

At the same meeting, the representative of the Ukrainian SSR submitted a draft resolution³²⁰ by which the Council, with a view to regulating the position in Indonesia, would deem it essential that the following measures be taken: (a) to withdraw Netherlands forces to their Renville Truce positions; (b) to demand that the Netherlands release all political prisoners; (c) to propose the establishment of a Commission composed of representatives of States members of the Council, which body should observe the withdrawal of the Netherlands forces and the release of the political prisoners; (d) to instruct the Commission to submit proposals for the settlement of the conflict; and (e) to dissolve the existing Commission for Indonesia.

At the 456th meeting on 13 December, the Canadian draft resolution was put to a vote in parts and rejected. The first part received 9 votes in favour and 2 against (one vote against being that of a permanent member of the Council). The second part received 8 votes in favour, 2 against and 1 abstention (one vote against being that of a permanent member).³²¹

At the same meeting, the Council rejected the Ukrainian SSR draft resolution by 2 votes in favour and 9 against.³²²

On 9 January 1950, the Commission submitted to the Council its second interim report³²³ describing negotiations and activities in relation to the implementation of the cease-hostilities agreement, the release of political prisoners and prisoners of war, questions of administration and supply in Indonesia, and the arrangements for the transfer of sovereignty, which the Commission reported took place on 27 December 1949. The report concluded that the Commission, in virtue of its terms of reference and in accordance with the covering resolution of the Round Table Conference, would observe and assist in the implementation of the agreements reached at The Hague.

On 28 July 1950, the Commission reported³²⁴ that the Royal Netherlands Indonesian Army and the Netherlands Army High Command in Indonesia had been dissolved on 26 July following an agreement reached between the Governments of the Netherlands and the Republic of Indonesia on 15 July.

On 11 October 1950, the Commission submitted a telegraphic report³²⁵ outlining events which had taken place in South Moluccas since the proclamation, on 25 April 1950, of a "South Moluccas Republic" by a group of persons who had seized authority in the islands.

On 28 October 1950, the Commission submitted a telegraphic report³²⁶ informing the Council that the Contact Committee of Netherlands and Indonesian representatives, under the chairmanship of the Commission, had met on 25 October to consider, among other matters, problems connected with the demobilization and repatriation of troops belonging to the former Royal Netherlands Indies Army.

³²⁰ S/1433, 455th meeting: p. 27.

³²¹ 456th meeting: pp. 33-35. See chapter II, Case 61, for President's statement regarding effect on previous decisions.

³²² 456th meeting: p. 35.

³²³ S/1449.

³²⁴ S/1663.

³²⁵ S/1842, O.R., 5th year, Suppl. for Sept.-Dec. 1950, pp. 78-80.

³²⁶ S/1873 and Corr.1, O.R., 5th year, for Sept.-Dec. 1950, pp. 94-95.

At the 517th meeting on 30 October 1950, the President (United States) drew the attention of the Security Council to the reports of the Commission dated 11 and 28 October 1950 and asked whether any member wished to express any views in the Council on the question of the timing of the consideration of the reports. The Council took no position on the question raised by the President, and in the period covered by this *Repertoire* there was no further discussion in the Council on the matter of the Indonesian question.

On 3 April 1951, the Commission submitted to the Security Council a report on its activities since the transfer of sovereignty.³²⁷ In the concluding part of the report, the Commission stated that, since the military problems were now virtually solved, since no other matters had been submitted by the parties and since no items remained on the agenda, it had decided that, while continuing to hold itself at the disposal of the parties, it would adjourn *sine die*.

At the end of the period covered by this *Repertoire*, the Security Council remained seized of the Indonesian question (II).

THE PALESTINE QUESTION

INITIAL PROCEEDINGS

By letter dated 2 December 1947,³²⁸ the Secretary-General transmitted to the President of the Security Council the text of General Assembly resolution 181 (II) of 29 November 1947 concerning "the future government of Palestine" and invited the attention of the Security Council particularly to paragraphs (a), (b) and (c) of the operative part of the resolution.

At its 222nd meeting on 9 December 1947, the Council included the question in the agenda. After discussion, the Council decided to postpone consideration.³²⁹

The Security Council considered the Palestine question at the following meetings: 1947: 222nd; 1948: 243rd, 253rd to 255th, 258th, 260th to 263rd, 265th, 267th, 270th, 271st, 274th, 275th, 277th, 282nd, 283rd, 287th, 289th, 291st to 299th, 301st to 303rd, 305th to 311th, 313th, 314th, 317th, 320th, 329th to 340th, 343rd, 349th, 352nd to 354th, 356th, 358th, 360th, 365th, 367th, 373rd to 382nd, 386th, 394th to 396th; 1949: 413th, 422nd, 433rd to 435th, 437th, 452nd, 453rd; 1950: 502nd, 503rd, 511th, 514th, 517th, 518th, 521st, 522nd, 524th; 1951: 541st, 542nd, 544th to 547th, 549th to 553rd, 555th, 556th, 558th.

At the 243rd meeting on 10 February 1948, the Council agreed that it should take note of the first monthly report of the Palestine Commission³³⁰ and postpone further discussion until it had received the first special report to the Security Council.

Decision of 5 March 1948 (263rd meeting): To call on the permanent members to consult and to report

At its 253rd meeting on 24 February 1948, the Security Council began consideration of the first

³²⁷ S/2087.

³²⁸ S/614, O.R., 2nd year, Suppl. No. 20, p. 172.

³²⁹ For summary of proceedings, see chapter XII, Case 23 (i).

³³⁰ S/663, O.R., 3rd year, Special Suppl. No. 2, pp. 1-10. On the working of the Palestine Commission, see: "Organization and Procedure of United Nations Commissions. The United Nations Palestine Commission." (United Nations publications, 1949.X.8.)

monthly progress report and the first special report³³¹ submitted to it by the Palestine Commission.

At the 254th meeting on the same day, the representative of Colombia submitted a draft resolution³³² providing for consultations among the permanent members of the Council under Article 106.

At the 255th meeting on 25 February, the representative of the United States submitted a draft resolution³³³ regarding the acceptance of the requests by the General Assembly and the establishment of a committee of the five permanent members.

At the 258th meeting on 27 February, an amendment³³⁴ to the United States draft resolution was introduced by the representative of Belgium. At the same meeting, the representative of Colombia withdrew his draft resolution.

After consultations between the representatives of the USSR and the United States, the representative of the United States submitted his draft resolution in modified form at the 263rd meeting on 5 March.³³⁵

At the same meeting, the Belgian amendment was rejected. The United States draft resolution was voted on paragraph by paragraph. Three paragraphs were rejected, having failed to obtain the affirmative votes of seven members. The resulting United States draft resolution was adopted by 8 votes in favour, none against, with 3 abstentions.³³⁶ The resolution³³⁷ read as follows:

"The Security Council,

"Having received resolution 181 (II) of the General Assembly of 29 November 1947 on Palestine, and having received from the United Nations Palestine Commission its first monthly report and its first special report on the problem of security in Palestine;

"Resolves to call on the permanent members of the Council to consult and to inform the Security Council regarding the situation with respect to Palestine and to make, as the result of such consultations, recommendations to it regarding the guidance and instructions which the Council might usefully give to the Palestine Commission with a view of implementing the resolution of the General Assembly. The Security Council requests the permanent members to report to it on the results of their consultations within ten days;

"Appeals to all Governments and peoples particularly in and around Palestine, to take all possible action to prevent or reduce such disorders as are now occurring in Palestine."

At the 270th meeting on 19 March, the representative of the United States reported, on behalf of China, France and the United States, the results of the consultations among the permanent members, and discussion proceeded thereon.

Decisions of 1 April 1948 (277th meeting):

- (i) Calling for a truce in Palestine*
- (ii) Requesting a special session of the General Assembly*

At the 275th meeting on 30 March 1948, the representative of the United States submitted two draft resolutions³³⁸ in pursuance of recommendations presented to the Council as a result of the consultations between the permanent members.

