce Supervision Organization in Palestine a report dealing with the complaint submitted by Jordan and a report on the complaint submitted by Israel. Pending receipt of these reports, both parties should refrain from taking any action between the armistice demarcation lines that would tend to increase tension. A suggestion made by the representative of Iraq that the activities of Israel in the area between the lines in the Jerusalem sector should be immediately stopped was not acted upon by the Council. After further suggestions made by the representatives of China and the United States, the President (Cuba) stated that the Council had decided, without objection, to request two reports from the Acting Chief of Staff in Palestine, one of which, dealing with the Jordan complaint, should be submitted within two weeks; and that copies of the record of the meetings should be transmitted to Israel and Jordan so that their respective Governments might fully understand the views expressed by the members of the Security Council.⁸³

⁸¹ 787th meeting: para. 27.

⁸² 787th meeting: para. 39; for consideration of order of discussion of items on the agenda in relation to the scope of discussion, see chapter II, Case 15.

⁸³ 788th meeting: para. 132. For related discussion in connexion with rule 33 of the rules of procedure, see chapter I, Case 34.

In a report [S/3892, O.R., 12th year, Suppl. for July-Sept. 1957, pp. 38-43] dated 23 September 1957, the Acting Chief of Staff recommended to the Council that the parties should meet and discuss civilian activities in the zone through the Israel-Jordan Mixed Armistice Commission, and that the Government of Israel should suspend its afforestation project within the zone pending the outcome of such discussions, which should be completed within a period of two months. On 16 November 1957, the Acting Chief of Staff reported [S/3892/Add.2, O.R., 12th year, Suppl. for Oct.-Dec. 1957, p. 2] that the United Nations military observers had not observed any such work proceeding in the area in question since 8 November 1957. By letters [S/3907 and S/3914, O.R., 12th year, Suppl. for Oct.-Dec. 1957, pp. 6-8 and 17-18] dated 8 and 18 November 1957 to the Secretary-General, the representative of Jordan declared that further violations had been committed by Israel in the zone between the lines in Jerusalem. In a letter [S/3909, O.R., 12th year, Suppl. for Oct.-Dec. 1957, pp. 8-11] dated 11 November 1957, the representative of Jordan transmitted to the Secretary-General certain comments on the report of the Acting Chief of Staff. By letter [S/3910, O.R., 12th year, Suppl. for Oct.-Dec. 1957, pp. 10-11] dated 14 November 1957, the representative of Israel informed the Council that the Jordanian letter of 8 November contained serious misrepresentations designed to cast an unfavourable light on the legitimate activities of his Government.

At the 806th meeting on 22 November 1957, after the Council had adopted the agenda and the representatives of the parties concerned had been invited to the Council table, the President (Iraq) stated that discussion would proceed on sub-item 2 (a) of the agenda, dealing with the complaint submitted by Jordan. In response to a suggestion by the representative of Israel* that in accordance with previous practice the Council should deal simultaneously with both sub-items on the agenda, the President ruled without objection that all speakers should address themselves to sub-item 2 (a) of the agenda.⁸⁴

The Council continued consideration of the Jordanian complaint at the 809th and 810th meetings on 22 January 1958.

At the 809th meeting on 22 January 1958, the Council had before it a joint draft resolution⁸⁵ submitted by the representatives of the United Kingdom and the United States.

At the 10th meeting on 22 January 1958, after further statements by the parties concerned, including a statement by the representative of Israel* that his Government, without prejudice to its legal rights and positions, had suspended since 8 November 1957 the activities which formed the substance of the Jordanian complaint,⁸⁶ the Council adopted the joint draft resolution unanimously.⁸⁷

The resolution⁸⁸ read as follows:

"The Security Council,

"Recalling its consideration on 6 September 1957, of the complaint of the Hashemite Kingdom of Jordan concerning activities conducted by Israel in the zone between the armistice demarcation lines in the area of Government House at Jerusalem,

"Having considered the report relating to the zone dated 23 September 1957, submitted in response to the Council's request by the Acting Chief of Staff of the United Nations Truce Supervision Organization,

"Noting that the status of the zone is affected by the provisions of the General Armistice Agreement and that neither Israel nor Jordan enjoys sovereignty over any part of the zone (the zone being beyond the respective demarcation lines),

⁸⁴ 806th meeting: paras. 5-6. For the discussion of this point, see chapter II, Case 15.

In compliance with the decision taken by the Council at its 788th meeting, the Acting Chief of Staff submitted a report [S/3913, O.R., 12th year, Suppl. for Oct.-Dec. 1957, pp. 12-16] dated 31 October 1957, relating to the Israel complaint against Jordan which specifically referred to the provisions of article VIII, articles I and II, and article XII of the General Armistice Agreement. The report dealt primarily with the more specific aspects of the complaint and made no attempt to evaluate the broader political issues between the two countries. The Council has not held any meetings to consider the subject of this report.

⁸⁵ S/3940, O.R., 13th year, Suppl. for Jan.-Mar. 1958, pp. 4-5.

⁸⁶ 810th meeting: para. 28.

⁸⁷ 810th meeting: para. 30.

⁸⁸ S/3942, O.R., 13th year, Suppl. for Jan.-Mar. 1958, pp. 4-5.

"Motivated by a desire to reduce tensions and avoid the creation of new incidents,

"1. *Directs* the Chief of Staff of the United Nations Truce Supervision Organization to regulate activities within the zone subject to such arrangements as may be made pursuant to the provisions of the General Armistice Agreement and pursuant to paragraph 3 below, bearing in mind ownership of property there, it being understood that unless otherwise mutually agreed, Israelis should not be allowed to use Arab-owned properties and Arabs should not be allowed to use Israeli-owned properties;

"2. *Directs* the Chief of Staff to conduct a survey of property records with a view to determining property ownership in the zone;

"3. *Endorses* the recommendations of the Acting Chief of Staff to the end that:

"(a) The parties should discuss through the Mixed Armistice Commission civilian activities in the zone;

"(b) In order to create an atmosphere which would be more conducive to fruitful discussion, activities in the zone, such as those initiated by Israelis on 21 July 1957, should be suspended until such time as the survey will have been completed and provisions made for the regulation of activities in the zone;

"(c) Such discussions should be completed within a period of two months;

"(d) The Security Council should be advised of the result of the discussions;

"4. *Calls upon* the parties to the Israel-Jordan General Armistice Agreement to co-operate with the Chief of Staff and in the Mixed Armistice Commission in carrying out these recommendations pursuant to this resolution;

"5. *Calls upon* the parties to the Israel-Jordan General Armistice Agreement to observe article 3 of the Agreement and prevent all forces referred to in article 3 of the Agreement from passing over the armistice demarcation lines and to remove or destroy all their respective military facilities and installations in the zone;

"6. *Calls upon* the parties to use the machinery provided for in the General Armistice Agreement for the implementation of the Provisions of that Agreement;

"7. *Requests* the Chief of Staff to report on the implementation of this resolution."

Decision of 15 December 1958 (844th meeting): Statement of the President expressing the conviction that the parties would prevent recurrences of incidents

By letter⁹⁰ dated 4 December 1958, the permanent representative of Israel requested the President of the Security Council to convene an urgent meeting of the

Council to consider "a grave act of aggression" committed on 3 December 1958 by the armed forces of the United Arab Republic against Israel territory in the Huleh area in north-east Galilee. At noon of that day the Syrian army post at Darbashiya had opened fire on five Israeli shepherds and had killed one of them. The fire had continued until 1600 hours when the Syrian (UAR) forces had opened a heavy artillery barrage on all Israeli villages in the border area from Shamir to Gadot over a distance of 15 km. Three persons had been injured and severe damage had been caused to property. A cease-fire arranged by the United Nations Truce Supervision Organization for 1700 hours had not been honoured by the Syrian forces and their fire had ceased only some time later. This act of aggression was but the most serious in a number of attacks recently perpetrated by the Syrian forces against Israel, which had developed a character threatening peace and security and constituted a serious breach of the Charter and of the Israel-Syrian General Armistice Agreement. The Government of Israel accordingly turned to the Security Council to bring an immediate end to these aggressions.

On 8 December 1958, the Secretary-General circulated for the information of the members of the Security Council a report⁹⁰ by the Chief of Staff of the United Nations Truce Supervision Organization in Palestine concerning the incident of 3 November 1958.

At the 841st meeting on 8 December 1958, the Security Council included the letter from the permanent representative of Israel in the agenda,⁹¹ and invited the representatives of Israel and the United Arab Republic to take part in the discussion. It continued consideration of the question at the 844th meeting on 15 December 1958.

At the 841st meeting, following an elaboration by the representative of Israel* of the contents of his letter concerning the events and actions complained of, the representative of the United Arab Republic* stated⁹² that on 3 December at 1210 hours local time Israel shepherds had come up against the civilian Arab population and had exchanged shots with local police. After this an Israeli armed force had come to the rescue of the shepherds and had later withdrawn. The exchange of fire had ended at 1508 hours; 15 minutes later, the Israeli armed post had opened artillery fire on the Syrian villages of Ain-Maamoun and Darbashiya. In legitimate defence, and only after the Israeli artillery had opened fire, the Syrian artillery had replied. The representative of the United Arab Republic expressed surprise that the Security Council had been seized of this question before the Mixed Armistice Commission had had an opportunity to examine it.⁹³

At the 844th meeting on 15 December 1958, the Secretary-General, after expressing deepest concern over the situation in the Huleh region, which was reflected

⁹⁰ S/4124. For consideration of the question of legitimate self-defence, see chapter XI, part IV, Case 3.

⁹¹ 841st meeting (PV): p. 6.

⁹² 841st meeting (PV): pp. 6-22.

⁹³ 841st meeting (PV): pp. 26-30.

in the question before the Council, drew the attention of the Council to his plan to visit the countries concerned. It was his intention to take up the situation for most serious consideration by the authorities of Israel and the United Arab Republic in the hope of soliciting their full support for the efforts to attack the underlying problems which were at the source of the tension. He further informed the Council of the request made by the Chief of Staff of the United Nations Truce Supervision Organization in Palestine to Israel and Syria authorities on 11 December 1958 that arrangements be made for visits by United Nations Military Observers to the areas within the north-eastern region. Positive replies had been received and inspections had begun that very morning.⁹⁴

Before the adjournment of the meeting, the President (Sweden) made the following statement:⁹⁵

"I am certain the Council agrees that incidents of the nature we have been discussing are regrettable, but also that they can be effectively dealt with by the Chief of Staff and his organization.

"We fully recognize the gravity of the action about which Israel had complained. The Council will, I feel confident, agree that the authority of the United Nations should be respected and that the parties should continue their co-operation with the Chief of Staff of the United Nations Truce Supervision Organization in the spirit of the Armistice Agreement.

"We have listened to the statement by the Secretary-General and taken note of his intention to visit the countries concerned, and there to take up the present situation for most serious consideration by the authorities of Israel and the United Arab Republic, in the hope of breaking the present trend and soliciting their full support for our efforts to attack the underlying problems which are at the source of the tension.

"I venture to express the hope that the incidents of which we have now heard are of an isolated nature. I am convinced that the parties will do everything in their power to prevent recurrences, which would tend to create new tensions in the Middle East."

SITUATION CREATED BY THE UNILATERAL ACTION OF THE EGYPTIAN GOVERNMENT IN BRINGING TO AN END THE SYSTEM OF INTERNATIONAL OPERATION OF THE SUEZ CANAL, WHICH WAS CONFIRMED AND COMPLETED BY THE SUEZ CANAL CONVENTION OF 1888

INITIAL PROCEEDINGS

By a joint letter⁹⁶ dated 23 September 1956, the representatives of France and the United Kingdom requested the President of the Security Council to call a meeting of the Council on 26 September 1956 in order to consider the following question:

⁹⁴ 844th meeting (PV): pp. 2-6.

⁹⁵ 844th meeting (PV): p. 67.

⁹⁶ S/3654, O.R., 11th year, Suppl. for July-Sept. 1956, p. 47.

"Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888."

They stated that the general nature of this situation had been set out in their letter⁹⁷ of 12 September 1956 to the President of the Security Council.

By letter⁹⁸ dated 24 September 1956, the representative of Egypt, in view of further developments since his letter⁹⁹ dated 17 September 1956 to the President of the Security Council, requested that the Security Council be urgently convened to consider the following question:

"Actions against Egypt by some powers, particularly France and the United Kingdom, which constitute a danger to international peace and security and are serious violations of the Charter of the United Nations."

The items submitted by France and the United Kingdom, and by Egypt appeared as items 2 and 3, respectively, of the provisional agenda of the 734th meeting on 26 September 1956. The representative of Egypt was invited to participate in the discussion. At the 742nd meeting on 13 October 1956, the representatives of Israel, Jordan, Lebanon, Libya, Saudi Arabia, Syria and Yemen were invited to submit written statements.¹⁰⁰

⁹⁷ S/3645, O.R., 11th year, Suppl. for July-Sept. 1956, pp. 28-29. In this letter, the representatives of France and the United Kingdom stated that the situation created by the action of the Government of Egypt in attempting unilaterally to bring to an end the system of international operation of the Suez Canal, confirmed and completed by the Suez Canal Convention, had created a situation which might endanger the free and open passage of shipping through the Canal. A Conference had therefore been called in London on 16 August 1956, which had been attended by twenty-two States. Eighteen of them, representing over 90 per cent of the users interested in the Canal, had put forward proposals to the Government of Egypt relating to the future operation of the Canal. The Government of Egypt had refused, however, to negotiate on the basis of these proposals, which in the opinion of the French and United Kingdom Governments, offered means for a just and equitable solution. The two Governments considered that this refusal was an aggravation of the situation, which if allowed to continue, would constitute a manifest danger to peace and security.

⁹⁸ S/3656, O.R., 11th year, Suppl. for July-Sept. 1956, p. 48.

⁹⁹ S/3650, O.R., 11th year, Suppl. for July-Sept. 1956, pp. 38-41. In this letter, the representative of Egypt declared that the act of nationalization of the Suez Canal Company had been taken by Egypt in the full exercise of its sovereign rights and without challenge of infringement of the right of any nation. It had been met by declarations by France of mobilization and movement of armed forces, by hostile economic measures and by incitement to the employees and pilots working in the Canal to abandon their work in an attempt to sabotage the operation of the Canal. Several offers by the Government of Egypt to enter into negotiations at a conference for reviewing the Convention of 1888 had been made to no avail, and instead a "Users' Association", incompatible with the dignity and sovereignty of Egypt, had been created by eighteen Governments. Being determined to spare no effort to reach a peaceful solution of the Suez Canal question on the basis of the recognition of the legitimate and sovereign rights of Egypt and in accordance with the Charter of the United Nations, Egypt considered it indispensable that an end be put to acts such as those complained of, which were a serious danger to the international peace and security and were violations of the Charter.

¹⁰⁰ See chapter III, Case 23.

