

the Committee of Experts with the task of obtaining further testimonial evidence.

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

THE QUESTION OF THE FREE TERRITORY OF TRIESTE

Letter dated 28 July 1948 from the representative of Yugoslavia to the Secretary-General transmitting a Note from the Government of the Federal People's Republic of Yugoslavia concerning the Free Territory of Trieste (S/927)

INITIAL PROCEEDINGS

By letter dated 28 July 1948, Yugoslavia brought to the attention of the Security Council the "consistent acts of violations of the clauses of the Treaty of Peace with Italy regarding the Free Territory of Trieste on the part of the Allied Military Command",⁵⁷⁷ by which "a situation is created likely to endanger the maintenance of international peace and security", and requested the Council "to assure the respect by the Governments of the United States of America and the United Kingdom of their international obligations, thus guaranteeing the independence of the Free Territory of Trieste".⁵⁷⁸

At the 344th meeting on 4 August 1948 the Security Council included the question in the agenda.⁵⁷⁹

The Security Council considered the question at its 344th to 346th, 348th, 350th, 353rd and 354th meetings between 4 August and 19 August 1948.

Decisions of 19 August 1948 (354th meeting): Rejection of draft resolutions submitted by the representatives of Yugoslavia and the Ukrainian SSR

At the 344th meeting on 4 August 1948, the representative of the United States stated that the charges made by the representative of Yugoslavia were "utterly devoid of substance".⁵⁸⁰

At the 348th meeting on 13 August 1948, the representative of Yugoslavia submitted a draft resolution to declare that certain agreements concluded between the Allied Military Command and the Republic of Italy were "incompatible with the status of the Free Territory of Trieste" and to render them "null and void".⁵⁸¹

At the 353rd meeting on 19 August 1948, the representative of the Ukrainian SSR submitted a draft resolution that it was "urgently necessary to settle the question of the appointment of a Governor of the Free Territory of Trieste".⁵⁸²

At the 354th meeting on 19 August 1948, the draft resolution submitted by the representative of Yugoslavia was rejected by two votes in favour, none against, with nine abstentions.⁵⁸³

At the same meeting, the draft resolution submitted by the representative of the Ukrainian SSR was rejected by 4 votes in favour, none against, with 6

abstentions, and 1 member not participating in the voting.⁵⁸⁴

THE HYDERABAD QUESTION

INITIAL PROCEEDINGS

By cablegram dated 21 August 1948,⁵⁸⁵ Hyderabad informed the Security Council, under Article 35 (2), that a grave dispute had arisen between Hyderabad and India, which, unless settled in accordance with international law and justice, was likely to endanger the maintenance of international peace and security. The letter stated that "Hyderabad, a State not a Member of the United Nations, accepts for the purposes of the dispute the obligations of pacific settlement provided in the Charter of the United Nations". By subsequent communications dated 12 and 13 September, Hyderabad informed the Council of the imminence and subsequently of the occurrence of invasion.⁵⁸⁶

At the 357th meeting on 16 September 1948, the Security Council included the question in the agenda.⁵⁸⁷

The Security Council considered the question, or made reference to it, at its 357th, 359th, 360th, 382nd, 383rd, 384th, 425th and 426th meetings between 16 September 1948 and 24 May 1949.

At the 357th meeting on 16 September 1948, the representative of Hyderabad* urged that the situation demanded immediate action by the Security Council, not only under Chapter VI of the Charter, but also under Articles 39 and 40.⁵⁸⁸

By cablegram dated 22 September 1948⁵⁸⁹ the Nizam of Hyderabad informed the Secretary-General that he had withdrawn the complaint, and that the delegation to the Security Council, which had been sent at the instance of his former Ministry, had ceased to have any authority to represent him or his State.

At the 359th and 360th meetings on 20 and 28 September 1948, discussion centered on three questions: (a) the validity of the credentials of the Hyderabad delegation; (b) whether the withdrawal of the case by the Nizam of Hyderabad had been made voluntarily or under duress; and (c) what attitude the Council should adopt if the State and Government of Hyderabad were to disappear completely.

By letter dated 6 October 1948,⁵⁹⁰ the head of the Indian delegation informed the Council that the complaint, "which Hyderabad never had the right to make, now stood expressly withdrawn", and there existed no longer any reason for his Government to maintain a delegation in Paris for dealing with the question.

At the resumption of the discussion during the 425th and 426th meetings held on 19 and 24 May 1949, the representative of Pakistan suggested that, with regard to the question of the competence of the Council to deal with the matter, an advisory opinion of the International Court of Justice under Article 96 of the Charter might be sought.⁵⁹¹ He further suggested that, as a provisional measure envisaged under

⁵⁷⁷ O.R., 3rd year, Suppl. for Aug. 1948, p. 79.

⁵⁷⁸ O.R., 3rd year, Suppl. for Aug. 1948, p. 84.

⁵⁷⁹ 344th meeting: p. 1.

⁵⁸⁰ 344th meeting: pp. 8-9.

⁵⁸¹ 348th meeting: p. 14.

⁵⁸² 353rd meeting: pp. 18-19.

⁵⁸³ 354th meeting: p. 36.

⁵⁸⁴ 354th meeting: p. 37.

⁵⁸⁵ S/986, O.R., 3rd year, Suppl. for Sept. 1948, p. 5.

⁵⁸⁶ S/998, S/1000, O.R., 3rd year, Suppl. for Sept. 1948, pp. 6-7.

⁵⁸⁷ For consideration of the inclusion of the item in the agenda, see chapter II, Case 33.

⁵⁸⁸ 357th meeting: pp. 12-13.

⁵⁸⁹ S/1011, O.R., 3rd year, Suppl. for Sept. 1948, p. 7.