At the 277th meeting on 1 April, the United States draft resolution calling for a truce (S/704), as amended on the suggestion of the representative of the Ukrainian SSR, was adopted unanimously.³³⁹ The resolution³⁴⁰ read as follows:

"The Security Council,

"In the exercise of its primary responsibility for the maintenance of international peace and security,

"Notes the increasing violence and disorder in Palestine and believes that it is of the utmost urgency that an immediate truce be effected in Palestine;

"Calls upon the Jewish Agency for Palestine and the Arab Higher Committee to make representatives available to the Security Council for the purpose of arranging a truce between the Arab and Jewish communities of Palestine; and emphasizes the heavy responsibility which would fall upon any party failing to observe such a truce;

"Calls upon Arab and Jewish armed groups in Palestine to cease acts of violence immediately."

At the same meeting, the United States draft resolution on the convocation of a special session of the General Assembly (S/705) was adopted by 9 votes in favour, none against, with 2 abstentions.³⁴¹ The resolution³⁴² read as follows:

"The Security Council,

"Having received, on 9 December 1947, the resolution of the General Assembly concerning Palestine dated 29 November 1947;

"Having taken note of the United Nations Palestine Commission's First and Second Monthly Progress Reports and First Special Report on the problem of security;

"Having called, on 5 March 1948, on the permanent members of the Council to consult;

"Having taken note of the reports made concerning these consultations,

"Requests the Secretary-General in accordance with Article 20 of the United Nations Charter, to convoke a special session of the General Assembly to consider further the question of the future government of Palestine."

Decision of 17 April 1948 (283rd meeting): Calling for measures to bring about a truce in Palestine

At the 282nd meeting on 15 April 1948, the President (Colombia) informed the Security Council that he had met representatives of the Arab Higher Com-

³³¹ S/676, O.R., 3rd year, Special Suppl. No. 2, pp. 10-19.

³³² S/684, 254th meeting: pp. 292-293. For discussion on the Colombian draft resolution, see chapter XII, Case 29.

³³³ S/685, 255th meeting: pp. 294-295.

³³⁴ S/688, O.R., 3rd year, Suppl. for Jan.-March, 1948, pp. 30-31; 258th meeting: pp. 356-358.

³³⁵ See chapter V, Case 68.

³³⁶ 263rd meeting: pp. 38-43.

³³⁷ S/691, 263rd meeting: p. 43. For discussion in connexion with this resolution, see chapter XII, Case 23 (ii).

³³⁸ S/704, S/705, 275th meeting: pp. 247-248. See chapter XII, Case 23 (iii).

³³⁹ 277th meeting: p. 34.

³⁴⁰ S/714/I, O.R., 3rd year, Suppl. for April 1948, pp. 4-5.

³⁴¹ 277th meeting: pp. 34-35.

³⁴² S/714/II, O.R., 3rd year, Suppl. for April 1948, p. 5.

mittee and of the Jewish Agency for Palestine to discuss the possible terms of a truce, and that he had been unable to bring about agreement between the parties.

Speaking as the representative of Colombia, the President submitted a draft resolution³⁴³ which had been drawn up as a result of informal conversations among the members of the Security Council with a view to bringing about "a standstill in the present conditions in Palestine" during the short period necessary for the General Assembly to consider the matter further.

Amendments were submitted at the 283rd meeting on 16 April by the representatives of the USSR and the United States.

At the same meeting, the United States amendments were adopted unanimously; the USSR amendment and paragraph 4 of the Colombian draft resolution were rejected. The resolution as amended was adopted by 9 votes in favour, none against, with 2 abstentions.³⁴⁴ The resolution³⁴⁵ read as follows:

"Considering the Council's resolution of 1 April 1948 and the conversations held by its President with the representatives of the Jewish Agency for Palestine and the Arab Higher Committee with a view to arranging a truce between Arabs and Jews in Palestine;

"Considering that, as stated in that resolution, it is of the utmost urgency to bring about the immediate cessation of acts of violence in Palestine, and to establish conditions of peace and order in that country;

"Considering that the United Kingdom Government, so long as it remains the Mandatory Power, is responsible for the maintenance of peace and order in Palestine and should continue to take all steps necessary to that end; and that, in so doing, it should receive the co-operation and support of the Security Council in particular as well as of all the Members of the United Nations;

"The Security Council:

"1. Calls upon all persons and organizations in Palestine and especially upon the Arab Higher Committee and the Jewish Agency to take immediately, without prejudice to their rights, claims, or positions, and, as a contribution to the well-being and permanent interest of Palestine, the following measures:

"(a) Cease all activities of a military or paramilitary nature, as well as acts of violence, terrorism and sabotage;

"(b) Refrain from bringing and from assisting and encouraging the entry into Palestine of armed bands and fighting personnel, groups and individuals, whatever their origin;

"(c) Refrain from importing or acquiring or assisting or encouraging the importation or acquisition of weapons and war materials;

"(d) Refrain, pending further consideration of the future government of Palestine by the General Assembly, from any political activity which might

prejudice the rights, claims, or positions of either community;

"(e) Co-operate with the Mandatory authorities for the effective maintenance of law and order and of essential services, particularly those relating to transportation, communications, health, and food and water supplies;

"(f) Refrain from any action which will endanger the safety of the Holy Places in Palestine and from any action which would interfere with access to all shrines and sanctuaries for the purpose of worship by those who have an established right to visit and worship at them.

"2. Requests the United Kingdom Government, for so long as it remains the Mandatory Power, to use its best efforts to bring all those concerned in Palestine to accept the measures set forth under paragraph 1 above and, subject to retaining the freedom of action of its own forces, to supervise the execution of these measures by all those concerned, and to keep the Security Council and the General Assembly currently informed on the situation in Palestine.

"3. Calls upon all Governments and particularly those of the countries neighbouring Palestine to take all possible steps to assist in the implementation of the measures set out under paragraph 1 above, and particularly those referring to the entry into Palestine of armed bands and fighting personnel, groups and individuals and weapons and war materials."

*Decision of 23 April 1948 (287th meeting): Establishing a truce commission*³⁴⁶

At the 287th meeting on 23 April 1948, the Security Council heard statements by the representatives of the Arab, Higher Committee,* the Jewish Agency for Palestine* and the Mandatory Power regarding implementation of the resolution of 17 April 1948.

The representative of the United States, having suggested that it was essential that the Council should receive additional reports regarding the truce from an agency of its own, submitted a draft resolution to establish a truce commission for Palestine.

The draft resolution, with amendments introduced in the course of discussion, was adopted by 8 votes in favour, none against, with 3 abstentions.³⁴⁷ The resolution³⁴⁸ read as follows:

"Referring to its resolution of 17 April 1948, calling upon all parties concerned to comply with specific terms for a truce in Palestine,

"The Security Council

"Establishes a truce commission for Palestine composed of representatives of those members of the Security Council which have career consular officers in Jerusalem, noting, however, that the representative of Syria has indicated that his Government is not prepared to serve on the Commission. The function of the Commission shall be to assist the Security Council in supervising the implementation by the

³⁴⁶ On the working of the Truce Commission, see: "Organization and Procedure of United Nations Commissions. The Security Council Truce Commission for Palestine." (United Nations publications, 1949.X.2.) See also chapter V, Case 9.

³⁴⁷ 287th meeting: p. 33.

³⁴⁸ S/727, 287th meeting: pp. 32-33.

³⁴³ S/722, G.A.O.R., 3rd session, Suppl. No. 2, p. 83.

³⁴⁴ 283rd meeting: p. 41. (The meeting lasted beyond midnight, and the resolution was adopted on 17 April).

³⁴⁵ S/723, O.R., 3rd year, Suppl. for April 1948, pp. 7-8.

parties of the resolution of the Security Council of 17 April 1948;

"Requests the Commission to report to the President of the Security Council within four days regarding its activities and the development of the situation, and subsequently to keep the Security Council currently informed with respect thereto.

"The Commission, its members, their assistants and its personnel, shall be entitled to travel, separately or together, wherever the Commission deems necessary to carry out its tasks.

"The Secretary-General of the United Nations shall furnish the Commission with such personnel and assistance as it may require, taking into account the special urgency of the situation with respect to Palestine."