After the adoption of the agenda,¹⁰¹ the Council rejected a Yugoslav proposal¹⁰² for simultaneous consideration of the two items. The President (Cuba) stated that the two items would be discussed separately in the order in which they had been included in the agenda.¹⁰³

The Security Council considered the item submitted by France and the United Kingdom at its 735th to 743rd meetings held between 5 and 13 October 1956,¹⁰⁴ at its 776th and 777th meetings on 26 April 1957, and at its 778th and 779th meetings on 20 and 21 May 1957.

At the 735th meeting on 5 October 1956, the representatives of France and the United Kingdom submitted a joint draft resolution¹⁰⁵ under which the Security Council was to: (1) re-affirm the principle of the freedom of navigation of the Suez Canal in accordance with the Suez Canal Convention of 1888; (2) consider that the rights which all users of the Suez Canal enjoyed under the system upon which the Suez Canal Convention of 1888 was based should be safeguarded, and the necessary guarantees restored; (3) endorse the proposals¹⁰⁶ of the eighteen States as suitably designed to bring about an adjustment and solution of the Suez Canal question by peaceful means and in conformity with justice; (4) recommend that the Government of Egypt should co-operate by negotiation in working out, on the basis of these proposals, a system of operation to be applied to the Suez Canal; (5) recommend that the Government of Egypt should, pending the outcome of such negotiations, co-operate with the Suez Canal Users' Association.

At the same meeting, the representative of the United Kingdom suggested that, after those who wished to state their views in public session had had a chance to do so, the Council should meet in private session so that the possibilities for a peaceful solution could be explored as rapidly as possible.¹⁰⁷ The 739th to 741st meetings on 9, 11 and 12 October were held in private.¹⁰⁸

Decision of 13 October 1956 (743rd meeting): Adoption of the requirements that any settlement of the Suez question should meet

At the 742nd meeting on 13 October 1956, the representatives of France and the United Kingdom submitted a joint draft resolution,¹⁰⁹ under which the Security Council was to: (1) agree that any settlement of the Suez question should meet the following require-

ments: (i) there should be free and open transit through the Canal without discrimination, overt or covert; (ii) the sovereignty of Egypt should be respected; (iii) the operation of the Canal should be insulated from the politics of any country; (iv) the manner of fixing tolls and charges should be decided by agreement between Egypt and the users; (v) a fair proportion of the dues should be allotted to development; and (vi) in case of disputes, unresolved affairs between the Suez Canal Company and the Government of Egypt should be settled by arbitration, with suitable terms of reference and suitable provisions for the payment of sums found to be due; (2) consider that the proposals of the eighteen Powers correspond to the six requirements and were suitably designed to bring about a settlement of the Suez Canal question by peaceful means, in conformity with justice; (3) note that the Government of Egypt, while declaring its readiness in the explanatory conversations to accept the principles of organized collaboration between an Egyptian authority and the users, had not yet formalized sufficiently precise proposals to meet the six requirements; (4) invite the Governments of Egypt, France and the United Kingdom to continue their interchanges and in this connexion invite the Government of Egypt to make known promptly its proposals for a system meeting the six requirements and providing guarantees to the users not less effective than those sought by the proposals of the eighteen Powers; and (5) consider that pending the conclusion of an agreement for the definitive settlement of the regime of the Suez Canal on the basis of the six requirements, the Suez Canal Users' Association, which had been qualified to receive the dues payable by ships belonging to its members, and the competent Egyptian authorities, should co-operate to ensure the satisfactory operation of the Canal and free and open transit through the Canal in accordance with the 1888 Convention.

With regard to the earlier draft resolution¹¹⁰ the representative of the United Kingdom stated that its sponsors did not intend to ask the Council to consider it at that time. They did not withdraw it and did not ask for a vote upon it.¹¹¹

The representative of Iran submitted an amendment¹¹² to the second operative paragraph of the joint draft resolution.

At the 743rd meeting on 13 October 1956, the representative of Yugoslavia stated that the second part of the joint draft resolution submitted by France and the United Kingdom was based on the proposals of the eighteen Powers which had already shown themselves to offer no basis for agreement, and submitted a draft resolution¹¹³ according to which the Security Council would: (1) consider that a solution to be found must meet certain requirements [identical with the six requirements set forth in the French-United Kingdom joint draft

¹⁰¹ For the adoption of the agenda, see chapter II, Case 6.

¹⁰² For the consideration of the Yugoslav proposal, see chapter II, Case 14.

¹⁰³ 734th meeting: para. 134.

¹⁰⁴ 739th-741st meetings: official communiqués circulated in place of the verbatim records.

¹⁰⁵ S/3666, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 5.

¹⁰⁶ S/3665, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 2.

¹⁰⁷ 735th meeting: para. 95.

¹⁰⁸ S/3671, O.R., 11th year, Suppl. for Oct.-Dec., 1956, pp. 5-6.

¹⁰⁹ See in chapter I, part IV, the note under rule 23 and in the same chapter, Case 12.

¹¹⁰ S/3666, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 5-6.

¹¹¹ 742nd meeting: para. 20.

¹¹² 742nd meeting: para. 60.

¹¹³ S/3672, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 20.

resolution]; (2) recommend that the negotiations be continued; (3) request the Secretary-General to offer, if necessary, his assistance in subsequent stages of negotiations; (4) call on all the parties concerned to abstain from taking any measures which might impair these negotiations.¹¹⁴

The President (France) stated that the amendment¹¹⁵ submitted by the representative of Iran to the French-United Kingdom joint draft resolution had been accepted by the sponsors of the latter and would be incorporated in the joint draft resolution, which would be submitted to the vote in two parts. The first part would include the statement of the six principles, contained in operative paragraph 1, and the second part would begin with operative paragraph 2, as amended by Iran, and continue to the end of the joint draft resolution.¹¹⁶

The first part of the joint draft resolution submitted by France and the United Kingdom, up to the end of the first paragraph, was adopted unanimously.¹¹⁷

The second part of the joint draft resolution, as amended, was not adopted. There were 9 votes in favour and 2 against (one of the negative votes being that of a permanent member).¹¹⁸

The draft resolution was not put to a vote as a whole. The President declared without objection that by the Council's tradition the whole was now identical with the first part. Since the first part had been unanimously adopted, it would be considered that the whole had also been adopted unanimously.¹¹⁹

The Yugoslav delegation did not press for a vote on its own draft resolution.¹²⁰

The Council did not take up item 3 on its agenda, consideration of which was not pressed by the representative of Egypt.¹²¹

The resolution,¹²² as adopted, read:

¹¹⁴ 743rd meeting: paras. 25-30.

¹¹⁵ 742nd meeting: para. 60.

¹¹⁶ 743rd meeting: paras. 103-104.

¹¹⁷ 743rd meeting: para. 106.

¹¹⁸ 743rd meeting: para. 106.

¹¹⁹ 743rd meeting: para. 107.

¹²⁰ 743rd meeting: para. 112.

¹²¹ See the letter [S/3679, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 53-55] dated 15 October 1956 to the President of the Security Council from the Minister for Foreign Affairs of Egypt. For the exchange of correspondence between the Secretary-General and the Minister for Foreign Affairs of Egypt following adoption of the resolutions, see S/3728, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 120-124. The document contains: (a) Note; (b) Letter dated 24 October 1956 from the Secretary-General to the Minister for Foreign Affairs of Egypt; (c) Letter dated 2 November 1956 from the representative of Egypt transmitting a communication from the Minister for Foreign Affairs of Egypt to the Secretary-General. For proceedings of the Security Council affecting the Suez Canal between the 743rd and 779th meetings, see in this chapter, under Palestine question, *decision of 30 October 1956 (749th meeting)*, and under Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council, *decision of 31 October 1956 (751st meeting)*.

¹²² S/3675, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 47-48.

"The Security Council,

"Noting the declarations made before it and the accounts of the development of the exploratory conversations on the Suez question given by the Secretary-General of the United Nations and the Foreign Ministers of Egypt, France and the United Kingdom,

"Agrees that any settlement of the Suez question should meet the following requirements:

"1. There should be free and open transit through the Canal without discrimination, overt or covert—this covers both political and technical aspects;

"2. The sovereignty of Egypt should be respected;

"3. The operation of the Canal should be insulated from the politics of any country;

"4. The manner of fixing tolls and charges should be decided by agreement between Egypt and the users;

"5. A fair proportion of the dues should be allotted to development;

"6. In case of disputes, unresolved affairs between the Universal Suez Maritime Canal Company and the Egyptian Government should be settled by arbitration with suitable terms of reference and suitable provisions for the payment of sums found to be due."

Decision of 21 May 1957 (779th meeting): Statement by the President summarizing the debate and stating that the Council would remain seized of the question

By letter¹²³ dated 24 April 1957, the representative of the United States requested the President of the Security Council to convene a meeting of the Council for the purpose of resuming the discussion of the item relating to the Suez Canal and taking note of the situation regarding passage through the Suez Canal.

At the 776th meeting on 26 April 1957, the Security Council included the letter submitted by the representative of the United States in its agenda.¹²⁴ Following adoption of the agenda, the representative of Egypt was invited to take part in the discussion.

The representative of the United States, explaining why his Government had requested a meeting of the Council, recalled (1) the unanimous adoption of the resolution enumerating six basic requirements to be met in any Suez Canal settlement and the agreement that the Council should remain seized of the matter, and (2) the circulation to members of the Council and the registration with the United Nations of the Declaration¹²⁵ of the Egyptian Government on the Suez Canal. In the

¹²³ S/3817/Rev.1, O.R., 12th year, Suppl. for Apr.-June 1957, p. 8.

¹²⁴ 776th meeting: para. 3.

¹²⁵ By letter [S/3818, O.R., 12th year, Suppl. for Apr.-June 1957, pp. 8-12] dated 24 April 1957, addressed to the Secretary-General, the Minister for Foreign Affairs of Egypt announced that the Suez Canal was open for normal traffic. With the letter, a "Declaration on the Suez Canal and arrangements for its operation" was enclosed for registration by the Secretariat as an international instrument.

view of the United States, the Declaration did not meet fully the six requirements of the Security Council; the fundamental difficulty was the absence of provision for "organized co-operation". Perhaps no final judgement could be made regarding the regime proposed by Egypt until it had been tried out in practice. The Council should remain seized of the matter while the system proposed by Egypt was given a trial.

Discussion of the adequacy and legal standing of the Declaration continued at the same meeting and at the 777th meeting on 26 April 1957. There followed expressions of the view on the one hand that examination of the item by the Council would be completed only when an international instrument had been framed following further negotiations and, on the other hand, that with publication of the Egyptian Government's declaration, the Suez Canal problem was in fact settled.

At the conclusion of the meeting, the President (United Kingdom) declared that, in accordance with the usual practice, arrangements for a further discussion of the question would be made by the President of the Council in consultation with those concerned.¹²⁸

By letter¹²⁷ dated 15 May 1957, the representative of France requested the President of the Security Council to call a meeting of the Council to resume consideration of the item relating to the Suez Canal. Enclosed with the letter was a communiqué of the Council of Ministers of France dated 15 May 1957 in which it was stated that the French Government had noted with regret the decision taken by those users of the Suez Canal who had accepted the direct payment of tolls to Egypt, without the latter having furnished them the minimum guarantees concerning free transit through the Canal and the equitable distribution of the monies collected. The French Government could not regard as acceptable, and still less as final, a solution of the Canal problem which was in flagrant contradiction with the six requirements unanimously approved by the Security Council in October 1956.

At the 778th meeting on 20 May 1957, the Security Council decided by 10 votes in favour and none against, with 1 abstention, to include the letter of the representative of France in the agenda.¹²⁹

At the 779th meeting on 21 May 1957, the President (United States), no draft resolution having been introduced in the Council, in summarizing the debate, stated:

"The Council has now completed a further discussion of the Suez Canal question. It is plain that a clear majority of the members of the Council are acutely aware of the responsibilities of the United Nations with regard to this matter. This is shown by the fact that the Council on 13 October 1956 adopted a resolution enumerating six requirements which should be met in any Suez Canal settlement and adopted them unanimously. There is the further

fact that the Council has discussed this problem several times, and that it has remained seized of the issue is further evidence of the Council's interest and concern.

"It is of course clear that certain views have also been expressed to the effect that the Egyptian Declaration and the present operation of the Suez Canal do adequately implement the six requirements of the Council.

"But the majority of the members are of the opinion that these requirements have not yet been met, that there are uncertainties that require clarification, and that, even as expressed by the Egyptian representative yesterday, the Egyptian position remains to be completed.

"...

"These comments reflect continuing doubts on the part of a number of members regarding the Suez Canal system now put into effect by the Egyptian Government, and about which clarification by Egypt is desired.

"The Egyptian Government will presumably wish as soon as possible to examine these points carefully and to consider the concrete steps it can take to remove the doubts which have arisen. Member Governments will undoubtedly be guided in their diplomatic actions and users will be guided in their practical actions by the views that have been expressed here today and by the Egyptian response to the questions which have been raised here. In the meantime the Council will remain seized of the question and will be in a position to meet again when the representative of Egypt has something further to communicate or when other developments make it desirable."¹²⁹

The representative of the USSR observed that it was clear that the questions to which the President had referred in his summing up reflected only the opinions of individual delegations and not the collective opinion of the whole Security Council as an organ of the United Nations.¹³⁰ The President replied that his summary had been accurate and spoke for itself.¹³¹

The question remains on the list of matters of which the Security Council is seized.¹³²

¹²⁸ 779th meeting: paras. 116-118, 126-127.

¹³⁰ 779th meeting: para. 131.

¹³¹ 779th meeting: para. 132.

¹³² By letter [S/3839/Rev.1, O.R., 12th year, Suppl. for Apr.-June 1957, p. 24] dated 13 June 1957, addressed to the Secretary-General, the representative of France transmitted a communication from his Government in which it was stated that, having regard to the fact that the conclusions drawn by the President of the Security Council indicated the provisional nature of the Egyptian memorandum of 24 April and the need for complete implementation of the six requirements adopted by the Council on 13 October 1956, the French Government was making available to French shipping companies and ship owners the means necessary to enable their ships to use the Canal. That action, it was stated, in no way affected the conclusions referred to and could neither prejudice the rights of third parties nor modify in any way the point of view expressed by the

¹²⁸ 777th meeting: para. 102.

¹²⁷ S/3829, O.R., 12th year, Suppl. for Apr.-June 1957, pp. 20-21.

¹²⁹ 778th meeting: para. 14.

THE SITUATION IN HUNGARY

INITIAL PROCEEDINGS

By letter¹³³ dated 27 October 1956, addressed to the President of the Security Council, the permanent representatives of France, the United Kingdom and the United States referred to:

"... the situation created by the action of foreign military forces in Hungary in violently repressing the rights of the Hungarian people which are secured by the Treaty of Peace to which the Governments of Hungary and the Allied and Associated Powers are parties."