⁵⁹⁰ S/1089, 382nd meeting: pp. 27-28.

⁵⁹¹ 426th meeting: pp. 28-30.

Article 40 of the Charter, the Council might cause to be ordered a general amnesty for certain persons and organizations, and that a plebiscite be taken under the guidance, supervision and control of the United Nations to decide whether Hyderabad should accede to India or remain independent.

The Hyderabad question remained on the list of matters of which the Security Council is seized.⁵⁹²

IDENTIC NOTIFICATIONS DATED 29 SEPTEMBER 1948 FROM THE GOVERNMENTS OF THE FRENCH REPUBLIC, THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA

INITIAL PROCEEDINGS

By identic notifications,⁵⁹³ France, the United Kingdom and the United States drew attention to the serious situation which they considered had arisen as a result of the unilateral imposition by the Government of the Union of Soviet Socialist Republics of restrictions on transport and communications between the Western Zones of Occupation in Germany and Berlin. The notifications stated that this action was not only in conflict with the rights of the British, French and the United States Governments, but was also contrary to the obligations of the Soviet Government under Article 2 of the Charter of the United Nations, and created a threat to the peace within the meaning of Chapter VII of the Charter. The three Governments further stated that the Government of the USSR, by its illegal actions, had been attempting to secure political objectives to which it was not entitled and which it could not achieve by peaceful means. The Government of the USSR was considered responsible for creating a situation in which further recourse to the means of settlement prescribed in Article 33 of the Charter was not possible in the existing circumstances, and which constituted a threat to international peace and security.

After discussion at the 361st and 362nd meetings on 4 and 5 October 1948, the Council included the question in the agenda.⁵⁹⁴

After the adoption of the agenda, the representatives of the USSR and the Ukrainian SSR stated that the decision represented a violation of Article 107 of the Charter and that they would not take part in the discussion of the question.

The Council considered the question further at its 363rd, 364th, 366th, 368th, 370th and 372nd meetings between 6 October and 25 October 1948.⁵⁹⁵

The representatives of France, the United Kingdom and the United States contended that the restrictions on transport and communications established by the Government of the USSR in Berlin constituted, contrary to its obligations under Article 2 (4) of the Charter, recourse to "threat of force to prevent the

other occupying Powers from exercising their legitimate rights and discharging their legal and humanitarian responsibilities". The three Powers had, therefore, brought the matter to the Security Council "as a clear threat to the peace within the meaning of Chapter VII of the Charter".

The representative of the USSR contended that the allegation "that the situation which had arisen in Berlin constituted a threat to peace and security, was without any foundation whatsoever" and that the allegation of a threat to the peace had been devised in order to by-pass Article 107 and to make it appear that the Security Council was competent.⁵⁹⁶

Decision of 25 October 1948 (372nd meeting): Rejection of draft resolution submitted by the representatives of Argentina, Belgium, Canada, China, Colombia and Syria

At the 370th meeting on 22 October 1948, the representatives of Argentina, Belgium, Canada, China, Colombia and Syria submitted a draft resolution⁵⁹⁷ which, citing Article 40 of the Charter, called upon the four occupying Powers to prevent any incident of a nature to aggravate the situation in Berlin; "to put into effect, simultaneously" the steps required for immediate removal of restrictions on transport and commerce and an immediate meeting of the four Military Governors, to arrange for the unification of currency in Berlin; and thereafter to reopen the negotiations in the Council of Foreign Ministers on all outstanding problems concerning Germany as a whole.

At the 372nd meeting, on 25 October 1948, the draft resolution was not adopted.⁵⁹⁸ There were 9 votes in favour, and 2 against (1 vote against being that of a permanent member of the Council).⁵⁹⁹

By letter dated 4 May 1949⁶⁰⁰ to the Secretary-General, the representatives of France, the United Kingdom and the United States stated that their Governments had concluded with the Government of the USSR an agreement on the question as indicated in a communiqué attached to the letter.

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

COMPLAINT OF AGGRESSION UPON THE REPUBLIC OF KOREA

INITIAL PROCEEDINGS

On 25 June 1950, the Deputy Representative of the United States transmitted to the Secretary-General a report from the United States Ambassador to the Republic of Korea that North Korean forces had invaded the territory of the Republic of Korea at several points in the early morning hours of 25 June (Korean time).⁶⁰¹

⁵⁹² 362nd meeting: p. 22; 364th meeting: p. 35.

⁵⁹⁷ S/1048, 370th meeting: pp. 5-6.

⁵⁹⁸ 372nd meeting: p. 14.

⁵⁹⁹ On 30 November 1948 the President of the Security Council "in the exercise of his powers" instituted a Technical Committee on Berlin Currency and Trade from experts nominated by neutral members of the Security Council to study, and make recommendations within thirty days upon, the establishment of a single currency in Berlin (Press Release SC/908, Enclosure 1). On 27 December 1948 the President of the Council extended the life of the Committee which made public its report on 15 March 1949 (Press Release SC/908).

⁶⁰⁰ S/1316, O.R., 4th year, Suppl. for May 1949, pp. 1-2.

⁶⁰¹ S/1495, 473rd meeting: p. 1.

⁵⁹³ For the retention of the question, see also chapter II, Case 60.

⁵⁹⁴ S/1020 and Add.1, O.R., 3rd year, Suppl. for Oct. 1948, pp. 9-45.

⁵⁹⁵ 362nd meeting: p. 21. For procedural discussion on inclusion in the agenda, see chapter II, Cases 23 and 34.

⁵⁹⁶ For statements regarding recourse to Article 33, see chapter X, Case 6; for the discussion regarding Article 107, see chapter XII, Case 30; for the invocation of Chapter VII of the Charter, see chapter XI, Case 14.