Decision of 12 May 1948 (291st meeting): Authorizing the Truce Commission to use discretionary powers for truce supervision

At the 289th meeting on 7 May 1948, the President (France) informed the Security Council that he had received a telegram from the Jewish Agency for Palestine³⁴⁹ alleging that foreign regular forces had invaded the territory of Palestine and appealing for appropriate action by the Council to arrest the invasion in its initial stages. In reply to the President's inquiry, the Security Council Truce Commission for Palestine cabled³⁵⁰ that it had been unable to confirm the information from the Jewish Agency.

At the 291st meeting on 12 May, the President brought to the attention of the Council two messages from the Truce Commission concerning negotiations for a truce in Jerusalem and for its control and supervision. The Commission asked whether it would be possible for the United Nations to send the officers necessary to effect such control, or whether the latter should be ensured by the International Committee of the Red Cross. The Secretary-General stated that it was possible to send control officers to Palestine, but it would have to be quite clear that they were going at the request, and with the full support, of both parties in Palestine. In the course of the discussion it became apparent that, in view of the short time remaining for action until the expiration of the Mandate on 15 May, and in the absence of sufficient information, the initiative rested with the Truce Commission on the spot. Accordingly, the Council authorized the President to advise the Truce Commission that it should explore and adopt such means of assistance as it might require in the performance of its functions.³⁵¹

Decision of 18 May 1948 (295th meeting): To address a questionnaire to the parties

At the 292nd meeting on 15 May 1948, the President (France) informed the Security Council that he had received a communication³⁵² from the Jewish Agency for Palestine charging acts of aggression on the part of Transjordan, and a cablegram³⁵³ from the Government of Egypt stating that Egyptian armed forces had started to enter Palestine, after the British Mandate had ended, to establish security and order there.

At the 293rd meeting on 17 May, the Security Council had before it three further communications regarding the situation in Palestine. A cablegram³⁵⁴ from the League of Arab States declared that the Arab States were compelled to intervene in Palestine for the sole purpose of restoring peace and security and establishing law and order. A cablegram³⁵⁵ from the Provisional Government of Israel transmitted the proclamation establishing the independent State of Israel. A message³⁵⁶ from the King of Transjordan stated that his armed forces were compelled to enter Palestine to protect the Arabs there.

At the same meeting, the representative of the United States submitted a draft resolution to order the immediate cessation of military operations,³⁵⁷ and a questionnaire to be put to the parties concerned.

At the 293rd to 295th meetings on 17 to 18 May, the Security Council considered the text of the questionnaire, and at the 295th meeting on 18 May, the Security Council adopted the questionnaire in an amended form.³⁵⁸

Decision of 22 May 1948 (302nd meeting): Calling upon the parties to issue a cease-fire order³⁵⁹

At the 296th to 299th and 301st to 302nd meetings between 19 and 22 May, the Security Council considered the United States draft resolution.

At the 296th meeting on 19 May, the representative of the United Kingdom introduced an amendment to eliminate the reference to article 39.³⁶⁰

At the 299th meeting on 20 May, the President informed the Security Council that the permanent members of the Council had decided to appoint a Mediator in Palestine³⁶¹ in pursuance of General Assembly resolution 186 (S-2) of 14 May 1948.

At the 301st meeting on 22 May, the representatives of Egypt,* Iraq,* Lebanon,* Syria and the Jewish Agency for Palestine* presented the replies of their Governments to the questionnaire of the Council. The President announced that replies were still awaited from Saudi Arabia and Yemen, while Transjordan had refused to reply. The representative of the Arab Higher Committee* said that he would submit his replies at a later date.

At the 302nd meeting on 22 May, the Security Council adopted the United States draft resolution in an amended form by 8 votes in favour, none against, with 3 abstentions.³⁶² The resolution³⁶³ read as follows:

"The Security Council

"Taking into consideration that previous resolutions of the Security Council in respect to Palestine

³⁵⁴ S/745, O.R., 3rd year, Suppl. for May 1948, pp. 83-88.

³⁵⁵ S/747, O.R., 3rd year, Suppl. for May 1948, pp. 88-89.

³⁵⁶ S/748, O.R., 3rd year, Suppl. for May 1948, p. 90.

³⁵⁷ S/749, 293rd meeting: p. 2.

³⁵⁸ S/753, O.R., 3rd year, Suppl. for May 1948, pp. 90-91.

For the question of domestic jurisdiction in connexion with the questionnaire, see chapter XII, Case 13.

³⁵⁹ For the preceding discussion concerning the applicability of Articles 39 and 40, see chapter XI, Case 9.

³⁶⁰ S/755, 295th meeting: p. 6.

³⁶¹ 299th meeting: pp. 4-5. On the working of the Mediator and the Acting Mediator, see: "Organization and Procedure of United Nations Commissions. The United Nations Mediator (and Acting Mediator) for Palestine." (United Nations publications, 1950.X.3.)

³⁶² 302nd meeting: p. 66.

³⁶³ S/773, O.R., 3rd year, Suppl. for May 1948, p. 97.

³⁴⁹ S/730, O.R., 3rd year, Suppl. for May 1948, pp. 37-38.

³⁵⁰ S/733, O.R., 3rd year, Suppl. for May 1948, p. 40.

³⁵¹ 291st meeting: p. 21.

³⁵² S/744, 292nd meeting: p. 2.

³⁵³ S/743, 292nd meeting: p. 3.

have not been complied with and that military operations are taking place in Palestine;

"Calls upon all Governments and authorities, without prejudice to the rights, claims or position of the parties concerned, to abstain from any hostile military action in Palestine and to that end to issue a cease-fire order to their military and para-military forces to become effective within thirty-six hours after midnight New York Standard Time, 22 May 1948;

"Calls upon the Truce Commission and upon all parties concerned to give the highest priority to the negotiation and maintenance of a truce in the City of Jerusalem;

"Directs the Truce Commission established by the Security Council by its resolution of 23 April 1948 to report to the Security Council on the compliance with the two preceding paragraphs of this resolution;

"Calls upon all parties concerned to facilitate by all means in their power the task of the United Nations Mediator appointed in execution of the resolution of the General Assembly of 14 May 1948."

Decision of 24 May 1948 (303rd meeting): Extending the time-limit for cease-fire order

At the 303rd meeting on 24 May, the President (France) drew the attention of the Security Council to a cablegram³⁶⁴ from the Jewish Agency for Palestine to the effect that the Provisional Government of Israel had accepted the resolution of 22 May and issued a cease-fire order to its troops. He also read the replies of the Governments of Iraq, Lebanon and Syria informing the Council of a delay in the receipt of the resolution of 22 May and requesting an extension of the time-limit to enable the Arab Governments to consult.

The Security Council agreed to extend the time-limit of the cease-fire order by 48 hours, to expire on 26 May at noon, New York Standard Time.³⁶⁵

Decisions of 29 May 1948 (310th meeting):

- (i) *Rejection of draft resolution submitted by the USSR*
- (ii) *Calling for cessation of hostilities for a period of four weeks*³⁶⁶

At the 305th meeting on 26 May 1948, the President (France) informed the Security Council that he had received a communication³⁶⁷ from the Jewish Agency for Palestine conveying the decision of the Provisional Government of Israel to reissue a cease-fire order to its forces if the other side acted likewise. The representative of Egypt* stated that his Government was unable to accept the resolution of 22 May 1948.³⁶⁸ The representative of Iraq* read a communication³⁶⁹ from the League of Arab States to the same effect.

At the 306th meeting on 27 May, the representative of the USSR submitted a draft resolution for the

ordering of the cessation of military operations. The draft resolution was subsequently revised.³⁷⁰ At the same meeting, the representative of the United Kingdom submitted a draft resolution which, as revised at the 310th meeting,³⁷¹ called for a cessation of all acts of armed force for a period of four weeks.

At the 308th meeting on 28 May, the President, as the representative of France, submitted a draft resolution³⁷² for the cessation of hostilities in Jerusalem.