Pursuant to the provisions of Article 34 of the Charter, they requested the inclusion of an item in the agenda of the Security Council entitled: "The situation in Hungary", and an urgent meeting of the Council to consider it.

At the 746th meeting on 28 October 1956, during the discussion concerning the adoption of the provisional agenda, the representative of the USSR, referring to the provisions of Article 2 (7) of the Charter, objected to the question being placed on the Council's agenda. He also maintained that any situations arising inside a country and not affecting its relations with other States, as in the present instance, did not fall under Article 34.¹³⁴

The provisional agenda was adopted by 9 votes in favour and 1 against, with 1 abstention.¹³⁵

The Security Council considered the question at its 746th and 752nd-754th meetings, between 28 October and 4 November 1956. The representative of Hungary was invited to take part in the discussion.¹³⁶

By letter¹³⁷ dated 2 November 1956, 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 in view of the critical situation in Hungary, and noted that the Council was already seized of this matter under the item: "The situation in Hungary".

At the 752nd meeting on 2 November 1956, the representative of the United States referred to the cable-

representative of France at the meetings on 20 and 21 May 1957. By letter [S/3818/Add.1, O.R., 12th year, Suppl. for July-Sept. 1957, pp. 1-2] dated 18 July 1957, the Minister for Foreign Affairs of Egypt transmitted to the Secretary-General a declaration of the Government of Egypt accepting as compulsory *ipso facto* the jurisdiction of the International Court of Justice in all disputes that might arise under paragraph 9 (B) of the Declaration dated 24 April 1957 on "Suez Canal and the arrangements for its operation", with effect as from that date.

¹³³ S/3690, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 100.

¹³⁴ 746th meeting: paras. 12-13, 24. For discussion in relation to Article 2 (4), see chapter XII, part I, Case 1; for discussion in relation to Article 2 (7), see chapter XII, part I, Case 2; in relation to Article 34, see chapter X, part II, Case 6.

¹³⁵ For consideration of the inclusion of the question in the agenda, see chapter II, part III, Case 7.

¹³⁶ 746th meeting: para. 35; see chapter III, part I, Case 13; for the subsequent discussion concerning the applicability of rules 14, 15 and 17 of the rules of procedure, see chapter I, part II, Case 4.

¹³⁷ S/3723, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 117.

gram¹³⁸ dated 1 November 1956 from the President of the Council of Ministers of the Hungarian People's Republic addressed to the Secretary-General requesting that the question of Hungary's neutrality and the defence of that neutrality by the four Great Powers be put on the agenda of the forthcoming General Assembly, and stated that the Council's next step should be to "ascertain the facts".¹³⁹

The representative of Cuba¹⁴⁰ supported by the representative of Peru¹⁴¹ expressed the view that a draft resolution must be submitted as soon as possible and must embody at least three principles: (a) an immediate appeal to the Government of the USSR to withdraw its troops from Hungarian territory; (b) an express recognition of the right of the Hungarian people to determine by free election the system of government under which it chose to live; and (c) the establishment of a commission of the Security Council to supervise and ensure the carrying out of measures proposed by the Security Council which would ensure the political independence of Hungary.

The representative of China stated that he would like to see the following four points incorporated in the resolution which the Security Council should adopt: (a) expression of sympathy by the Council to the Hungarian people in this struggle for freedom; (b) a clear statement by the Council that it opposed the military intervention of the Soviet Union; (c) establishment of a United Nations Commission sent to observe the events on the spot and to report to the United Nations; and (d) issuance of an appeal to "all the free peoples of the world" to give to the Hungarian people such help as they could.¹⁴²

At the same meeting, the text of a note¹⁴³ dated 2 November 1956 from the permanent mission of the Hungarian People's Republic addressed to the Secretary-General, transmitting a letter of the same date from the President of the Council of Ministers and Acting Foreign Minister of the Hungarian People's Republic, was circulated. This asked the Security Council to instruct the Governments of Hungary and the USSR to start negotiations immediately looking to the withdrawal of Soviet troops from Hungary.

On 3 November 1956, the Chairman and Minister for Foreign Affairs of the Council of Ministers of the Hungarian People's Republic, in a cablegram¹⁴⁴ addressed to the Secretary-General, stated that his Government confirmed that the communications sent to the Secretary-General expressed the official standpoint of the "whole Hungarian Government".

¹³⁸ A/3251, GA (ES II), Annexes a.i. 5, p. 1.

¹³⁹ 752nd meeting: paras. 59, 61.

¹⁴⁰ 752nd meeting: para. 68.

¹⁴¹ 752nd meeting: para. 96.

¹⁴² 752nd meeting: para. 131.

¹⁴³ S/3726, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 119-120.

¹⁴⁴ S/3731, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 126-127.

Decision of 4 November 1956 (754th meeting): Rejecting the revised draft resolution submitted by the representative of the United States

At the 753rd meeting on 3 November 1956, the representative of the United States submitted a draft resolution,¹⁴⁵ according to which the Security Council would: (1) call upon the Government of the USSR to desist forthwith from any form of intervention, particularly armed intervention, in the internal affairs of Hungary; (2) express the earnest hope that the USSR would withdraw all Soviet forces from Hungary without delay; (3) affirm the right of the Hungarian people to a government responsive to its national aspirations and dedicated to its independence and well-being; (4) request the Secretary-General in consultation with the heads of appropriate specialized agencies to explore on an urgent basis the need of the Hungarian people for food, medicine and other similar supplies, and to report to the Security Council as soon as possible; and (5) request all Members of the United Nations and invite national and international humanitarian organizations to co-operate in making available such supplies as might be required by the Hungarian people.

The representative of Peru suggested the following amendments¹⁴⁶ to the United States draft resolution: in paragraph 2 replace the words "expresses the earnest hope" by the word "understands"; in paragraph 3 add, following the words "Hungarian people", the words "to secure, through free elections."

After a discussion, the Security Council decided that the next meeting would be held on Monday, 5 November.¹⁴⁷

At the urgently summoned 754th meeting held on Sunday, 4 November 1956, at 3.00 a.m., the representative of the United States submitted a revision of his draft resolution,¹⁴⁸ operative paragraph 2 of which would have called upon the USSR to cease the introduction of additional armed forces into Hungary and to withdraw all of its forces without delay from Hungarian territory.

The representative of China submitted an amendment¹⁴⁹ to operative paragraph 1 of the revised draft resolution to call upon the Government of the USSR to desist forthwith from making war on the Government and people of Hungary, and from any form of intervention in the internal affairs of Hungary.

At the request of the representative of the United States,¹⁵⁰ the representative of China agreed not to press

for a vote on his amendment to the revised draft resolution.¹⁵¹

At the 754th meeting on 4 November 1956, the United States revised draft resolution was not adopted. There were 9 votes in favour and 1 against, the negative vote being that of a permanent member of the Council.¹⁵² The representative of Yugoslavia did not participate in the voting;¹⁵³ at the 755th meeting on 5 November 1956, he requested that his vote be recorded as an abstention.¹⁵⁴

Decision of 4 November 1956 (754th meeting): Deciding to call an emergency special session of the General Assembly

At the 754th meeting on 4 November 1956, after the voting on the United States revised draft resolution, the representative of the United States submitted a draft resolution¹⁵⁵ according to which the Security Council would decide to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 (V), in order to make appropriate recommendations concerning the situation in Hungary.

At the same meeting, the draft resolution submitted by the United States was adopted by 10 votes in favour and 1 against.¹⁵⁶

The resolution¹⁵⁷ read:

"The Security Council,

"Considering that a grave situation has been created by the use of Soviet military forces to suppress the efforts of the Hungarian people to reassert their rights,

"Taking into account that because of a lack of unanimity among its permanent members the Security Council has been unable to exercise its primary responsibility for the maintenance of international peace and security,

"Decides to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations concerning the situation in Hungary."

The Secretary-General then stated that at the 751st meeting on 31 October 1956 he had made a declaration concerning the views he held on the duties of the Secretary-General and his understanding of the stands that he had to take. He wished to put on record that the observations he had made on that occasion obviously applied also to the present situation.¹⁵⁸

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

¹⁴⁵ S/3730, S/3730/Rev.1, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 125-126.

¹⁴⁶ 753rd meeting: paras. 118-119.

¹⁴⁷ 753rd meeting: para. 50. For the consideration of the proposal for the adjournment of the meeting, see chapter I, part V, Case 33.

¹⁴⁸ S/3730/Rev.1, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 125-126.

¹⁴⁹ 754th meeting: para. 32.

¹⁵⁰ 754th meeting: para. 57.

¹⁵¹ 754th meeting: para. 58.

¹⁵² 754th meeting: para. 68.

¹⁵³ 754th meeting: para. 63.

¹⁵⁴ 755th meeting: para. 84.

¹⁵⁵ 754th meeting: para. 70.

¹⁵⁶ 754th meeting: para. 75.

¹⁵⁷ S/3733, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 127.

¹⁵⁸ 754th meeting: para. 76. For the declaration of the Secretary-General, see chapter I, part IV, Case 13.

LETTER DATED 25 OCTOBER 1956 FROM THE REPRESENTATIVE OF FRANCE TO THE SECRETARY-GENERAL WITH COMPLAINT CONCERNING: MILITARY ASSISTANCE RENDERED BY THE EGYPTIAN GOVERNMENT TO THE REBELS IN ALGERIA

INITIAL PROCEEDINGS

By letter¹⁵⁹ dated 25 October 1956 addressed to the Secretary-General, the representative of France requested that the following item be placed on the agenda of a forthcoming meeting of the Security Council: "Military assistance rendered by the Egyptian Government to the rebels in Algeria". In an accompanying memorandum it was stated that on 16 October 1956 a vessel bearing the name *Saint-Briavel*, but previously named *Athos*, flying no flag, had been examined by a French warship. It had been discovered that the *Athos* had no shipping papers and was loaded with arms and ammunition. According to statements of six clandestine passengers abroad, the ship had been loaded in a "prohibited area" in Alexandria on the night of 3-4 October, 159 Egyptian military personnel in uniform taking part in the loading operations. The arms were to have been delivered to the chief of the *maquis* of Turenne. It had been also discovered that the owner of the *Athos* had worked in Egyptian intelligence services, had been in charge of arms shipments to the Algerian *maquis* and kept in continuous contact with the Egyptian military authorities. These facts provided irrefutable evidence of the direct responsibility of Egypt in the rebellion in Algeria and of its attack on French sovereignty in flagrant violation of the fundamental rules of international law.

At the 747th meeting on 29 October 1956, the Security Council decided, without a vote, to include the item in the agenda.¹⁶⁰

The President (France) stated that all members of the Council would agree that the representative of Egypt should be invited to take part in the debate. He therefore thought it advisable to adjourn the meeting in order to give him time to make his preparations.¹⁶¹

The Council has not considered the matter since that time.¹⁶²

LETTER DATED 30 OCTOBER 1956 FROM THE REPRESENTATIVE OF EGYPT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By letter¹⁶³ dated 30 October 1956, the representative of Egypt transmitted to the President of the Security Council a letter from the Minister for Foreign Affairs of Egypt in which it was stated that the Egyptian

Ambassador in London had been handed a note by the Government of the United Kingdom containing an ultimatum to the Government of Egypt to: (a) stop all warlike actions by land, sea and air; (b) withdraw all Egyptian military forces ten miles from the Suez Canal; and (c) accept occupation by British and French forces of key positions at Port Said, Ismailia and Suez. Failing an answer by 6.30 a.m. Cairo time on 31 October, the Governments of France and the United Kingdom would intervene in whatever strength they might deem necessary to secure compliance. The Governments of the United Kingdom and France were taking as a pretext for their actions the current fighting within Egyptian territory between the attacking armed forces from Israel and the defending forces of Egypt. It was stated further that this threat of force by the United Kingdom and French Governments and the imminent danger of United Kingdom and French armed forces occupying Egyptian territory within a few hours, in flagrant violation of the rights of Egypt and of the Charter of the United Nations, impelled the Government of Egypt to request that the Security Council be convened immediately to consider this act of aggression by the United Kingdom and France. Until the Council had taken the necessary measures, Egypt had no choice but to defend itself and safeguard its rights against such aggression.

At the 750th meeting on 30 October 1956, the provisional agenda included the following items: "Letter dated 29 October 1956 from the representative of the United States of America, addressed to the President of the Security Council, concerning: 'The Palestine question: steps for the immediate cessation of military action of Israel in Egypt'; Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council."¹⁶⁴

The Security Council decided to include the letter from the representative of Egypt as the second item in the agenda of that meeting.¹⁶⁵

After the Security Council had completed the consideration of the first item,¹⁶⁶ it began the consideration of the item submitted by the Government of Egypt.

The Council considered the question at the 750th and 751st meeting on 30 and 31 October 1956. The representative of Egypt was invited to take part in the discussion.¹⁶⁷

Decision of 31 October 1956 (751st meeting): To call an emergency special session of the General Assembly

At the 751st meeting on 31 October 1956, the Secretary-General made a statement of his views on the duties of the Secretary-General in the instant case.¹⁶⁸

¹⁵⁹ S/3689, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 98-100.

¹⁶⁰ 747th meeting: para. 9.

¹⁶¹ 747th meeting: para. 11; See chapter III, part I, Case 14.

¹⁶² On 4 February 1957, the representative of France addressed a further communication to the President of the Security Council (S/3783, O.R., 12th year, Suppl. for Jan.-Mar. 1957, pp. 5-7) concerning this matter.

¹⁶³ S. 3712, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 111.

¹⁶⁴ 750th meeting: preceding para. 1.

¹⁶⁵ 750th meeting: para. 9. For the adoption of the agenda, see chapter II, Case 8.

¹⁶⁶ See above, chapter VIII, "The Palestine question", p. 93.

¹⁶⁷ 750th meeting: preceding para. 11; 751st meeting: preceding para. 1.

¹⁶⁸ 751st meeting: paras. 1-5. For the statement of the Secretary-General, see chapter I, part IV, Case 12.

At the same meeting, the representative of Yugoslavia submitted a draft resolution¹⁶⁹ according to which the Security Council would decide to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations.

The representative of the United Kingdom contended that the Yugoslav draft resolution was not in order and asked for a vote on his contention.¹⁷⁰

The motion was rejected by 6 votes in favour and 1 against, with 1 abstention.¹⁷¹

At the same meeting, the draft resolution submitted by the representative of Yugoslavia was adopted by 7 votes in favour and 2 against, with 2 abstentions.¹⁷²

The resolution¹⁷³ read:

"The Security Council,

"Considering that a grave situation has been created by action undertaken against Egypt,

"Taking into account that the lack of unanimity of its permanent members at the 749th and 750th meetings of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

"Decides to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations."