At the 310th meeting on 29 May, the USSR draft resolution was voted on in parts and was rejected.³⁷³ At the same meeting, the Security Council proceeded to vote on the United Kingdom draft resolution paragraph by paragraph. Amendments were proposed in the course of the discussion by Colombia, the United States, France, Canada and Syria, and some, having been accepted, were incorporated in the text. The United Kingdom draft resolution, as finally amended, was adopted.³⁷⁴ The resolution³⁷⁵ read as follows:

"The Security Council,

"Desiring to bring about a cessation of hostilities in Palestine without prejudice to the rights, claims and position of either Arabs or Jews; [8 votes to none, with 3 abstentions],

"Calls upon all Governments and authorities concerned to order a cessation of all acts of armed force for a period of four weeks; [10 votes to none, with 1 abstention],

"Calls upon all Governments and authorities concerned to undertake that they will not introduce fighting personnel into Palestine, Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Transjordan and Yemen during the cease-fire; and

"Calls upon all Governments and authorities concerned, should men of military age be introduced into countries or territories under their control, to undertake not to mobilize or submit them to military training during the cease-fire; [7 votes to none, with 4 abstentions];³⁷⁶

"Calls upon all Governments and authorities concerned to refrain from importing war material into or to Palestine, Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Transjordan and Yemen during the cease-fire; [9 votes to none, with 2 abstentions],

"Urges all Governments and authorities concerned to take every possible precaution for the protection of the Holy Places and of the City of Jerusalem, including access to all shrines and sanctuaries for the purpose of worship by those who have an established right to visit and worship at them; [11 votes to none, with no abstentions],

"Instructs the United Nations Mediator for Palestine in concert with the Truce Commission to supervise the observance of the above provisions, and decides that they shall be provided with a sufficient

³⁷⁰ S/794/Rev.2, O.R., 3rd year, Suppl. for May 1948, pp. 101-102.

³⁷¹ S/795/Rev.2, O.R., 3rd year, Suppl. for May 1948, pp. 102-103.

³⁷² S/798/Rev.2, 308th meeting: p. 40.

³⁷³ 310th meeting: pp. 36-37.

³⁷⁴ 310th meeting pp. 38-63.

³⁷⁵ S/801, O.R., 3rd year, Suppl. for May 1948, pp. 103-104.

³⁷⁶ For the claim of domestic jurisdiction in connexion with the discussion on this paragraph and the preceding one, see chapter XII, Case 14.

³⁶⁴ S/779, O.R., 3rd year, Suppl. for May 1948, p. 98.

³⁶⁵ 303rd meeting: p. 41.

³⁶⁶ For the preceding discussion regarding the applicability of Articles 39 and 40, see chapter XI, Case 10. For the preceding discussion concerning the applicability of Articles 52 and 53, see chapter XII, Case 27.

³⁶⁷ S/789, 305th meeting: pp. 43-44.

³⁶⁸ 305th meeting: pp. 44-46.

³⁶⁹ S/792, 305th meeting: pp. 47-49.

number of military observers; [9 votes to none, with 2 abstentions],

"Instructs the United Nations Mediator to make contact with all parties as soon as the cease-fire is in force with a view to carrying out his functions as determined by the General Assembly; [9 votes to none, with 2 abstentions],

"Calls upon all concerned to give the greatest possible assistance to the United Nations Mediator; [9 votes to none, with 2 abstentions],

"Instructs the United Nations Mediator to make a weekly report to the Security Council during the cease-fire; [9 votes to none, with 2 abstentions],

"Invites the States members of the Arab League and the Jewish and Arab authorities in Palestine to communicate their acceptance of this resolution to the Security Council not later than 6 p.m. New York Standard Time on 1 June 1948; [8 votes to none, with 3 abstentions],

"Decides that if the present resolution is rejected by either party or by both, or if, having been accepted, it is subsequently repudiated or violated, the situation in Palestine will be reconsidered with a view to action under Chapter VII of the Charter. [7 votes to none, with 4 abstentions].

"Calls upon all Governments to take all possible steps to assist in the implementation of this resolution." [8 votes to none, with 3 abstentions].

After the United Kingdom draft resolution had been adopted, the French draft resolution was withdrawn.³⁷⁷

Decision of 2 June 1948 (311th meeting): Authorizing the Mediator to set the effective date for the cease-fire

At the 311th meeting on 2 June 1948, the President (Syria) informed the Security Council that he had received the replies of the parties concerned accepting the terms of the resolution of 29 May 1948. The communication³⁷⁸ of the Provisional Government of Israel stated that a cease-fire order had been issued to the Israeli forces effective on 2 June, 3 a.m. Israeli time, provided the other side acted likewise. The communication³⁷⁹ of the Foreign Minister of Egypt, which contained the reply of the League of Arab States on behalf of all Arab States, expressed readiness to cease fire as soon as the effective date was determined. At the same meeting, the representative of the Arab Higher Committee* stated that, as a member of the League of Arab States, his Committee upheld the statement communicated by the Egyptian Government.

The Council also had before it a message³⁸⁰ from the United Nations Mediator suggesting that the date of the application of the resolution should be set by the Mediator in consultations with the two parties and the Truce Commission.

With 2 abstentions, the Security Council approved the suggestion of the Mediator regarding the setting of the time-limit for the actual cessation of hostilities and agreed that this time-limit should be as short as possible.³⁸¹

Decision of 3 June 1948 (313th meeting): Concerning the authority of the United Nations Mediator

At the 313th meeting on 3 June 1948, the President (Syria) drew the attention of the Security Council to paragraph 3 of General Assembly resolution 186 (S-2) which

"Directs the United Nations Mediator to conform in his activities . . . with such instructions as the General Assembly or the Security Council may issue."

Since the Council had conferred certain powers upon the Mediator in the implementation of its resolution of 29 May 1948, he requested the views of the members as to whether instructions should now be given to the Mediator.

The Council agreed that no instructions should be issued to the Mediator pending examination of his first report, and that the Mediator should have full authority to act within the terms of the resolution and interpret it in a way he deemed correct. Only if that interpretation were challenged should the matter be submitted to the Council for further consideration.³⁸²

Decisions of 15 June 1948 (320th meeting):

(i) *Concerning execution of the truce*

(ii) *Rejection of draft resolution submitted by the USSR*

At the 320th meeting on 15 June 1948, the Council had before it a message³⁸³ from the Mediator suggesting that all communications from interested parties concerning the execution of the cease-fire and truce agreement, which had gone into effect on 11 June 1948, be submitted to the Mediator and that he should exercise discretion in reporting them to the Security Council.

In another communication³⁸⁴ the Mediator requested the Security Council to call on Member and non-Member States to report on the steps taken to implement the resolution of 29 May and to assist the Mediator in his task.

The Council approved the procedure suggested by the Mediator and agreed that this would not preclude the parties from addressing communications directly to the Council. It also agreed to take appropriate action in connexion with the Mediator's request (S/840).³⁸⁵

At the same meeting, the representative of the USSR submitted a draft resolution³⁸⁶ to attach to the Mediator from thirty to fifty military observers to be appointed "by Member States of the Security Council wishing to participate in the designation of such observers, excluding Syria". The President, speaking as the representative of Syria, proposed to delete the words "excluding Syria". The USSR draft resolution was rejected³⁸⁷ by 2 votes in favour, none against, and 9 abstentions.

Decision of 7 July 1948 (330th meeting): Concerning the representative of the State of Israel

At the 330th meeting on 7 July 1948, the President (Ukrainian SSR), in his invitation to representatives

³⁷⁷ 310th meeting: p. 63.

³⁷⁸ S/804, 311th meeting: pp. 2-3.

³⁷⁹ S/810, 311th meeting: pp. 4-6.

³⁸⁰ S/814, 311th meeting: p. 16.

³⁸¹ 311th meeting: pp. 23-24.

³⁸² 313th meeting: pp. 28-29.

³⁸³ S/837, 320th meeting: p. 2.

³⁸⁴ S/840, 320th meeting: p. 3.

³⁸⁵ 320th meeting: pp. 4-6.

³⁸⁶ S/841, 320th meeting: p. 8.

³⁸⁷ 320th meeting: p. 11.

of the interested parties to take their seats at the Security Council table, included also the representative of the State of Israel who had previously been referred to as the representative of the Jewish Agency for Palestine.

The ruling of the President was challenged and submitted to the vote. There were 5 votes in favour of overruling the decision of the President. The President declared his ruling sustained.³⁸⁸

In protest against the decision of the President, the representative of the Arab Higher Committee withdrew from the Council table.³⁸⁹

Decision of 7 July 1948 (331st meeting): Appealing for a prolongation of the truce

At the 330th meeting on 7 July 1948 the Security Council had before it a message³⁹⁰ from the Mediator requesting the Council to appeal to the parties for a prolongation of the truce.

At the same meeting, the representative of the United Kingdom submitted a draft resolution to that effect.³⁹¹

At the 331st meeting on 7 July, the Security Council adopted the United Kingdom draft resolution by 8 votes in favour, none against, with 3 abstentions. The resolution³⁹² read as follows:

"The Security Council,

"Taking into consideration the telegram from the United Nations Mediator dated 5 July 1948,

"Addresses an urgent appeal to the interested parties to accept in principle the prolongation of the truce for such period as may be decided upon in consultation with the Mediator."

Decision of 8 July 1948 (332nd meeting): To request information

At the 332nd meeting on 8 July 1948 the President (Ukrainian SSR) brought to the attention of the Security Council a statement³⁹³ of the Mediator on the replies of the parties to his proposal for the prolongation of the truce. He also informed the Security Council of a communication³⁹⁴ from the Provisional Government of Israel charging resumption of hostilities by Egyptian forces before the expiration of the truce.

The Council agreed that the President should request from the parties concerned and the Mediator immediate information regarding the actual situation in Palestine and in particular their attitude towards the observance and prolongation of the truce.³⁹⁵

Decision of 15 July 1948 (338th meeting): Determining the situation in Palestine a threat to the peace within the meaning of Article 39 and ordering, in pursuance of Article 40, the cessation of military action³⁹⁶

Prior to the 333rd meeting on 13 July 1948, the Security Council received additional information concerning the prolongation of the truce and also the text of an appeal³⁹⁷ by the Mediator on 9 July for an unconditional cease-fire in Palestine for a period of 10 days. This appeal was accepted by the Provisional Government of Israel³⁹⁸ but in the absence of acceptance by the Arab States, the four-week truce expired on 9 July.³⁹⁹

At the same meeting, the Mediator* made a statement in connexion with his report dated 12 July⁴⁰⁰ which contained a review of both the truce effort and the mediation effort during the four-week truce. He concluded by stating that, for the time being, he had exhausted all the powers at his disposal, and that it was up to the Security Council to adopt measures to put an end to the renewal of hostilities in Palestine. He thought that the Security Council might order an immediate cease-fire in Palestine and the demilitarization of Jerusalem and should make clear its determination to apply the provisions of Articles 41 and 42 in case of non-compliance.⁴⁰¹

At the 334th meeting on the same day, the representative of the United States submitted a draft resolution⁴⁰² which determined that the situation in Palestine constituted a threat to peace within the meaning of Article 39 and ordered the governments and authorities concerned, pursuant to Article 40, to desist from further military action and to issue cease-fire orders to their forces to that effect. As a matter of special and urgent necessity, the draft resolution ordered an immediate and unconditional cease-fire in Jerusalem.

The Council considered the United States draft resolution at the 334th to 338th meetings from 13 to 15 July.

At the 338th meeting on 15 July, the Council voted on the United States draft resolution and amendments thereto paragraph by paragraph.

An amendment submitted by Syria to substitute the words "Taking into consideration the report of the United Nations Mediator . . ." for the first paragraph of the United States draft resolution which referred to the acceptance of the prolongation of the truce by the Provisional Government of Israel and its rejection by the Arab States, was rejected by 4 votes in favour, none against, and 7 abstentions.⁴⁰³

A United Kingdom amendment to refer to the Provisional Government of Israel as "the other party" was rejected by 3 votes in favour, 1 against, with 7 abstentions.⁴⁰⁴

An amendment proposed orally by Canada to delete from the third paragraph the time-limit of three days for the parties to issue cease-fire orders was rejected by 5 votes in favour, none against, and 6 abstentions.⁴⁰⁵

³⁸⁸ 330th meeting: pp. 2-9.

³⁸⁹ 330th meeting: p. 10.

³⁹⁰ S/865, O.R., 3rd year, Suppl. for July 1948, pp. 24-25.

³⁹¹ S/867.

³⁹² S/875, 331st meeting: p. 35.

³⁹³ S/873, 332nd meeting: pp. 4-5.

³⁹⁴ S/871, 332nd meeting: p. 2.

³⁹⁵ 332nd meeting: pp. 21-23.

³⁹⁶ For discussion in connexion with this resolution, see chapter XI, Case 11.

³⁹⁷ S/878, O.R., 3rd year, Suppl. for July 1948, pp. 33-34.

³⁹⁸ S/884, O.R., 3rd year, Suppl. for July 1948, pp. 43-44.

³⁹⁹ O.R., 3rd year, Suppl. for July 1948, pp. 31-47.

⁴⁰⁰ S/888, O.R., 3rd year, Suppl. for July 1948, pp. 47-63.

⁴⁰¹ 333rd meeting: pp. 7-8.

⁴⁰² S/890, 334th meeting: pp. 40-41.

⁴⁰³ S/901, 338th meeting: pp. 42-43.

⁴⁰⁴ S/895, 338th meeting: p. 43.

⁴⁰⁵ 338th meeting: pp. 46-47.

An amendment submitted by the USSR to propose to both parties that they withdraw their forces from Jerusalem instead of instructing the Mediator, as the United States draft resolution provided, to bring about demilitarization of that city, was rejected by 2 votes in favour, 1 against, and 8 abstentions.⁴⁰⁶

A Chinese amendment, which was subsequently revised by the representative of the United States and accepted by the representative of China,⁴⁰⁷ to add a paragraph reiterating the appeal to the parties to continue conversations with the Mediator "in a spirit of conciliation and mutual concession", was adopted by 9 votes to none, with 2 abstentions.⁴⁰⁸

Two additional paragraphs suggested by the Secretary-General and dealing with administrative and financial arrangements were adopted by 8 votes in favour, none against, with 3 abstentions.

The amended United States draft resolution as a whole was adopted by 7 votes in favour, 1 against, with 3 abstentions.⁴⁰⁹ The resolution⁴¹⁰ read as follows:

"The Security Council,

"Taking into consideration that the Provisional Government of Israel has indicated its acceptance in principle of a prolongation of the truce in Palestine; that the States members of the Arab League have rejected successive appeals of the United Nations Mediator, and of the Security Council in its resolution of 7 July 1948, for the prolongation of the truce in Palestine; and that there has consequently developed a renewal of hostilities in Palestine; [8 votes to 1, with 2 abstentions],

"Determines that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter; [8 votes to 1, with 2 abstentions],

"Orders the Governments and authorities concerned, pursuant to Article 40 of the Charter of the United Nations, to desist from further military action and to this end to issue cease-fire orders to their military and para-military forces, to take effect at a time to be determined by the Mediator, but in any event not later than three days from the date of the adoption of this resolution; [9 votes to 1, with 1 abstention],

"Declares that failure by any of the Governments or authorities concerned to comply with the preceding paragraph of this resolution would demonstrate the existence of a breach of the peace within the meaning of Article 39 of the Charter requiring immediate consideration by the Security Council with a view to such further action under Chapter VII of the Charter as may be decided upon by the Council; [8 votes to 1, with 2 abstentions],

"Calls upon all Governments and authorities concerned to continue to co-operate with the Mediator with a view to the maintenance of peace in Palestine in conformity with the resolution adopted by the

Security Council on 29 May 1948; [9 votes to none, with 2 abstentions],⁴¹¹

"Orders as a matter of special and urgent necessity an immediate and unconditional cease-fire in the City of Jerusalem to take effect 24 hours from the time of the adoption of this resolution, and instructs the Truce Commission to take any necessary steps to make this cease-fire effective; [11 votes to none, with no abstentions],

"Instructs the Mediator to continue his efforts to bring about the demilitarization of the City of Jerusalem, without prejudice to the future political status of Jerusalem, and to assure the protection of and access to the Holy Places, religious buildings and sites in Palestine; [8 votes to none, with 3 abstentions],

"Instructs the Mediator to supervise the observance of the truce and to establish procedures for examining alleged breaches of the truce since 11 June 1948, authorizes him to deal with breaches so far as it is within his capacity to do so by appropriate local action, and requests him to keep the Security Council currently informed concerning the operation of the truce and when necessary to take appropriate action; [9 votes to none, with 2 abstentions],

"Decides that, subject to further decision by the Security Council or the General Assembly, the truce shall remain in force, in accordance with the present resolution and with that of 29 May 1948, until a peaceful adjustment of the future situation of Palestine is reached; [8 votes to 1, with 2 abstentions],

"Reiterates the appeal to the parties contained in the last paragraph of its resolution of 22 May and urges upon the parties that they continue conversations with the Mediator in a spirit of conciliation and mutual concession in order that all points under dispute may be settled peacefully; [9 votes to none, with 2 abstentions],

"Requests the Secretary-General to provide the Mediator with the necessary staff and facilities to assist in carrying out the functions assigned to him under the resolution of the General Assembly of 14 May, and under this resolution;⁴¹² and

"Requests that the Secretary-General make appropriate arrangements to provide necessary funds to meet the obligations arising from this resolution." [8 votes to none, with 3 abstentions].