The representative of the United Kingdom and the President, as the representative of France, reserved the positions of their Governments concerning the legality of the resolution.¹⁷⁴

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

THE INDIA-PAKISTAN QUESTION

By letter¹⁷⁵ dated 2 January 1957 to the President of the Security Council, the Minister for Foreign Affairs of Pakistan stated that India had refused, on one pretext or another, to honour the international commitments which it had accepted under the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1958 and 5 January 1949. The statements of the Prime Minister of India and the steps taken by the so-called Constituent Assembly of Jammu and Kashmir in collusion with the Government of India in

regard to the disposition of the State of Jammu and Kashmir had further forced Pakistan to the conclusion that continuance of direct negotiations between the two Governments held no prospect of settling the dispute, and had created an explosive situation which constituted a serious threat to peace in the area. It was most essential that early action should be taken to implement the two resolutions of the United Nations Commission for India and Pakistan which constituted an international agreement between India and Pakistan that the question of the accession of the State of Jammu and Kashmir to India or Pakistan would be decided by means of a free and impartial plebiscite under United Nations auspices. The Minister for Foreign Affairs of Pakistan therefore requested the President of the Security Council to call an early meeting of the Security Council.

The question was considered by the Security Council at the 761st to 774th meetings held between 16 January and 21 February 1957, at the 791st meeting on 24 September 1957, and at the 795th to 805th, 807th and 808th meetings held between 9 October and 2 December 1957. The representatives of India and Pakistan were invited to take part in the discussion.

At the 761st meeting on 16 January 1957, the representative of Pakistan* stated that "all the processes for peaceful settlement" of the dispute laid down in Article 33 of the United Nations Charter had been exhausted. In view of this situation, the representative of Pakistan requested the Security Council: (1) to call upon India to refrain from accepting the change envisaged by the new constitution adopted by the so-called Constituent Assembly of Srinagar; (2) under Article 37(2) of the Charter,¹⁷⁶ to spell out the obligations of the parties, under the terms of "the international agreement for a plebiscite as embodied in the United Nations resolutions". The representative of Pakistan suggested further that the Security Council should: (1) call upon the parties to withdraw all their troops from the State and also ensure that the local forces which remained behind should be placed under the representative of the Security Council and suitably reduced, if not disbanded altogether; (2) entrust to a United Nations force, which should be introduced into the area at once, the functions of protecting the State and ensuring internal security;¹⁷⁷ (3) disband all other forces, Indian, Pakistani and local, and remove all non-Kashmiri nationals, even in the police force, from Kashmir; (4) fix an early and firm date for the induction into office of the Plebiscite Administrator.¹⁷⁸

At the 762nd meeting on 23 January 1957, the representative of India* stated that the question which his Government had brought before the Security Council

¹⁶⁹ S/3719, 751st meeting: para. 71. For consideration of this draft resolution, see chapter VI, part I, Case 2.

¹⁷⁰ 751st meeting: para. 126. See also chapter I, part V, Case 22.

¹⁷¹ 751st meeting: para. 127.

¹⁷² 751st meeting: para. 147.

¹⁷³ S/3721, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 116-117.

¹⁷⁴ 751st meeting: paras. 150-151.

¹⁷⁵ S/3767, O.R., 12th year, Suppl. for Jan.-Mar. 1957, pp. 1-3.

¹⁷⁶ For discussion of the character of the decisions of the Security Council under Chapter VI of the Charter, see chapter X, part IV, Case 9.

¹⁷⁷ 761st meeting: para. 112.

¹⁷⁸ For consideration of the proposal for the use of a United Nations force in connexion with the Security Council's decisions under Chapter VI of the Charter, see chapter X, part IV, Case 10.

by its letter¹⁷⁹ of 1 January 1948 was a situation involving an act of aggression¹⁸⁰ against India and not a dispute; this question was still pending before the Security Council¹⁸¹ and called for immediate action by the Security Council for avoiding a breach of international peace. Moreover, part II of the resolution of the Commission for India and Pakistan of 13 August 1948 relating to truce arrangements had not been carried out by Pakistan and part III relating to the holding of a plebiscite had therefore never come into force. The resolution of the Commission for India and Pakistan of 5 January 1949 which had been accepted by India concerned the implementation of part III of the earlier resolution and like that part and for the same reasons had never come into force. The Indian Government, which had accepted the resolution of the Commission for India and Pakistan on conditions concurred in by the Commission, was bound by resolutions of the Security Council only to the extent that they flowed from the Commission's resolutions and no further. The acts of the Constituent Assembly of the State of Jammu and Kashmir were municipal and not international acts and, therefore, no concern of the Security Council. The act of accession of Jammu and Kashmir to India was an international act, the legality of which, however, was beyond challenge and not in question and which involved no issue of international peace and security. The only issue of the latter kind was the aggression committed by Pakistan.

Decision of 24 January 1957 (765th meeting): Reminding the Governments and authorities concerned of the principle embodied in certain resolutions and re-affirming the affirmation in the resolution of 30 March 1951

At the 764th meeting on 24 January 1957, the Security Council had before it a joint draft resolution¹⁸² submitted by the representatives of Australia, Colombia, Cuba, the United Kingdom and the United States.

At the 765th meeting on 24 January 1957, the joint draft resolution was adopted by 10 votes in favour and none against, with 1 abstention.¹⁸³

The resolution¹⁸⁴ read:

"The Security Council,

"Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir,

"Reminding the Governments and authorities concerned of the principle embodied in its resolutions of 21 April 1948, 3 June 1948, 14 March 1950 and

30 March 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

"1. Reaffirms the affirmation in its resolution of 30 March 1951 and declares that the convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle.

"2. Decides to continue its consideration of the dispute."

Decision of 20 February 1957 (773rd meeting): Rejection of the joint draft resolution submitted by the representatives of Australia, Cuba, the United Kingdom and the United States

At the 768th meeting on 15 January 1957, the representative of the United Kingdom introduced a draft resolution¹⁸⁵ jointly with the representatives of Australia, Cuba and the United States. In the joint draft resolution it was provided that the Security Council would: (1) request the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan proposals which, in his opinion, were likely to contribute to the achievement of demilitarization or to the establishment of other conditions for progress toward the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan, and bearing in mind the statements of the representatives of the Governments of India and Pakistan and the proposal for the use of a temporary United Nations force; (2) authorize him to visit the subcontinent for this purpose; (3) request him to report to the Security Council as soon as possible but not later than 15 April 1957; (4) invite the Governments of India and Pakistan to co-operate with him in the performance of these functions; (5) request the Secretary-General and the United Nations representative for India and Pakistan to render such assistance to him as he might request.

At the 770th meeting on 18 February 1957, the representative of the USSR submitted amendments¹⁸⁶ to the joint draft resolution to: (1) replace the preamble by a different text; (2) amend paragraph 1 of the operative part to provide that the Security Council would request the President of the Council, the representative of Sweden, to examine with the Governments

¹⁷⁹ S/1100, Annex 28, O.R., Suppl. for Nov. 1948, p. 139.

¹⁸⁰ For the question whether the Security Council has considered the item before it as a "dispute" or a "situation", see chapter X, part II, Case 5.

¹⁸¹ 762nd meeting: para. 11.

¹⁸² S/3778.

¹⁸³ 765th meeting: para. 150.

¹⁸⁴ S/3779, O.R., 12th year, Suppl. for Jan.-Mar. 1957, p. 4.

¹⁸⁵ S/3787, O.R., 12th year, Suppl. for Jan.-Mar. 1957, pp. 7-8.

¹⁸⁶ S/3789, O.R., 12th year, Suppl. for Jan.-Mar. 1957, p. 8.

of India and Pakistan the situation in respect of Jammu and Kashmir, and to consider the progress that could be made towards the settlement of the problem, bearing in mind the statements of the representatives of the Governments of India and Pakistan; and (3) delete in paragraph 3 of the operative part the words "but not later than 15 April 1957".

At the 771st meeting on 18 February 1957, the representative of Colombia submitted an amendment¹⁸⁷ to the joint draft resolution to: (1) replace the preamble by a different text; (2) amend paragraph 1 of the operative part to provide that the Security Council would request the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan proposals, which, in his opinion, were likely to contribute to the achievement of the provisions contemplated in the resolutions of 13 August 1948 and 5 January 1949, of the United Nations Commission for India and Pakistan, or to the establishment of other conditions for progress towards the settlement of the problem, bearing in mind the statements of the representatives of the Governments of India and Pakistan, the proposal for the use of a temporary United Nations force, if accepted by the parties, or the possibility to refer the problem to the International Court of Justice; and (3) replace in paragraph 3 of the operative part the last words by the following: "if possible not later than 15 April 1957".

At the 773rd meeting on 20 February 1957, the Security Council voted on the USSR amendment, the Colombian amendment and the joint draft resolution.

The USSR amendment was rejected by 1 vote in favour and 2 against, with 8 abstentions.¹⁸⁸ The Colombian amendment was rejected by 1 vote in favour and none against, with 10 abstentions.¹⁸⁹ The joint draft resolution was not adopted. There were 9 votes in favour and 1 against, with 1 abstention (the negative vote being that of a permanent member).¹⁹⁰

Decision of 21 February 1957 (774th meeting):
Requesting the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan any proposals likely to contribute to the settlement of the dispute

At the 773rd meeting on 20 February 1957, the representative of the United States, jointly with the representatives of Australia and the United Kingdom, submitted a draft resolution¹⁹¹ which, at the 774th meeting on 21 February 1957, was adopted by 10 votes in favour and none against, with 1 abstention.¹⁹² Before adoption of the resolution, the representative of India observed that his Government felt engaged by only

those resolutions of the Security Council under Chapter VI of the Charter which it had accepted. However, the President of the Security Council would always be welcome in India.

The resolution¹⁹³ read:

"The Security Council,

"Recalling its resolution of 24 January 1957, its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

"1. Requests the President of the Security Council, the representative of Sweden, to examine with the Governments of India and Pakistan any proposals which, in his opinion, are likely to contribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan; to visit the sub-continent for this purpose; and to report to the Security Council not later than 15 April 1957;

"2. Invites the Governments of India and Pakistan to co-operate with him in the performance of these functions; and

"3. Requests the Secretary-General and the United Nations Representative for India and Pakistan to render such assistance as he may request."

On 29 April 1957, the representative of Sweden submitted to the Security Council the report¹⁹⁴ he had prepared in pursuance of the resolution of the Security Council of 21 February 1957, in which he stated that he had inquired of the two Governments whether they would be prepared to submit to arbitration the question of whether part 1 of the resolution of 13 August 1948 had been implemented. The Government of Pakistan had fallen in with the suggestion in principle. The Government of India felt that the issues in dispute were not suitable for arbitration.

"While I feel unable to report to the Council any concrete proposals which, in my opinion, at this time are likely to contribute towards a settlement of the dispute, as I was requested to do under the terms of reference of the Council's resolution of 21 February 1957 (S/3793), my examination of the situation as it obtains at present would indicate that, despite the present deadlock, both parties are still desirous of finding a solution to the problem. In this connexion the Council may wish to take note of expressions of sincere willingness to co-operate with the United Nations in the finding of a peaceful solution, which I received from both Governments."

Decision of 2 December 1957 (808th meeting):
Requesting the United Nations Representative of India and Pakistan to make any recommendations to the parties for further appropriate action with a view to

¹⁸⁷ S/3791/Rev.1, O.R., 12th year, Suppl. for Jan.-Mar. 1957, pp. 8-9.

¹⁸⁸ 773rd meeting: para. 124.

¹⁸⁹ 773rd meeting: para. 125.

¹⁹⁰ 773rd meeting: para. 126.

¹⁹¹ S/3792 and Corr.1, 773rd meeting: para. 130.

¹⁹² 774th meeting: para. 79.

¹⁹³ S/3793, O.R., 12th year, Suppl. for Jan.-Mar. 1957, p. 9.

¹⁹⁴ S/3821, O.R., 12th year, Suppl. for Apr.-June 1957, pp. 12-16.

making progress toward the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peaceful settlement

At the 791st meeting on 24 September 1957, the Council, at the request of Pakistan, resumed consideration of the question on the basis of the report submitted by the representative of Sweden under the Security Council resolution of 21 February 1957.¹⁹⁵ Consideration of the question continued at the 795th to 805th meetings from 9 October to 21 November 1957, and at the 807th and 808th meetings on 28 November and 2 December 1957, respectively.

At the 797th meeting on 25 October 1957, the representatives of the United Kingdom and the United States urged that the Security Council call upon the United Nations Representative for India and Pakistan to consult again with the parties in order to bring about progress toward full implementation of the resolutions adopted by the Commission for India and Pakistan.

At the 803rd meeting on 18 November 1957, the Council had before it a joint draft resolution¹⁹⁶ submitted by the representatives of Australia, Colombia, the Philippines, the United Kingdom and the United States to request the United Nations Representative for India and Pakistan to make any recommendations to the parties for further action which he considered desirable in connexion with Part I of the United Nations Commission for India and Pakistan resolution of 13 August 1948, and to enter into negotiations with the Governments of India and Pakistan in order to implement Part II of the same resolution, and in particular to reach agreement on a reduction of forces on each side of the cease-fire line to a specified number arrived at on the basis of the relevant Security Council resolutions.

At the 807th meeting on 28 November 1957, the representative of Sweden submitted an amendment¹⁹⁷ to the fourth paragraph of the preamble, and an amendment to the second paragraph of the operative part of the joint draft resolution before the Council.

At the 808th meeting on 2 December 1957, the amendments submitted by the representative of Sweden were adopted by 10 votes in favour and none against, with 1 abstention.¹⁹⁸ The joint draft resolution, as amended, was adopted by 10 votes in favour and none against, with 1 abstention.¹⁹⁹

The resolution²⁰⁰ read:

"The Security Council,

"Having received and noted with appreciation the report of Mr. Gunnar V. Jarring, the representative

of Sweden, on the mission undertaken by him pursuant to the Security Council resolution of 21 February 1957,

"Expressing its thanks to Mr. Jarring for the care and ability with which he has carried out his mission,

"Observing with appreciation the expressions made by both parties of sincere willingness to co-operate with the United Nations in finding a peaceful solution,

"Observing further that the Governments of India and Pakistan recognize and accept the provisions of its resolution dated 17 January 1948 and of the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949, which envisage in accordance with their terms the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and that Mr. Jarring felt it appropriate to explore what was impeding their full implementation,

"Concerned over the lack of progress towards a settlement of the dispute which his reports manifests,

"Considering the importance which it has attached to demilitarization of the State of Jammu and Kashmir as one of the steps towards a settlement,

"Recalling its previous resolutions and the resolutions of the United Nations Commission for India and Pakistan on the India-Pakistan question,

"1. Requests the Government of India and the Government of Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation and to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations;

"2. Requests the United Nations representative for India and Pakistan to make any recommendations to the parties for further appropriate action with a view to making progress toward the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peaceful settlement;

"3. Authorizes the United Nations representative to visit the sub-continent for these purposes; and

"4. Instructs the United Nations representative to report to the Security Council on his efforts as soon as possible."²⁰¹

THE TUNISIAN QUESTION (I)

INITIAL PROCEEDINGS

By letter²⁰² dated 13 February 1958, the representative of Tunisia requested the President of the

¹⁹⁵ 791st meeting: para. 8.

¹⁹⁶ S 3911, O.R., 12th year, Suppl. for Oct.-Dec. 1957, pp. 10-11.

¹⁹⁷ S/3920, 807th meeting: para. 3.

¹⁹⁸ 808th meeting: para. 8.

¹⁹⁹ 808th meeting: para. 17.

²⁰⁰ S/3922, O.R., 12th year, Suppl. for Oct.-Dec. 1957, pp. 21-22.

²⁰¹ The United Nations representative reported pursuant to the resolution on 31 March 1958 [S 3984, O.R., 13th year, Suppl. for Jan.-Mar. 1958, pp. 38-46].

²⁰² S 3952, O.R., 13th year, Suppl. for Jan.-Mar. 1958, pp. 13-14.

Security Council to call the Security Council to consider the following question:

“Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Sakiet-Sidi-Youssef”.

In an explanatory memorandum attached to the letter, the representative of Tunisia stated that on 8 February 1958, twenty-five bomber and fighter aircraft subjected the village of Sakiet-Sidi-Youssef, near the Algerian border, and the area immediately surrounding it “to a massive bombardment with bombs and rockets and continuous strafing by machine-guns”. Seventy-nine persons had been killed and one hundred and thirty wounded during this attack, which constituted “an act of armed aggression by France against Tunisia”. The representative of Tunisia added that he had previously informed the Secretary-General of earlier acts of aggression and of the fact that they were violations of Article 2(4) of the Charter and that, in accordance with Article 51 of the Charter, the Tunisian Government proposed to exercise its right of self-defence. The intentions expressed by the French Government did not appear to hold out any prospect that these deliberate attacks on Tunisia’s sovereignty committed since June 1957 and flagrant violations of Article 2(4) would cease. Accordingly, he seized the Security Council of “the situation created by the deliberate act of aggression committed on 8 February 1958” and requested it “to take whatever decision it may deem appropriate to put an end to a situation which threatens Tunisia’s security and endangers international peace and security in that part of the world”.

By letter²⁰³ to the President of the Security Council dated 14 February 1958, the representative of France requested that the Security Council should at its next meeting consider the following complaint:

“Situation resulting from the aid furnished by Tunisia to rebels enabling them to conduct operations from Tunisian territory directed against the integrity of French territory and the safety of the persons and property of French nationals”.

In an explanatory memorandum attached to the letter, the representative of France stated that the Tunisian Government had not shown itself capable of maintaining order on the Franco-Tunisian frontier and that the Algerian rebels, aided and abetted by the Tunisian authorities, had been able to establish in Tunisia a complete organization enabling them to carry out numerous border violations and incursions into the French territory. A particularly serious incident had occurred on 11 January 1958 in the vicinity of Sakiet-Sidi-Youssef where, in the course of an engagement with a rebel band which had come from Tunisia, sixteen French soldiers were killed and four taken prisoner. In addition, aircraft flying over French territory had on several occasions sustained damage caused by automatic weapons fired from the building in that village occupied by the Tunisian National Guard. The reaction of the

French Air Force at the time of the incident to which the Tunisian complaint referred had thus been the outcome of the many acts of provocation to which French forces had been subjected. For these reasons, the French Government considered that “Tunisia has seriously failed in its obligations as a State Member of the United Nations and has directly and indirectly caused very grave injury to the legitimate interests of France”. The French Government accordingly asked that “the assistance furnished by Tunisia to the Algerian rebels should be condemned by the Council”.

By letter²⁰⁴ dated 17 February 1958, the representative of Tunisia furnished the President of the Security Council the following “additional details” in respect to his earlier letter of 14 February 1948: the phrase in the earlier letter “situation which threatens Tunisia’s security” meant the threat to Tunisia’s “security and to international peace and security as a result of the presence of French troops in Tunisia”, a threat “regarded as so serious that the Tunisian Government has requested the complete withdrawal of these troops from Tunisian territory”. By the phrase “situation which endangers international peace and security in that part of the world” was meant “the war in Algeria and its repercussions on the security of a Member State, Tunisia, particularly by way of encroachment upon Tunisian territory”. He further stated that it was becoming increasingly clear that “this situation must be regarded as calculated, if it continues, to constitute a serious danger to international peace and security”.

Decision of 18 February 1958 (811th meeting): Adjournment

In the provisional agenda for the 811th meeting on 18 February 1958, item 2 was the letter of 13 February 1958 from the representative of Tunisia, and item 3, the letter of 14 February 1958 from the representative of France.

After the adoption of the agenda,²⁰⁵ the President (USSR) invited the representative of Tunisia to participate in the meeting of the Council.²⁰⁶

The representatives of the United States and the United Kingdom informed the Council that their Governments had extended to the Governments of France and Tunisia an offer of good offices on the problems outstanding between them²⁰⁷ which had been accepted by both parties.²⁰⁸

The representative of Sweden stated that the Council would be well advised “to adjourn in order to allow

²⁰⁴ S/3957, O.R., 13th year, Suppl. for Jan.-Mar. 1958, pp. 17-18.

²⁰⁵ 811th meeting: para. 4.

²⁰⁶ 811th meeting: para. 5; see also, chapter III, part I, Case 20.

²⁰⁷ For consideration of the tender of good offices in connexion with Article 33, see chapter X, part I, Case 1.

²⁰⁸ 811th meeting: paras. 6, 11.

²⁰³ S/3954, O.R., 13th year, Suppl. for Jan.-Mar. 1958, pp. 15-16.

these discussions to proceed in an atmosphere conducive to their successful outcome".²⁰⁹

After a brief discussion, the representative of Japan proposed the immediate adjournment of the meeting.²¹⁰

The President stated that if there were no objections, the Council would regard the proposal of the representative of Japan as adopted.²¹¹

THE TUNISIAN QUESTION (II)

INITIAL PROCEEDINGS

By letter²¹² dated 29 May 1958, the representative of Tunisia requested the President of the Security Council to call a meeting of the Council to consider the following question:

"Complaint by Tunisia in respect of acts of armed aggression committed against it since 19 May 1958 by the French military forces stationed in its Territory and in Algeria."

In an explanatory memorandum attached to the letter, the representative of Tunisia referred to his letter²¹³ dated 13 February 1958 to the President of the Security Council in which he had informed the Council of the measures taken by the Tunisian Government in the exercise of its right of self-defence, in accordance with Article 51²¹⁴ of the Charter, following the aggression of Sakiet-Sidi-Youssef. The Tunisian Government had prohibited the French armed forces occupying positions in Tunisia against its wishes from engaging in any troop movements, sending French naval units into Tunisian ports, landing or parachuting reinforcements and flying French military aircraft over Tunisian territory.

"At the Secretary-General's instance and following the assurances given by him, the Tunisian Government accorded very liberal facilities to ensure food supplies to the immobilized troops.

"The preventive security measures were maintained throughout the good offices' action undertaken by the Governments of the United States of America and of the United Kingdom of Great Britain and Northern Ireland to bring the views of the French and Tunisian Governments closer together. On 15 March 1958, these good offices resulted in a compromise laying down, *inter alia*, the procedure for the evacuation of the French troops from Tunisia. This compromise was accepted by both the French and Tunisian Governments, but its provisions were not applied, inasmuch as the French Government was unable to ratify it.

²⁰⁹ 811th meeting: para. 14.

²¹⁰ 811th meeting: para. 53; for the discussion of rule 26 of the rules of procedure, see chapter I, part IV.d, Case 20.

²¹¹ 811th meeting, para. 55.

²¹² S/4013, O.R., 13th year, Suppl. for Apr.-June 1958, pp. 37-39.

²¹³ S/3951, O.R., 13th year, Suppl. for Jan.-Mar. 1958, pp. 12-13.

²¹⁴ For statements concerning the applicability of Article 51 of the Charter, see chapter XII, part IV, Case 5.

"In its desire to settle the dispute with France amicably, the Tunisian Government, while noting the suspension of the good offices mission owing to its partner's failure, did not wish to turn to the Security Council again immediately, because it preferred to leave all possibilities open for an amicable settlement. It was of course understood—and the Tunisian Government received assurances to that effect under the good offices' action—that the measures taken by Tunisia against the French troops would remain in force."

On 24 May 1958, however, the French troops stationed at Remada made a sortie from their barracks and tried to force a barrier at Bir Kanbout, opening fire on the Tunisian elements guarding it, and on 25 May French bombers and fighters attacked the Remada area. The Government of Tunisia would

"...draw the Security Council's attention to the extreme gravity of the situation resulting from these repeated acts of what is indisputably armed aggression against its territorial integrity by the French forces stationed in its territory against its wishes and by those operating in Algeria", and

finding that its efforts at conciliation "have failed and that its sovereignty is gravely threatened", requested the Security Council to:

"...take such measures as it may deem necessary—in accordance with Article 40 and subsequent Articles of the United Nations Charter—in order to put an end to this situation, which threatens not only the security of Tunisia, but also international peace and security in that part of the world."

By letter²¹⁵ dated 29 May 1958 to the President of the Security Council, the representative of France requested that the Council should, at its next meeting, consider:

"1. The complaint brought by France against Tunisia on 14 February 1958 (document S/3954);

"2. The situation arising out of the disruption, by Tunisia, of the *modus vivendi* which had been established since February 1958 with regard to the stationing of French troops at certain points in Tunisian territory."

In an explanatory memorandum attached to the letter, the representative of France stated that during the incident at Remada, all the measures taken by the French authorities showed their concern not to aggravate the incidents provoked by the Tunisians. He stated further that the French Government had never ceased to seek a comprehensive or specific settlement of the various difficulties between France and Tunisia. The President of Tunisia, however, while conversations between him and the Chargé d'Affaires of France had been in progress, by deciding to come again before the Security Council, had seen fit to create the impression that the French authorities had been preparing to violate Tunisian sovereignty. These contradictory attitudes of the

²¹⁵ S/4015, O.R., 13th year, Suppl. for Apr.-June 1958, pp. 42-44.

Tunisian Government would not discourage the French Government in its efforts to settle the unresolved difficulties between the two countries by an amicable understanding. The French Government therefore called upon the Security Council "to recommend to the Tunisian Government that it should restore conditions favourable to a resumption of negotiations".

At the 819th meeting on 2 June 1958, the Security Council had before it a provisional agenda²¹⁶ in which were listed, as item 2, the letter from the representative of Tunisia of 29 May 1958 and as item 3, the letter from the representative of France of 29 May 1958.

After the adoption of the agenda,²¹⁷ the President (China) invited the representative of Tunisia to take a place at the Council table.²¹⁸

The Security Council considered the question at its 819th to 821st meetings, held on 2 and 4 June 1958.

At the 819th meeting on 2 June 1958, the representative of Tunisia* contended that the presence on Tunisian territory of French armed forces stationed there against its will constituted a threat to the peace within the meaning of Article 39 of the Charter and a threat to the security of Tunisia itself, and therefore asked the Council to take, in accordance with Article 39, all appropriate measures provided for in Articles 40 and 41 and the following Articles of the Charter, to assist Tunisia to obtain the withdrawal of French troops. Pending such withdrawal, the representative of Tunisia asked the Council, acting under Article 40 of the Charter, to offer the following provisional measures:

"...formally to request France: first, to ensure that its troops stationed in Tunisia observe the preventive security measures taken in respect of them by the Government of the Republic of Tunisia on 8 February 1958 and communicated to the President of the Security Council on 13 February 1958, measures which included a prohibition of all French troop movements in Tunisia; and secondly, to ensure that all other French forces observe the decision taken on 8 February 1958 to prohibit naval units from entering Tunisian ports, and to prohibit any landing or parachuting of reinforcements and all flights over Tunisian territory..."²¹⁹

Decision of 4 June 1958 (821st meeting): Statement by the President noting the statements of the Head of the French Government and of the President of Tunisia

At the 821st meeting on 4 June 1958, the representative of France referred to the exchange of messages between the Prime Minister of France and the President of Tunisia and proposed "to have a two-week postponement of this debate" so as to allow conversation for the settlement of existing difficulties between France and Tunisia to take place.²²⁰

The representative of Tunisia* preferred an adjournment until 18 June 1958.²²¹

The President (China) stated that there being no objection to this proposal, it was so decided.²²²

The President then stated that with the taking of this decision, it remained for him to express the good wishes of the Council "for the success of negotiations which are to be undertaken between France and Tunisia". He stated further:

"I note with particular interest that the head of the French Government, in his message to President Bourguiba, specifically pledged to prevent any action on the part of French authorities that might aggravate the situation. I also note that President Bourguiba has responded in a spirit of ready co-operation."²²³

At the 826th meeting on 18 June 1958, the representatives of France and of Tunisia informed the Council of the agreement in the form of an exchange of letters reached by their Governments on 17 June. The agreement provided for evacuation of French troops from all Tunisian territory except Bizerte and for complete restoration of the freedom of movement of French forces. In the four-month interval until completion of the evacuation of French forces, the two Governments would engage in negotiations to define a provisional statute for the strategic base at Bizerte.

At the conclusion of the meeting, the President extended the congratulations of the Security Council to the two Governments on their success in removing their difficulties through direct negotiations.

LETTER DATED 20 FEBRUARY 1958 FROM THE REPRESENTATIVE OF THE SUDAN ADDRESSED TO THE SECRETARY-GENERAL

INITIAL PROCEEDINGS

By letter²²⁴ dated 20 February 1958, the representative of the Sudan requested the Secretary-General to call an urgent meeting of the Council "to discuss the grave situation existing on the Sudan-Egyptian border, resulting from the massed concentrations of Egyptian troops moving towards the Sudanese frontiers".

To the letter was attached a communication dated 20 February 1958 from the Prime Minister of the Sudan indicating that the Government of Egypt claimed sovereignty over certain Sudanese territories which it proposed to include in arrangements for a plebiscite to take place in Egypt. Since the Sudanese Government, which had twice asked the Egyptian Government for time to negotiate, was determined to defend its territories, Sudan requested the Secretary-General "to ask the Security Council to meet immediately and use its good offices to stop the impending Egyptian aggression".

²¹⁶ S/Agenda 819.

²¹⁷ 819th meeting: para. 2.

²¹⁸ 819th meeting: para. 2.

²¹⁹ 819th meeting: paras. 66-67.

²²⁰ 821st meeting: para. 51.

²²¹ 821st meeting: para. 57.

²²² 821st meeting: para. 62; see also chapter I, part V.2.d, Case 37.

²²³ 821st meeting: paras. 59-61.

²²⁴ S/3963, O.R., 13th year, Suppl. for Jan.-Mar. 1958, pp. 21-22.