Decision of 27 July 1948 (340th meeting): Rejection of draft resolution submitted by the representative of Syria

At the 339th and 340th meetings on 27 July 1948, the Council considered a draft resolution⁴¹³ submitted by the representative of Syria to request the International Court of Justice, "pursuant to Article 96, to give an advisory legal opinion as to the international

⁴⁰⁶ S/896, 338th meeting: pp. 52-53.

⁴⁰⁷ S/897, 338th meeting: p. 60.

⁴⁰⁸ 338th meeting: p. 63.

⁴⁰⁹ 338th meeting: p. 66.

⁴¹⁰ S/902, O.R., 3rd year, Suppl. for July 1948, pp. 76-77.

⁴¹¹ The phrase in the draft resolution "pursuant to Article 40 of the Charter" after "Governments and authorities concerned" was rejected by 6 votes in favour, 1 against and 4 abstentions (338th meeting: p. 50).

⁴¹² For discussion on the authority of the Secretary-General, see chapter XI, Case 19.

⁴¹³ S/894, 334th meeting: pp. 52-53.

status of Palestine after the termination of the Mandate". The representative of Syria accepted a Colombian amendment⁴¹⁴ to specify that the request to the International Court "will not delay or impair the normal process of mediation".

At the 340th meeting on 27 July, the Syrian draft resolution, as amended, was rejected by 6 votes in favour and 1 against, with 4 abstentions.⁴¹⁵

Decision of 2 August 1948 (343rd meeting): Request for information regarding Jewish displaced persons and Arab refugees

At the 343rd meeting on 2 August 1948, the representative of the United Kingdom raised the question of Jewish displaced persons in Europe and Arab refugees in Palestine and adjacent countries and stated that these two aspects of the Palestine problem directly affected the chances of finding an equitable solution for it.⁴¹⁶ At the same meeting, the Council decided, without objection, on the proposal of the President (USSR) to request information from the Mediator and from the Governments concerned regarding the questions raised in the course of the discussion, namely (a) the Jewish displaced persons in Europe, (b) the Arab refugees, (c) possible assistance to both those groups, and (d) the Jews detained in Cyprus.⁴¹⁷

Decision of 13 August 1948 (349th meeting): Request to the Mediator to make all efforts to ensure water supply for Jerusalem

At the 349th meeting on 13 August 1948, following the receipt of a cablegram from the Mediator concerning the destruction of the pumping station at Latrun,⁴¹⁸ the President (USSR) proposed that the Council authorize him to send a telegram to the Mediator requesting him to take steps to ensure water supply to the population of Jerusalem.⁴¹⁹

At the same meeting, the President's proposal was adopted by 8 votes in favour, 1 against, with 2 abstentions.⁴²⁰

Decisions of 19 August 1948 (354th meeting):

- (i) *Indicating obligations of Governments and authorities concerned under the resolution of 15 July 1948*
- (ii) *Transmitting to the Economic and Social Council and the International Refugee Organization the record of the Council's discussion on the problem of Palestinian Arab refugees and Jewish displaced persons*

By cablegram dated 18 August 1948,⁴²¹ the Mediator informed the Security Council that further de-

terioration of the situation in Jerusalem might lead to a general resumption of hostilities and requested the Council to take prompt action with a view to giving effect to its resolution of 15 July.

At the 354th meeting on 19 August 1948, the representatives of Canada, France, the United Kingdom and the United States submitted a joint draft resolution,⁴²² incorporating suggestions of the Mediator, to indicate the responsibilities of the parties with regard to truce violations, reprisals and retaliations, and to provide that no party was entitled to gain advantage through violation of the truce.

At the same meeting, the joint draft resolution was adopted in a paragraph by paragraph vote.⁴²³ The resolution⁴²⁴ read as follows:

"The Security Council,

"Taking into account communications from the Mediator concerning the situation in Jerusalem,

"Directs the attention of the governments and authorities concerned to the resolution of the Security Council of 15 July 1948, and

"Decides pursuant to its resolution of 15 July 1948, and so informs the governments and authorities concerned, that:

"(a) Each party is responsible for the actions of both regular and irregular forces operating under its authority or in territory under its control;

"(b) Each party has the obligation to use all means at its disposal to prevent action violating the Truce by individuals or groups who are subject to its authority or who are in territory under its control;

"(c) Each party has the obligation to bring to speedy trial and in case of conviction to punishment, any and all persons within their jurisdiction who are involved in a breach of the Truce;⁴²⁵

"(d) No party is permitted to violate the Truce on the ground that it is undertaking reprisals or retaliations against the other party;

"(e) No party is entitled to gain military or political advantage through violation of the Truce."

At the same meeting, the Council also decided, without objection, on the proposal of the representative of the United Kingdom, to transmit the record of its discussion on the question of Palestinian Arab refugees and Jewish displaced persons to the Economic and Social Council and the International Refugee Organization.⁴²⁶

Decisions of 18 September 1948 (358th meeting):

- (i) *Approval of designation of Dr. Ralph Bunche as Acting Mediator*
- (ii) *Request for a report from the Chief of Staff of the Mediator on the assassination of the Mediator*
- (iii) *Tribute to the Mediator*

By cablegram dated 17 September 1948, Dr. Ralph Bunche, Personal Representative of the Secretary-

⁴¹⁴ S/921, 339th meeting: p. 11.

⁴¹⁵ 340th meeting: pp. 33-34. For discussion preceding this resolution, see chapter XI, Case 11; and chapter VI, Case 29.

⁴¹⁶ 343rd meeting: pp. 4-7.

⁴¹⁷ 343rd meeting: pp. 21-22. For replies see S/948, from the United Nations Mediator; S/957, from the Arab Higher Committee; S/946, S/949 and S/965, from the Provisional Government of Israel; and S/962, from the representative of the United Kingdom (O.R., 3rd year, Suppl. for August 1948, pp. 100-109, 148-151 and 155-159).

⁴¹⁸ S/963, O.R., 3rd year, Suppl. for Aug. 1948, pp. 155-156.

⁴¹⁹ S/970, 349th meeting: p. 45.

⁴²⁰ 349th meeting: p. 46.

⁴²¹ S/977, 354th meeting: pp. 40-41.

⁴²² S/981.

⁴²³ 354th meeting: pp. 50-51.

⁴²⁴ S/983.

⁴²⁵ For the question of domestic jurisdiction in connexion with this paragraph, see chapter XII, Case 15.

⁴²⁶ 354th meeting: pp. 55-56.