At the 812th meeting on 21 February 1958, the Security Council decided to include the question in its agenda.²²⁵ After the adoption of the agenda, the President (USSR) invited the representatives of Egypt and the Sudan to participate in the discussion.²²⁶

The Council considered the question at its 812th meeting on 21 February 1958.

Decision of 21 February 1958 (812th meeting): Statement by the President (USSR) summarizing the views of the members of the Council

At that meeting, the representative of Sudan * stated that the Government of Egypt in a note of 29 January 1958 had requested that appropriate measures be taken by the Sudan Government to hand over two areas of Sudan territory north of 22 latitude to the Egyptian Government, which had indicated willingness to hand over to the Sudan a region near the north-eastern frontier, previously ceded to Egypt. Before a reply to the Egyptian notes could be prepared, the Sudan Government had received reports that a contingent of the Egyptian Army was on its way to one of the claimed areas. After having explained the point of view of the Sudan Government on the matter, the representative of the Sudan expressed the hope that the Council would adopt "a measure which will calm the situation that exists between Egypt and the Sudan and pave the way for a peaceful and friendly solution".²²⁷

The representative of Egypt * deplored the fact that the Government of Sudan had decided to submit the question to the Security Council after having rejected several suggestions submitted by Egypt with a view to finding a solution to this dispute in accordance with the spirit of the Charter, and before having exhausted recourse to the other pacific means of settlement mentioned particularly in Article 33.²²⁸ The representative of Egypt observed further that the letter submitted by the Sudan used the term "aggression". In the meaning of the Charter, "aggression" referred to an armed aggression and this was not the case with regard to the question before the Council. The kind of "aggression" referred to in this connexion, which had been called "imminent", was difficult to conceive. The representative of Egypt quoted a communiqué issued by the Egyptian Government on 21 February 1958 in which it was stated that it had decided to postpone the settling of the frontier question until after the Sudanese elections and that negotiations were to begin for the settling of all undecided questions after the new Sudanese Government was chosen.²²⁹

After the resumption²³⁰ of the meeting, which, on the

²²⁵ 812th meeting: preceding para. 1.

²²⁶ 812th meeting: para. 1; see also chapter III, part I, Case 21.

²²⁷ 812th meeting: paras. 5, 16, 33.

²²⁸ For consideration of the bearing of Article 33 on the proceedings, see chapter X, part I, Case 2.

²²⁹ 812th meeting: paras. 41, 46.

²³⁰ 812th meeting: para. 49.

proposal of the representative of Japan, had been suspended for an hour, the representatives of the United States, Japan, the United Kingdom, Iraq, France and the President, speaking as the representative of the USSR, expressed the views that the question before the Council should be settled by the two Governments concerned by direct negotiations.

The President (USSR) summed up the views of the members of the Council as follows:

"The Security Council has heard the statements of the representatives of the Sudan and Egypt and notes the Egyptian representative's assurances that his Government has decided to postpone the settlement of the frontier question until the elections in the Sudan are over. Of course, the question put forward by the Sudan remains before the Council."²³¹

URGENT MEASURES TO PUT AN END TO FLIGHTS BY UNITED STATES MILITARY AIRCRAFT ARMED WITH ATOMIC AND HYDROGEN BOMBS IN THE DIRECTION OF THE FRONTIERS OF THE SOVIET UNION

INITIAL PROCEEDINGS

By letter²³² dated 18 April 1958, the representative of the USSR requested the President of the Security Council to call an urgent meeting of the Council to consider the following question:

"Urgent measures to put an end to flights by United States military aircraft armed with atomic and hydrogen bombs in the direction of the frontiers of the Soviet Union."

He added that the threat to the cause of peace as a result of the danger arising out of the numerous cases of flights in the direction of the frontiers of the USSR by United States bombers carrying hydrogen bombs made it imperative that this question should be considered without delay. The Charter conferred on the Security Council primary responsibility for the maintenance of international peace and security; the Government of the USSR, therefore, hoped that the Council would give this question the most urgent consideration and would take "the necessary steps to eliminate this threat to the cause of peace".

At the 813th meeting on 21 April 1958, the Security Council included the question in its agenda, and considered it at the 813th to 817th meetings held between 21 April and 2 May 1958.

Decision of 2 May 1958 (816th meeting): Rejection of the United States draft resolution; rejection of the USSR draft resolution

At the 813th meeting on 21 April 1958, the representative of the USSR submitted a draft resolution²³³

²³¹ For texts of relevant statements, see:

812th meeting: President (USSR), paras. 80-81; Canada, paras. 67-68; France, paras. 65-66; Iraq, para. 62; Japan, para. 48; United Kingdom, paras. 59-61; United States, paras. 50-53.

²³² S/3990, O.R., 13th year, Suppl. for Apr.-June 1958, p. 8.

²³³ S/3993, O.R., 13th year, Suppl. for Apr.-June 1958, p. 13.

under which the Security Council, having examined the question submitted by the USSR and considering that the practice of making such flights increased tension between States, would have declared it to constitute a threat to the security of nations which, if continued, might lead to a breach of world peace and the unleashing of an atomic war of annihilation, and would have called upon the United States to refrain from sending its military aircraft carrying atomic and hydrogen bombs in the direction of the frontiers of other States for the purpose of threatening their security or staging military demonstrations.

The President, speaking as the representative of the United States, said that nothing the United States had done could be regarded as "anything except the inescapable requirements of legitimate self-defence", undertaken in the face of continued resistance to countless efforts on its part to negotiate and, through negotiation, to settle its differences with the Government of the USSR. Until all fears of surprise attack were banished by effective international arrangements, the United States was compelled to take all steps necessary to protect itself from being overwhelmed. The United States had proposed to the Soviet Union agreement on a plan for mutual aerial inspection which was directly relevant to the pending complaint but the Soviet Union had failed to give a constructive response.²³⁴

Following statements by the representatives of Canada, China, France, the United Kingdom, Japan, Iraq, Colombia and Panama,²³⁵ the President proposed to put the USSR draft resolution to the vote.²³⁶ The representative of the USSR objected to the President's proposal to put the draft resolution to the vote forthwith as an unprecedented procedure. He proposed to adjourn the meeting to 22 April at 3.00 p.m. This proposal was rejected as was his proposal to adjourn the meeting until 22 April at 10.30 a.m.²³⁷

The representative of the USSR thereupon declared that "it must be noted for the record that the United States representative preferred to avoid consideration and free discussion in the Council and to resort to the machinery of voting", and withdrew his draft resolution "as a sign of protest".

At the 814th meeting on 29 April 1958, the Security Council had before it a draft resolution²³⁸ submitted by the United States, under which the Security Council, noting the development, particularly in the USSR and the United States, of growing capabilities of massive surprise attack, believing that the establishment of

measures to allay fears of such massive surprise attack would help reduce tensions and would contribute to the increase of confidence among States, noting the statements of certain members of the Council regarding the particular significance of the Arctic area, would have (a) recommended that there be promptly established the northern zone of international inspection against surprise attack, comprising the area north of the Arctic Circle with certain exceptions and additions, that had been considered by the United Nations Disarmament Sub-Committee of Canada, France, the USSR, the United Kingdom and the United States during August 1957; (b) called upon the five States mentioned, together with Denmark and Norway, and any other States having territory north of the Arctic Circle which desired to have such territory included in the zone of international inspection, at once to designate representatives to participate in immediate discussions with a view to agreeing on the technical arrangements required; and (c) decided to keep the matter on its agenda for such further consideration as might be required.

The representative of Sweden submitted an amendment²³⁹ to the United States draft resolution to insert a new paragraph between the last two paragraphs under which the Security Council would have expressed the view that such discussions might serve as a useful basis for the deliberations on the disarmament problem at the summit conference on the convening of which talks were in progress.

At the same meeting, the representative of the USSR submitted a draft resolution²⁴⁰ identical with the draft resolution submitted at the 813th meeting, with a new concluding paragraph, according to which the Security Council, mindful of the necessity for taking steps as soon as possible to avert the threat of atomic warfare and ease international tension, would have noted with satisfaction that preliminary talks were in progress between the interested States with a view to the convening of a summit conference to discuss a number of urgent problems, including the question of drawing up measures to preclude the danger of a surprise attack, and would have expressed the hope that the summit conference would be held at the earliest possible date.

At the 815th meeting on 29 April 1958, the Secretary-General made a statement.²⁴¹

At the 816th meeting on 2 May 1958, the representative of the United States accepted the Swedish amendment to the United States draft resolution. He suggested that the word "the" before the word "summit" be changed to the word "a".²⁴²

The representative of Sweden accepted this change in the Swedish amendment.²⁴³

At the 817th meeting on 2 May 1958, the United

²³⁴ 813th meeting: paras. 30, 35, 45-48.

²³⁵ For texts of relevant statements, see:

813th meeting: Canada, paras. 53, 56; China, paras. 65-68; Colombia, paras. 119-120; France, paras. 82-84; Iraq, para. 112; Japan, paras. 98, 101-103; Panama, paras. 125-126, 132-133; United Kingdom, paras. 86, 88, 90, 93, 95.

²³⁶ 813th meeting: para. 134.

²³⁷ For the debate subsequent to the President's proposal to put the draft resolution to the vote, and for the proposals of the representative of the USSR and the respective decisions, see chapter I, part V.2.d, Case 35.

²³⁸ S/3995, O.R., 13th year, Suppl. for Apr.-June 1958, p. 15.

²³⁹ S/3998.

²⁴⁰ S/3997, O.R., 13th year, Suppl. for Apr.-June 1958, pp. 15-16.

²⁴¹ 815th meeting: paras. 82-90; see also chapter I, part IV.2, Case 16.

²⁴² 816th meeting: para. 4.

²⁴³ 816th meeting: para. 5.

States draft resolution, as amended, was put to the vote and failed of adoption. There were 10 votes in favour and 1 against (the negative vote being that of a permanent member).²⁴⁴

The USSR draft resolution was put to the vote and was rejected by 1 vote in favour, 9 against, with 1 abstention.²⁴⁵

COMPLAINT BY LEBANON

COMPLAINT BY JORDAN

LETTER DATED 22 MAY 1958 FROM THE REPRESENTATIVE OF LEBANON ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL CONCERNING: "COMPLAINT BY LEBANON IN RESPECT OF A SITUATION ARISING FROM THE INTERVENTION OF THE UNITED ARAB REPUBLIC IN THE INTERNAL AFFAIRS OF LEBANON, THE CONTINUANCE OF WHICH IS LIKELY TO ENDANGER THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY"

LETTER DATED 17 JULY 1958 FROM THE REPRESENTATIVE OF JORDAN ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL CONCERNING: "COMPLAINT OF THE HASHEMITE KINGDOM OF JORDAN OF INTERFERENCE IN THE DOMESTIC AFFAIRS BY THE UNITED ARAB REPUBLIC"

INITIAL PROCEEDINGS

By letter²⁴⁶ dated 22 May 1958, the representative of Lebanon requested the President of the Security Council to call an urgent meeting of the Council to consider the following question:

"Complaint by Lebanon in respect of a situation arising from the intervention of the United Arab Republic in the internal affairs of Lebanon, the continuance of which is likely to endanger the maintenance of international peace and security".

It was stated in the letter that the intervention complained of consisted, *inter alia*, of the following acts:

"... the infiltration of armed bands from Syria into Lebanon, the destruction of Lebanese life and property by such bands, the participation of United Arab Republic nationals in acts of terrorism and rebellion against the established authorities in Lebanon, the supply of arms from Syria to individuals and bands in Lebanon rebelling against the established authorities, and the waging of a violent radio and press campaign in the United Arab Republic calling for strikes, demonstrations and the overthrow of the established authorities in Lebanon, and through other provocative acts."

At the 818th meeting on 28 May 1958, the Security Council included the question in the agenda.²⁴⁷ After its adoption, the President (Canada) invited the representative of Lebanon and the United Arab Republic to participate in the discussion.²⁴⁸

²⁴⁴ 817th meeting: para. 3.

²⁴⁵ 817th meeting: para. 11.

²⁴⁶ S/4007, O.R., 13th year, Suppl. for Apr.-June 1958, p. 33.

²⁴⁷ 818th meeting: para. 6.

²⁴⁸ 818th meeting: para. 7.

The Security Council considered the question at the 818th, 822nd to 825th and 827th to 838th meetings, held between 27 May and 7 August 1958.

At the 818th meeting on 27 May 1958, the representative of Iraq proposed to adjourn the meeting until 3 June 1958 by which time it would be seen whether or not the question could be resolved by the League of Arab States.²⁴⁹ After a brief discussion, the Council adjourned until 3 June 1958.

Following a further postponement at the request of Lebanon,²⁵⁰ the Council, at its 822nd meeting on 5 June 1958, decided, on the ground that the League of Arab States was holding its last meeting on the same day, to postpone consideration of the question until 6 June 1958.²⁵¹

At the 823rd meeting on 6 June 1958, the representative of Lebanon* stated that the League of Arab States,²⁵² which had been in session for six days, had taken no decision on the question; consequently, the Government of Lebanon was bound to press it before the Security Council. He contended: (1) that there had been and still was illegal intervention in the affairs of Lebanon by the United Arab Republic; (2) that this intervention threatened the independence of Lebanon; and (3) that the situation created by the intervention was likely, if it continued, to endanger the maintenance of international peace and security.²⁵³

The representative of the United Arab Republic* stated that the Government of Lebanon had endeavoured to give an international aspect to a purely domestic problem and denied that there had been any intervention by the United Arab Republic in the domestic affairs of Lebanon. He contended that this domestic question did not and could not threaten international peace.²⁵⁴

Decision of 11 June 1958 (825th meeting): Dispatch of an observation group

At the 824th meeting on 10 June 1958, the representative of Sweden submitted a draft resolution²⁵⁵ calling for urgent dispatch by the Security Council of an observation group²⁵⁶ to Lebanon so as to ensure that there was no illegal infiltration of personnel or supply of arms or other material across the Lebanese border.

The representative of Sweden observed that the Security Council had reason to give the statements of the representatives of Lebanon and the United Arab

²⁴⁹ 818th meeting: para. 8. For discussion relevant to the consideration of the question by the League of Arab States, see chapter XII, part IV, Case 5.

²⁵⁰ S/4018, O.R., 13th year, Suppl. for Apr.-June 1958, p. 44.

²⁵¹ 822nd meeting: paras. 1, 3, 5.

²⁵² For the proposal to adjourn the 818th and 822nd meetings while the League of Arab States was considering the question, see chapter XII, part IV, Case 5.

²⁵³ 823rd meeting: para. 11.

²⁵⁴ 823rd meeting: paras. 122-123.

²⁵⁵ S/4022.

²⁵⁶ For the procedure of the Security Council in establishing the observation group, see chapter V, part I, Case 1.