General to the United Nations Mediator, informed the Secretary-General that the Mediator, Count Folke Bernadotte, and Colonel Andre P. Serot, United Nations Observer, had been assassinated on that date by "Jewish assailants" in the new City of Jerusalem.⁴²⁷

At the 358th meeting on 18 September, the Security Council approved without vote, two cablegrams⁴²⁸ which the Acting Secretary-General had sent on the previous day with the approval of the President of the Council empowering Dr. Ralph Bunche to assume full authority over the Palestine Mission until further notice and requesting the Chief of Staff of the Mediator to make the fullest investigation of the circumstances of the assassination.⁴²⁹

At the same meeting, the Council unanimously adopted a draft resolution submitted by the representative of Argentina.⁴³⁰ The resolution read as follows:

"The Security Council,

"Deeply shocked by the tragic death of the United Nations Mediator in Palestine, Count Folke Bernadotte, as the result of a cowardly act which appears to have been committed by a criminal group of terrorists in Jerusalem while the United Nations Representative was fulfilling his peace-seeking mission in the Holy Land,

"Resolves

"(1) To request the Secretary-General to keep the flag of the United Nations at half-mast for a period of three days;

"(2) To authorize the Secretary-General to meet from the Working Capital Fund all expenses connected with the death and burial of the United Nations Mediator;

"(3) To be represented at the interment by the President or the person whom he may appoint for the occasion."

The Council was accordingly represented at the funeral of the Mediator by its President.⁴³¹

Decisions of 19 October 1948 (367th meeting):

- (i) *Endorsement of the conclusions of the Acting Mediator's report on the situation in the Negeb as amended*
- (ii) *Relating to the investigation of the assassination of the Mediator, and the observance of the resolutions of 15 July and 19 August 1948*

By cablegram dated 27 September 1948,⁴³² the Acting Mediator submitted to the Council, in response to its request of 18 September to the Chief of Staff, a further report on the deaths of Count Bernadotte and Colonel Serot.

By cablegram dated 30 September 1948,⁴³³ the Acting Mediator drew the attention of the Council to the "increasingly serious situation in Palestine as regards the authority, prestige and even the safety of

the personnel engaged in the truce supervision work", and suggested that the Council might indicate to the parties that all the obligations set forth in the resolutions of 15 July and 19 August were to be fully discharged.

By cablegram dated 30 September 1948,⁴³⁴ the Chairman of the Truce Commission in Palestine informed the Council that a deliberate Jewish campaign led by the Military Governor of the part of Jerusalem under Jewish control was endeavouring to discredit the Truce Commission and the Acting Mediator.

The Council began consideration of these documents at the 365th meeting on 14 October 1948. At the same meeting, the representatives of China and the United Kingdom submitted a draft resolution⁴³⁵ relating to the investigation of the assassinations of the Mediator and Colonel Andre P. Serot, and to the fulfilment of the resolutions of 15 July and 19 August 1948.

At the 367th meeting on 19 October 1948, the Council also considered two complaints by Egypt alleging violations of the truce by Jewish forces;⁴³⁶ a complaint by the Provisional Government of Israel alleging breach of the truce by Egyptian forces;⁴³⁷ and a report dated 18 October by the Acting Mediator concerning the Negeb situation.⁴³⁸ The Acting Mediator drew the attention of the Council to the serious fighting which had been taking place in the Negeb and presented his conclusions on the situation.

The Acting Mediator's conclusions were amended and sponsored by the representative of Syria and adopted by the Security Council by a vote on parts. The first part of the conclusions calling for an immediate and effective cease-fire in the Negeb was adopted unanimously. The remainder of the conclusions regarding negotiations after the cease-fire were adopted by 9 votes in favour, with 2 abstentions.⁴³⁹ The resolution⁴⁴⁰ read as follows:

"The present situation in the Negeb is complicated by the fluid nature of military dispositions making the demarcation of truce lines difficult, the problem of the convoys to the Jewish settlements, as well as the problems of the dislocation of large numbers of Arabs and their inability to harvest their crops. In the circumstances, the indispensable condition to a restoration of the situation is an immediate and effective cease-fire. After the cease-fire, the following conditions might well be considered as the basis for further negotiations looking toward insurance that similar outbreaks will not again occur and that the truce will be fully observed in this area:

"(a) Withdrawal of both parties from any positions not occupied at the time of the outbreak;

⁴²⁷ S/1002.

⁴²⁸ S/1003, 358th meeting: p. 2.

⁴²⁹ 358th meeting: pp. 2-3.

⁴³⁰ S/1006, 358th meeting: p. 10.

⁴³¹ 360th meeting: pp. 1-2.

⁴³² S/1018, O.R., 3rd year, Suppl. for Oct. 1948, pp. 4-9.

⁴³³ S/1022, O.R., 3rd year, Suppl. for Oct. 1948, pp. 46-48.

⁴³⁴ S/1023, O.R., 3rd year, Suppl. for Oct. 1948, pp. 48-50.

⁴³⁵ S/1032, 365th meeting: pp. 28-29.

⁴³⁶ S/1038 and S/1041, O.R., 3rd year, Suppl. for Oct. 1948, pp. 54 and 54-55.

⁴³⁷ S/1043, *Ibid.*, pp. 63-67.

⁴³⁸ S/1042, *Ibid.*, pp. 55-63.

⁴³⁹ 367th meeting: p. 38.

⁴⁴⁰ S/1044.

"(b) Acceptance by both parties of the conditions set forth in the Central Truce Supervision Board decision number twelve affecting convoys;

"(c) Agreement by both parties to undertake negotiation through United Nations intermediaries or directly as regards outstanding problems in the Negeb and the permanent stationing of United Nations Observers throughout the area."

At the same meeting, the representatives of China and the United Kingdom accepted a USSR amendment to the joint draft resolution submitted by them at the 365th meeting. The amendment was to remind the Mediator of the desirability of an equitable distribution of United Nations observers on the territories of both parties.⁴⁴¹

The joint draft resolution, as amended, was then adopted unanimously.⁴⁴² The resolution⁴⁴³ read as follows:

"The Security Council,

"Having in mind the report of the Acting Mediator concerning the assassinations on 17 September of the United Nations Mediator Count Folke Bernadotte and United Nations Observer Colonel André Sérot (document S/1018), the report of the Acting Mediator concerning difficulties encountered in the supervision of the truce (document S/1022); and the report of the Truce Commission for Palestine concerning the situation in Jerusalem (document S/1023).

"Notes with concern that the Provisional Government of Israel has to date submitted no report to the Security Council or to the Acting Mediator regarding the progress of the investigation into the assassinations;

"Requests that Government to submit to the Security Council at an early date an account of the progress made in the investigation and to indicate therein the measures taken with regard to negligence on the part of officials or other factors affecting the crime;

"Reminds the Governments and authorities concerned that all the obligations and responsibilities of the parties set forth in its resolutions of 15 July and 19 August 1948 are to be discharged fully and in good faith;

"Reminds the Mediator of the desirability of an equitable distribution of the United Nations observers for the purpose of observing the truce on the territories of both parties;

"Determines, pursuant to its resolutions of 15 July and 19 August 1948, that the Governments and authorities have the duty:

"(a) To allow duly accredited United Nations observers and other Truce Supervision personnel bearing proper credentials, on official notification, ready access to all places where their duties require them to go including airfields, ports, truce lines and strategic points and areas;

"(b) To facilitate the freedom of movement of Truce Supervision personnel and transport by sim-

plifying procedures on United Nations aircraft now in effect, and by assurances of safe-conduct for all United Nations aircraft and other means of transport;

"(c) To co-operate fully with the Truce Supervision personnel in their conduct of investigations into incidents involving alleged breaches of the truce, including the making available of witnesses, testimony and other evidence on request;

"(d) To implement fully by appropriate and prompt instructions to the commanders in the field all agreements entered into through the good offices of the Mediator or his representatives;

"(e) To take all reasonable measures to ensure the safety and safe-conduct of the Truce Supervision personnel and the representatives of the Mediator, their aircraft and vehicles, while in territory under their control;

"(f) To make every effort to apprehend and promptly punish any and all persons within their jurisdictions guilty of any assault upon or other aggressive act against the Truce Supervision personnel or the representatives of the Mediator."

Decisions of 4 November 1948 (377th meeting):

(i) Calling for the withdrawal of forces to positions held on 14 October 1948 and for the establishment of permanent truce lines and demilitarized zones and appointing a Committee of the Council to advise the Acting Mediator

(ii) Rejection of draft resolution submitted by the representative of the Ukrainian SSR

The Acting Mediator reported to the Council on 23 October 1948 that, in response to the resolution of 19 October, the Egyptian Government and the Provisional Government of Israel had informed him that cease-fire orders had been issued to their forces.⁴⁴⁴

By letter dated 23 October 1948,⁴⁴⁵ Egypt requested an urgent meeting of the Council to consider alleged constant and increasing violations of the truce by "the Zionist forces in Palestine".