Republic serious consideration and to keep a close watch on the situation and its further developments. If foreign intervention had occurred, every effort should be made to bring about its correction. In these circumstances, there might be justification for considering some arrangement of investigation or observation by the Council itself with a view to clarifying the situation.²⁵⁷

At the 825th meeting on 11 June 1958, the draft resolution submitted by the representative of Sweden was adopted by 10 votes in favour, none against and 1 abstention.²⁵⁸

The resolution²⁵⁹ read:

“*The Security Council,*

“*Having heard the charges of the representative of Lebanon concerning interference by the United Arab Republic in the internal affairs of Lebanon and the reply of the representative of the United Arab Republic,*

“*Decides to dispatch urgently an observation group to proceed to Lebanon so as to ensure that there is no illegal infiltration of personnel or supply of arms or other material across the Lebanese borders;*

“*Authorizes the Secretary-General to take the necessary steps to that end;*

“*Requests the observation group to keep the Security Council currently informed through the Secretary-General.*”

The Secretary-General submitted to the Security Council reports on the implementation of the resolution of 11 June 1958 on 16 June²⁶⁰ and 28 June.²⁶¹

On 3 July 1958, the United Nations Observation Group in Lebanon submitted its First Report²⁶² to the Security Council through the Secretary-General.

By letter²⁶³ dated 8 July 1958, the representative of Lebanon requested the Secretary-General to circulate his Government's official comments on the first report of the Observation Group.

Decision of 18 July 1958 (834th meeting): Rejection of the USSR draft resolution; rejection of the United States draft resolution; rejection of the Swedish draft resolution

At the 827th meeting on 15 July 1958, which was convened as an emergency meeting at the request of the United States, the representative of the United States declared that the territorial integrity of Lebanon was increasingly threatened by insurrection stimulated and assisted from outside and that in these circumstances the President of Lebanon had called, with the unanimous

authorization of the Lebanese Government, for the help of the Government of the United States so as to preserve Lebanon's integrity and independence. He wished the Security Council to be officially advised of this fact. The United States had responded positively to this request in the light of the need for immediate action. The presence of United States forces was designed for the sole purpose of helping the Government of Lebanon in its efforts to stabilize the situation brought on by the threats from outside, and they would remain in Lebanon only until the United Nations itself was able to assume the necessary responsibilities for ensuring the continued independence of Lebanon.²⁶⁴

The Secretary-General gave the Council an account of his activities under the mandate given to him in the resolution of 11 June 1958.²⁶⁵

The representative of Lebanon* stated that the situation in Lebanon had continuously deteriorated and that the Lebanese Government asked the Security Council to take urgently measures more effective than those it had already taken that would prevent the entrance of any material or armed men into Lebanon from outside.²⁶⁶

The representative of the USSR, contending that the dispatch of United States troops to Lebanon constituted an act of aggression against the peoples of the Arab world and a gross intervention in the domestic affairs of the States of that area,²⁶⁷ submitted a draft resolution²⁶⁸ which was resubmitted in revised form at the 831st meeting on 17 July.

On 16 July, the United Nations Observation Group in Lebanon submitted its first interim report,²⁶⁹ and on 17 July, its second interim report.²⁷⁰

At the 829th meeting on 16 July 1958, the representative of the United States submitted a draft resolution²⁷¹ which was resubmitted in revised form at the 831st meeting on 17 July.

At the 831st meeting on 17 July 1958, the Security Council had before it a provisional agenda which read:

“... ”

“2. Letter dated 22 May 1958 from the representative of Lebanon addressed to the President of the Security Council concerning: ‘Complaint by Lebanon in respect of a situation arising from the intervention of the United Arab Republic in the

²⁶⁴ 827th meeting (PV): pp. 21-22, 26. For the discussion relating to the applicability of Article 51 to the situation arising from the request of the Government of Lebanon and the dispatch of the United States forces, see chapter XI, part IV, Case 4.

²⁶⁵ 827th meeting (PV): pp. 32-35. See chapter I, part IV, footnote 28 and chapter V, part I, Case 1.

²⁶⁶ 827th meeting (PV): pp. 42-45.

²⁶⁷ 827th meeting (PV): p. 56.

²⁶⁸ 827th meeting (PV): p. 61, S/4047 and Corr.1.

²⁶⁹ S/4051.

²⁷⁰ S/4052.

²⁷¹ S/4050 and Corr.1.

²⁵⁷ 824th meeting: para. 100.

²⁵⁸ 825th meeting: para. 82.

²⁵⁹ S/4023, O.R., 13th year, Suppl. for Apr.-June 1958, p. 47.

²⁶⁰ S/4029, O.R., 13th year, Suppl. for Apr.-June 1958, pp. 70-74.

²⁶¹ S/4038 and Corr.1, O.R., 13th year, Suppl. for Apr.-June 1958, pp. 119-121.

²⁶² S/4040 and Corr.1 and Add.1.

²⁶³ S/4043.

internal affairs of Lebanon, the continuance of which is likely to endanger the maintenance of international peace and security' (S/4007)

"3. Letter dated 17 July 1958 from the representative of Jordan addressed to the President of the Security Council concerning: 'Complaint by the Hashemite Kingdom of Jordan of interference in its domestic affairs by the United Arab Republic' (S/4053)"

The Security Council included both items in the agenda and agreed that after the statement on the Jordanian complaint had been concluded, it should proceed to consider the complaints submitted by Lebanon and Jordan simultaneously.²⁷²

After the adoption of the agenda,²⁷³ the President (Colombia) invited the representatives of Jordan, Lebanon and the United Arab Republic to participate in the discussion.²⁷⁴

The representative of Jordan * contended that, faced with a threat to its integrity and independence through imminent foreign armed aggression and an attempt by the United Arab Republic to create internal disorder and to overthrow the existing regime, the Jordan Government, with the approval of the King, and basing itself upon the unanimous decision of the Jordan National Assembly and in accordance with the provisions of Article 51 of the Charter,²⁷⁵ had requested the Governments of the United Kingdom and the United States to come to its immediate help. In response to this request, British troops had begun landing on Jordanian territory.²⁷⁶

The representative of the United Kingdom stated that British forces were in Jordan only for the purpose of helping the King and the Government to preserve the political independence and territorial integrity of the country. If arrangements could be made by the Security Council to protect the lawful Government of Jordan from external threat and so maintain peace and security, the action which the United Kingdom Government had felt obliged to take would be brought to an end.²⁷⁷

The preamble of the USSR revised draft resolution²⁷⁸ would have had the Security Council recognize that the introduction of United States armed force within the confines of Lebanon and the introduction of United Kingdom armed forces into Jordan constituted gross intervention in the domestic affairs of the peoples of the Arab countries and were consequently contrary to the purposes and principles of the United Nations as set

forth in its Charter and, in particular, in Article 2 (7) which prohibited intervention in matters which were essentially within the domestic jurisdiction of any State; consider that the actions of the United States and the United Kingdom constituted a serious threat to international peace and security; the operative part would have had the Council call upon the Governments of the United States and the United Kingdom to cease armed intervention in the domestic affairs of the Arab States and to remove their troops from territories of Lebanon and Jordan immediately.

The preamble of the United States revised draft resolution²⁷⁹ would have had the Security Council recall its resolution of 11 June 1958 establishing an Observation Group "to insure that there is no illegal infiltration of personnel and supply of arms or other material across the Lebanon borders"; commend the efforts of the Secretary-General and note with satisfaction the progress made to date and the encouraging achievements reported by the United Nations Observation Group in Lebanon; recall that the "Essentials of Peace" resolution of the General Assembly of 1 December 1949 called upon States to "refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any State, or at fomenting civil strife and subverting the will of the people in any State"; recall that the "Peace through Deeds" resolution of the General Assembly of 18 November 1950 condemned "intervention of a State in the internal affairs of another State for the purpose of changing its legally established government by the threat or use of force" and solemnly reaffirm that "whatever weapons used, any aggression, whether committed openly, or by fomenting civil strife in the interest of a foreign Power, or otherwise, is the gravest of all crimes against peace and security throughout the world"; note the statement of the representative of Lebanon that infiltration of arms and personnel was continuing and the territorial integrity and independence of Lebanon were being threatened, that the Government of Lebanon in the exercise of the right of self-defence had temporarily requested direct assistance of friendly countries, and that the Government of Lebanon requested further assistance from the Security Council to uphold its integrity and independence; note the statement of the representative of the United States regarding the provision of assistance by the United States to the Government at its request to help maintain the territorial and political independence of Lebanon; note further the statement of the United States representative that United States forces would remain in Lebanon "only until the United Nations itself is able to assume the necessary responsibility to ensure the continued independence of Lebanon" or the danger was otherwise terminated; the operative part of the draft resolution would have had the Council: (1) invite the United Nations Observation Group in Lebanon to continue to develop its activities pursuant to the Security Council resolution of 11 June 1958; (2) request the Secretary-General immediately to consult the Government of Lebanon and other Member States as appro-

²⁷² 831st meeting (PV): pp. 2-6. For the statements on the order of the agenda, see chapter II, part III.C, Case 17.

²⁷³ 831st meeting (PV): p. 6.

²⁷⁴ 831st meeting (PV): pp. 7-10.

²⁷⁵ For consideration of the applicability of Article 51 to the request of the Government of Jordan and to the dispatch of the United Kingdom troops, see chapter XI, part IV, Case 5.

²⁷⁶ 831st meeting (PV): p. 12.

²⁷⁷ 831st meeting (PV): p. 16.

²⁷⁸ S/4047 Rev.1.

²⁷⁹ S/4050/Rev.1.

appropriate with a view to making arrangements for additional measures, including the contribution and use of contingents, as might be necessary to protect the territorial integrity and independence of Lebanon and to ensure that there was no illegal infiltration of personnel or supply of arms or other material across the Lebanese borders; (3) call upon all Governments concerned to co-operate fully in the implementation of this resolution; (4) call for the immediate cessation of all illegal infiltration of personnel or supply of arms or other material across the Lebanese borders, as well as attacks upon the Government of Lebanon by government-controlled radio and other information media calculated to stimulate disorders; (5) request the Secretary-General to report to the Security Council as appropriate.

At the 832nd meeting on 17 July 1958, the representative of Sweden stated that the Swedish Government considered that from a practical point of view it was superfluous and from a political point of view unsuitable for the United Nations observers in Lebanon to perform their functions in the presence of foreign troops.²⁸⁰ He submitted a draft resolution²⁸¹ in the preamble of which the Security Council would have noted the communication from the United States Government regarding its decision to comply with a request of the Government of Lebanon for military assistance; noted further that United States troops had subsequently arrived in Lebanon; recognized that the United Nations, according to the Charter, was not authorized to intervene in matters which were essentially within the domestic intervention of any State; considered that the action taken by the United States Government had substantially altered the conditions under which the Security Council had decided on 11 June 1958 to send observers to Lebanon; in the operative part, the Council would have requested the Secretary-General to suspend the activities of the observers in Lebanon until further notice; and would have decided to keep the item on its agenda.

At the 834th meeting on 18 July 1958, the USSR revised draft resolution was rejected by 1 vote in favour, 8 against, with 2 abstentions.²⁸²

The United States revised draft resolution was not adopted. There was 9 votes in favour, 1 against, with 1 abstention (the negative vote being that of a permanent member).²⁸³

The Swedish draft resolution was not adopted. There were 2 votes in favour and 9 against.²⁸⁴

At the same meeting, the representative of the United States submitted a draft resolution²⁸⁵ to have the Security Council decide to call an emergency special session of the General Assembly, as provided in General

Assembly resolution 337 (V), in order to make appropriate recommendations concerning the Lebanon complaint.

On the same day, the representative of the USSR submitted a draft resolution to have the Security Council decide to call an emergency special session of the General Assembly in order to consider the question of the intervention of the United States and of the United Kingdom in Lebanon and Jordan.²⁸⁶

Decision of 22 July 1958 (837th meeting): Rejection of the Japanese draft resolution

At the 835th meeting on 21 July 1958, a revised draft resolution²⁸⁷ was introduced by Japan by the terms of which the Security Council would have (1) invited the United Nations Observation Group in Lebanon to continue to develop its activities pursuant to the Security Council resolution of 11 June 1958; (2) requested the Secretary-General to make arrangements forthwith for such measures, in addition to those envisaged by the resolution of 11 June 1958, as he might consider necessary in the light of the present circumstances, with a view to enabling the United Nations to fulfil the general purposes established in that resolution, and which would, in accordance with the Charter, serve to ensure the territorial integrity and political independence of Lebanon, so as to make possible the withdrawal of United States forces from Lebanon; (3) requested the Secretary-General to report to the Security Council on the arrangements made; and (4) called upon the Governments concerned to co-operate fully in the implementation of this resolution.

The representative of Japan pointed out that it was not the intention of operative paragraph 2 of the draft resolution to empower the Secretary-General to create a United Nations emergency force in Lebanon, nor to create a type of United Nations force such was stationed in Korea, nor to create a police force of any kind. The draft resolution related only to Lebanon; the complaint of Jordan, in the view of his delegation, should receive careful consideration from the Council.²⁸⁸

The representative of the United Kingdom stated that the United Kingdom Government had concluded from the course of the debate on the Lebanese item that there was no immediate prospect of agreement on the necessary measures in Jordan. He therefore proposed, as a first step, to explore urgently with the Secretary-General the possibility of some form of effective action by the United Nations. This would be done in consultation with the Government of Jordan and with other Governments concerned. The object of these consultations would be to work out a proposal under which assistance could be given by the United Nations to the Government of Jordan to ensure the preservation of its territorial integrity and political independence.²⁸⁹

²⁸⁰ 832nd meeting (PV): p. 11.

²⁸¹ S/4054.

²⁸² 834th meeting (PV): p. 46.

²⁸³ 834th meeting (PV): p. 46.

²⁸⁴ 834th meeting (PV): p. 46.

²⁸⁵ S/4056. For the discussion of this draft resolution as well as the USSR draft resolution, see chapter VI, part I.B., Case 4.

²⁸⁶ S/4057.

²⁸⁷ S/4055.

²⁸⁸ 835th meeting (PV): pp. 6-8.

²⁸⁹ 835th meeting (PV): p. 16.

At the same meeting, Japan revised its draft resolution²⁹⁰ to omit operative paragraph 1.

At the 836th meeting on 22 July 1958, the representative of the USSR submitted the following amendments²⁹¹ to the Japanese revised draft resolution: (1) to restore operative paragraph 1; (2) to redraft paragraph 2 so that the Security Council would request the Secretary-General to carry out, in addition to measures envisaged by the resolution of 11 June 1958, the plan submitted by the United Nations Observation Group in its second report, with a view to enabling the United Nations to fulfil the general purposes established in that resolution, which would, in accordance with the Charter, serve to ensure the territorial integrity and political independence to Lebanon; (3) to add a new paragraph 3 according to which the Security Council, considering that the landing of United States troops in Lebanon constituted intervention in the domestic affairs of that country and was therefore contrary to the purpose and principles of the United Nations, would call upon the United States of America to withdraw its armed forces from Lebanon immediately; (4) to renumber paragraph 2 of the Japanese revised draft resolution paragraph 4 and to add at the end of the paragraph the words "not later than 30 July 1958"; (5) to renumber paragraph 3 of the Japanese revised draft resolution paragraph 5.

At the 837th meeting on 22 July 1958, the USSR amendments to the Japanese revised draft resolution were rejected by 1 vote in favour, 8 against, with 2 abstentions.²⁹²

The Japanese revised draft resolution was not adopted. There were 10 votes in favour, 1 against (the negative vote being that of a permanent member).²⁹³

Decision of 22 July 1958 (837th meeting): Statement by the President

Following these votes, the Secretary-General made the following statement:²⁹⁴

"The Security Council has just failed to take additional action in the grave emergency facing us. However, the responsibility of the United Nations to make all efforts to live up to the purposes and principles of the Charter remains.

"The Council now has before it two proposals for the calling of an emergency special session of the General Assembly. I cannot anticipate its decision on those proposals. However, time is of the essence, and whatever the outcome of the further consideration in this Council there is need for practical steps to be taken without any delay. That is the background against which I would like to make the following declaration.

"In a statement before this Council on 31 October 1956, I said that the discretion and impartiality imposed on the Secretary-General by the character of his immediate task must not degenerate into a policy of expediency.

"On a later occasion—it was 26 September 1957—I said in a statement before the General Assembly that I believed it to be the duty of the Secretary-General 'to use his office and, indeed, the machinery of the Organization to its utmost capacity and to the full extent permitted at each stage by practical circumstances'. (A/PV.690, pp. 31-35) I added that I believed that it is in keeping with the philosophy of the Charter that the Secretary-General also should be expected to act without any guidance from the Assembly or the Security Council should this appear to him necessary towards helping to fill any vacuum that may appear in the systems which the Charter and traditional diplomacy provide for the safeguarding of peace and security.

"It is my feeling that, under the circumstances, what I stated in those two contexts, on 31 October 1956 and 26 September 1957, now has full application.

"I am sure that I will be acting in accordance with the wishes of the members of the Council if I, therefore, use all opportunities offered to the Secretary-General, within the limits set by the Charter and towards developing the United Nations effort, so as to help to prevent a further deterioration of the situation in the Middle East and to assist in finding a road away from the dangerous point at which we now find ourselves.

"First of all—the continued operation of the United Nations Observation Group in Lebanon being acceptable to all members of the Council—this will mean the further development of the United Nations Observation Group in Lebanon so as to give it all the significance it can have, consistent with its basic character as determined by the Security Council in its resolution (S/4023) of 11 June 1958 and the purposes and principles of the Charter.

"The Council will excuse me for not being able to spell out at this moment what it may mean beyond that. However, I am certain that what I may find it possible to do, acting under the provisions of the Charter and solely for the purposes of the Charter, and guided by the views expressed around this table to the extent that they have a direct bearing on the activities of the Secretary-General, will be recognized by you as being in the best interests of our Organization and, therefore, of the cause of peace.

"The Security Council would, of course, be kept fully informed on the steps taken. Were you to disapprove of the way these intentions were to be translated by me into practical steps, I would, of course, accept the consequences of your judgement."

The President (Colombia), before proposing the

²⁹⁰ S/4055/Rev.1.

²⁹¹ S/4063.

²⁹² 837th meeting (PV): p. 6.

²⁹³ 837th meeting (PV): pp. 6-10.

²⁹⁴ 837th meeting (PV): pp. 11-12.

adjournment of the Council, made the following statement:²⁹⁵

“At this point of our debate, the President of the Security Council considers it his duty to make a short statement in connexion with a motion which will be presented at the conclusion of the statement.

“The Security Council must consider four fundamental points which are all of the greatest importance. First of all, we must bear in mind the statement we have just heard from the Secretary-General of the United Nations in which he establishes that the United Nations cannot remain passive in the face of such an emergency. It cannot remain a mere spectator. The United Nations must pursue and continue to pursue all the possibilities which the Charter of the United Nations offers and which are set forth in the resolution of the Security Council adopted on 11 June 1958 to preserve and strengthen peace in the Middle East.

“It has already been shown that the steps previously taken by the Secretary-General of the United Nations in full conformity with the Charter and with the authorization contained in the aforementioned resolution brought certain positive results which all the members of the Security Council as well as the interested parties to this conflict have accepted with gratitude as important and opportune.

“There is another factor which the Security Council must bear in mind. It is well known by public opinion that the Parliament of Lebanon is to elect a new President at the end of this week. The election of a new President, who might be the result of a patriotic agreement between the Government party of Lebanon and the Opposition, would certainly clarify to a great extent this very difficult and complex situation. We cannot prejudge the result of that election. We know that the constituent Assembly will initiate its work on 24 July.

“All of these circumstances would seem to indicate that the Security Council must, under no circumstances, close the door to a compromise solution which would remove the causes of this situation which have brought so much agitation to the Middle East.

“There is a third and most important point which we must bear in mind at this time. It is very important, and perhaps even more important than the points that I have already referred to. The President of the Council of Ministers of the Soviet Union has already invited the Heads of State of the United States of America, the United Kingdom, France, and India to meet with him and with the Secretary-General of the United Nations, as soon as possible, in a conference of the highest importance which would seek a solution that could be recommended to the Security Council of the United Nations so that we might once and for all put an end to these dramatic differences which are today interrupting the normal life of the Middle East.

“We are aware of only some of the replies from some of the Governments who have been invited to this most important meeting to which I have just referred. The Foreign Minister of the United Kingdom is disposed to take part in such a conference, but within the framework of the United Nations. The Government of the United States of America has made a similar statement, and it is a statement which we consider of the greatest importance. The Foreign Minister of Canada, in the important statement that he made during our meeting of yesterday, has declared that his Government, in view of the recent occurrences in the Middle East, considers that it is opportune to study these problems at such a conference on the highest possible level.

“We are all aware of the fact that other foreign offices are today studying very closely the proposal which has been made by the President of the Council of Ministers of the Soviet Union. While, for obvious reasons, they have not all been invited to such a meeting, they certainly have a duty to their peoples and to the United Nations to express their opinion in connexion with the aforementioned invitation of the Soviet Union.

“There is another factor of the very greatest importance. The delegation of the United States of America and the delegation of the Soviet Union have, for different reasons, presented similar proposals to the Security Council. These proposals call for the convening of a special emergency session of the General Assembly of the United Nations so that the General Assembly might consider the problems of the Middle East.

“This statement, which I have tried to make as brief as possible, will surely demonstrate to one and all that, first of all, the United Nations must continue to act effectively in that particular part of the world which is today threatening the peace of the whole world. Secondly, it points out that all the foreign offices of the world are certainly considering all these problems and all the possible solutions which might help us. You must excuse me if I become a little hard, but we cannot pass over in silence or fail to consider any one of the possible solutions which might be suggested.

“It is for these reasons that I, as President of the Security Council of the United Nations, have spoken to you gentlemen. In speaking to you I am trying to reach all of the peoples of the world, and especially the interested parties in this conflict in the Middle East, in the hope that they will do absolutely nothing and take absolutely no steps to worsen the already complex situation which exists in that most important part of the world.”

The President's proposal to adjourn was adopted by 10 votes in favour and 1 against.²⁹⁶

On 30 July 1958, the United Nations Observation

²⁹⁵ 837th meeting (PV): pp. 13-20.

²⁹⁶ 837th meeting (PV): p. 36.

Group in Lebanon submitted a further report²⁹⁷ to the Security Council through the Secretary-General.

Decision of 7 August 1958 (838th meeting): To call an emergency special session of the General Assembly

By letter²⁹⁸ dated 5 August 1958, the representative of the USSR requested the President of the Security Council to call an immediate emergency meeting of the Council to consider the USSR proposal for the convening of an emergency special session of the General Assembly.

At the 838th meeting on 7 August 1958, the Security Council had before it a revised draft resolution²⁹⁹ submitted by the United States and a revised draft resolution³⁰⁰ submitted by the USSR.

The United States revised draft resolution would have provided that the Security Council, having considered the complaints of Lebanon and of the Hashemite Kingdom of Jordan, and taking into account that the lack of unanimity of its permanent members at the 834th and 837th meetings of the Security Council had prevented it from exercising its primary responsibility for the maintenance of international peace and security, would decide to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 (V).

The USSR revised draft resolution would have provided that the Security Council, having considered the situation in the Near and Middle East resulting from the introduction of United States armed forces into Lebanon and of United Kingdom armed forces into Jordan; taking into account that these actions of the United States and the United Kingdom constituted a threat to international peace and security; noting that the Security Council had proved unable to exercise its primary responsibility for the maintenance of international peace and security; would decide to call an emergency special session of the General Assembly in order to consider the question of the immediate withdrawal of United States troops from Lebanon and of United Kingdom troops from Jordan.

Amendments to the United States revised draft resolution were submitted by the USSR,³⁰¹ the United Kingdom,³⁰² and Panama.³⁰³ The representative of the United States accepted³⁰⁴ the amendment of Panama to revise the first preambular paragraph of the revised draft resolution to read: "Having considered items 2 and 3 of the agenda (S/Agenda 838)" and the United Kingdom amendment to replace the last paragraph by the text: "Decides to call an emergency special session of the General Assembly".

²⁹⁷ S/4069.

²⁹⁸ S/4078.

²⁹⁹ S/4056/Rev.1.

³⁰⁰ S/4057/Rev.1.

³⁰¹ 838th meeting (PV): pp. 111-115, 131.

³⁰² 838th meeting (PV): pp. 117-120, 132-135.

³⁰³ 838th meeting (PV): pp. 128-130. For the discussion on these amendments, see chapter VI, part I.B, Case 4.

³⁰⁴ 838th meeting (PV): pp. 131, 136-138.

The United States revised draft resolution, as amended, was adopted unanimously.³⁰⁵

The resolution³⁰⁶ read:

"The Security Council,

"Having considered items 2 and 3 on its agenda as contained in document S/Agenda/838,

"Taking into account that the lack of unanimity of its permanent members at the 834th and 837th meetings of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

"Decides to call an emergency special session of the General Assembly."

The representative of the USSR stated that in view of the result of the vote he would not press the USSR revised draft resolution.³⁰⁷

The representative of Japan pointed out that the discussion of the complaint of Jordan had not been exhausted. From a procedural viewpoint, therefore, the status of the question of Jordan was not the same as that of the question of Lebanon. Nevertheless, he accepted the amended United States revised draft resolution with the understanding that this should not constitute a precedent for the future.³⁰⁸

On 14 August 1958, the United Nations Observation Group in Lebanon submitted to the Security Council, through the Secretary-General, its third report.³⁰⁹

On 29 September 1958, the United Nations Observation Group in Lebanon submitted to the Security Council, through the Secretary-General, its fourth report.³¹⁰

Decision of 25 November 1958 (840th meeting): Deletion of complaint of Lebanon from the agenda

In a letter³¹¹ dated 16 November 1958, addressed to the President of the Security Council, the Minister for Foreign Affairs of Lebanon stated that the Security Council would be pleased to learn that "cordial and close relations between Lebanon and the United Arab Republic have resumed their usual course" and that the Lebanese Government intended in the future to strengthen its co-operation with the United Arab Republic and other Arab States still further. For this reason the Lebanese Government requested the Security Council to delete from the list of matters before it the Lebanese complaint submitted to the Council on 22 May 1958.

On 17 September 1958 the United Nations Observation Group in Lebanon submitted to the Security

³⁰⁵ 838th meeting (PV): pp. 139-140.

³⁰⁶ S/4083.

³⁰⁷ 838th meeting (PV): pp. 139-140.

³⁰⁸ 838th meeting (PV): pp. 139-140.

³⁰⁹ S/4085.

³¹⁰ S/4100.

³¹¹ S/4113.

Council, through the Secretary-General, its fifth report.³¹² In this report it was stated that the Group had come to the conclusion that its task under the resolution of 11 June 1958 might be regarded as completed and that it was of the opinion, and accordingly submitted its recommendation, that the withdrawal of the United Nations Observation Group in Lebanon should be undertaken.

In a letter³¹³ dated 17 November 1958 addressed to the President of the Security Council, the Secretary-General stated that in view of the statement of the Government of Lebanon and the recommendation of the Observation Group in Lebanon, he had immediately instructed the Group to present, in consultation with the Government of Lebanon, a detailed plan for the withdrawal. He had taken this step, the Secretary-General stated further, under the authorization given to the Secretary-General in the Security Council resolution of 11 June 1958 to take the necessary steps for the implementation of the Security Council's decision. The instruction given to the Observation Group implied that he considered the task of the Group as completed and that his remaining duty under the resolution thus covered only the necessary measures for the liquidation of the operation.

On 21 November 1958 the Secretary-General submitted to the Security Council a report³¹⁴ on the plan for the withdrawal of the United Nations Observation Group in Lebanon.

At the 840th meeting of the Security Council on 25 November 1958, after the Council had concluded its consideration of the item on its agenda for this meeting,³¹⁵ the President (Panama) referred to the letter

addressed to him on 16 November 1958 by the Minister for Foreign Affairs of Lebanon; to the fifth report of the United Nations Observation Group in Lebanon; and to the letter addressed to him by the Secretary-General on 17 November 1958. He stated that in view of the statement of the Government of Lebanon and the recommendation of the United Nations Observation Group in Lebanon, he had engaged in consultation with the members of the Council who appeared to agree to the deletion from the list of matters of which the Council was seized of the complaint submitted on 22 May 1958 and to the liquidation of the operation of the United Nations Observation Group in Lebanon. Accordingly, in the absence of any objection, the President continued, he would place on the record that the Council had agreed to delete from the list of matters of which it was seized the complaint submitted to it by the Government of Lebanon on 22 May 1958, with the understanding that the Secretary-General would inform the General Assembly under his mandate³¹⁶ contained in the resolution of 21 August 1958.³¹⁷

In the absence of any objection, it was so decided.³¹⁸

³¹² In Section II of resolution 1237 (ES-III) the General Assembly requested the Secretary-General "to make forthwith, in consultation with the Governments concerned and in accordance with the Charter, and bearing in mind part I of this resolution, such practical arrangements as would adequately help in upholding the Purposes and Principles of the Charter in relation to Lebanon and Jordan in the present circumstances, and thereby facilitate the early withdrawal of the foreign troops from the two countries".

³¹³ 840th meeting (PV) : pp. 12-13.

³¹⁴ 840th meeting (PV) : p. 13. By letter dated 25 November 1958 (A/4008), the Secretary-General informed the President of the General Assembly that the Security Council, at its 840th meeting on 25 November 1958, had decided to delete from the list of matters of which the Council was seized the complaint submitted on 22 May 1958 by the Government of Lebanon.

³¹² S/4114.

³¹³ S/4115.

³¹⁴ S/4116.

³¹⁵ The date of election to fill a vacancy in the International Court of Justice.