At the 373rd meeting on 26 October 1948, the Council received from the Acting Mediator a letter transmitting communications from the Government of Egypt and the Provisional Government of Israel concerning convoys to the Negeb settlements⁴⁴⁶ and a report on the observance of the truce in the Negeb and in the Lebanese sector.⁴⁴⁷

At the same meeting, the Acting Mediator informed the Council⁴⁴⁸ that, on 25 October 1948, his Chief of Staff had requested the Government of Egypt and the Provisional Government of Israel that the forces of both sides be withdrawn to the truce lines as they existed in the Negeb sector on 14 October.

At the 374th meeting on 28 October 1948, the Council had before it the reply of the Provisional Government of Israel to the Acting Mediator stating that the Council, in its resolution of 19 October, had

⁴⁴⁴ S/1049.

⁴⁴⁵ S/1052, 373rd meeting: p. 2.

⁴⁴⁶ S/1053, 373rd meeting: pp. 2-3.

⁴⁴⁷ S/1055, 373rd meeting: pp. 3-7.

⁴⁴⁸ 373rd meeting: pp. 23-24.

⁴⁴¹ 367th meeting: p. 39.

⁴⁴² 367th meeting: p. 40.

⁴⁴³ S/1045, *O.R.*, 3rd year, *Suppl. for Oct. 1948*, pp. 67-68.

defined the withdrawal of both parties as a possible subject for further negotiations and not as an absolute injunction.⁴⁴⁹ It had also before it a communication from Egypt agreeing to the contents of the message of 25 October.⁴⁵⁰

At the same meeting, the representatives of China and the United Kingdom submitted a joint draft resolution,⁴⁵¹ of which a revision was submitted at the 375th meeting on 29 October 1948.⁴⁵² On the proposal of the representative of Canada, the Council appointed a sub-committee to consider amendments and revisions which had been or might be submitted and in consultation with the Acting Mediator to prepare a revised draft resolution.⁴⁵³

At the 376th meeting on 4 November 1948, the Council received the report of the Sub-Committee⁴⁵⁴ which included a new text of the draft resolution as approved by a majority with reservations specified in the report.

At the same meeting, the representative of the United States submitted amendments to the Sub-Committee's text⁴⁵⁵ and the representative of the Ukrainian SSR submitted a draft resolution⁴⁵⁶ calling upon the two parties to begin negotiations on the basis of the resolution of 19 October with a view to the peaceful settlement of unresolved questions.

At the 377th meeting on 4 November 1948, the Council adopted the draft resolution submitted by the Sub-Committee and the United States amendment by a paragraph by paragraph vote and by a vote on the amended draft resolution as a whole. The amended draft resolution as a whole was adopted by 9 votes in favour, 1 against, with 1 abstention.⁴⁵⁷ The resolution⁴⁵⁸ read as follows:

"The Security Council,

"Having decided on 15 July that, subject to further decision by the Security Council or the General Assembly, the truce shall remain in force in accordance with the resolution of that date and with that of 29 May 1948 until a peaceful adjustment of the future situation of Palestine is reached;

"Having decided on 19 August that no party is permitted to violate the truce on the ground that it is undertaking reprisals or retaliations against the other party, and that no party is entitled to gain military or political advantage through violation of the truce; and

"Having decided on 29 May that, if the truce was subsequently repudiated or violated by either party or by both, the situation in Palestine could be reconsidered with a view to action under Chapter VII of the Charter;⁴⁵⁹

"Takes note of the request communicated to the Government of Egypt and the Provisional Government of Israel by the Acting Mediator on 26 October (S/1058) following upon the resolution adopted by the Security Council on 19 October 1948; and

"Calls upon the interested Governments, without prejudice to their rights, claims or position with regard to a peaceful adjustment of the future situation of Palestine or to the position which the Members of the United Nations may wish to take in the General Assembly on such peaceful adjustment:

"(1) To withdraw those of their forces which have advanced beyond the positions held on 14 October, the Acting Mediator being authorized to establish provisional lines beyond which no movement of troops shall take place;

"(2) To establish, through negotiations conducted directly between the parties, or failing that, through the intermediaries in the service of the United Nations, permanent truce lines and such neutral or demilitarized zones as may appear advantageous, in order to ensure henceforth the full observance of the truce in that area. Failing an agreement, the permanent lines and neutral zones shall be established by decision of the Acting Mediator; and

"Appoints a Committee of the Council, consisting of the five permanent members together with Belgium and Colombia, to give such advice as the Acting Mediator may require with regard to his responsibilities under this resolution and, in the event that either party or both should fail to comply with sub-paragraphs (1) and (2) of the preceding paragraph of this resolution within whatever time-limits the Acting Mediator may think it desirable to fix, to study as a matter of urgency and to report to the Council on further measures it would be appropriate to take under Chapter VII of the Charter."

At the same meeting, the Ukrainian draft resolution was voted upon in parts and rejected by 2 votes in favour and 1 against, with 8 abstentions.⁴⁶⁰

Decisions of 16 November 1948 (381st meeting):

- (i) Calling for the establishment of an armistice⁴⁶¹*
- (ii) Rejection of draft resolution submitted by the representative of the USSR*

At the 377th meeting on 4 November 1948, the representative of Lebanon* raised the question whether the resolution adopted at that meeting applied to incidents in Galilee as well as to those in the Negeb. Following discussion, the representative of the United Kingdom proposed a draft resolution⁴⁶² to extend the scope of the resolution to the situation in northern Palestine.

At the 378th meeting, held in private on 9 November, the Acting Mediator* submitted suggestions in the form of a draft resolution,⁴⁶³ to which amendments⁴⁶⁴ were submitted by the representative of the USSR at

⁴⁴⁹ S/1057, O.R., 3rd year, Suppl. for Oct. 1948, p. 69.

⁴⁵⁰ 374th meeting: p. 4.

⁴⁵¹ S/1059, 374th meeting: pp. 12-13.

⁴⁵² S/1059/Rev.2, O.R., 3rd year, Suppl. for Oct. 1948, p. 72.

⁴⁵³ 375th meeting: p. 22.

⁴⁵⁴ S/1064, O.R., 3rd year, Suppl. for Nov. 1948, pp. 1-6.

⁴⁵⁵ S/1067.

⁴⁵⁶ S/1065, 376th meeting: p. 6.

⁴⁵⁷ 377th meeting: pp. 38-43.

⁴⁵⁸ S/1070, O.R., 3rd year, Suppl. for Nov. 1948, p. 7.

⁴⁵⁹ For discussion in connexion with this paragraph, see chapter XI, Case 17.

⁴⁶⁰ 377th meeting: pp. 45-46.

⁴⁶¹ See chapter XI, Case 12, for observations on the conclusion of the armistice agreements in relation to the provisions of the Charter.

⁴⁶² S/1069, 377th meeting: p. 53.

⁴⁶³ S/1076, 378th meeting: pp. 62-63.

⁴⁶⁴ S/1077, 379th meeting: p. 64.

the 379th meeting, also held in private, on 10 November. As amended, this draft resolution would call upon the parties directly involved in the conflict in Palestine to undertake immediate negotiations directly or through the good offices of the Acting Mediator concerning the settlement of all outstanding problems of the truce and the establishment of a formal peace.

At the 380th meeting on 15 November, the representatives of Belgium, Canada and France submitted a joint draft resolution⁴⁶⁵ on the establishment of an armistice in Palestine.

At the 381st meeting on 16 November, the representative of the United Kingdom withdrew his draft resolution and the representative of Syria proposed an amendment⁴⁶⁶ to the joint draft resolution to provide that the resolution of 4 November should be applied to the Galilee area.

At the same meeting, the draft resolution submitted by the Acting Mediator, as revised by the representative of the USSR, was voted upon in parts and rejected by 2 votes in favour and 9 abstentions.⁴⁶⁷

At the same meeting, the Syrian amendment to the joint draft resolution was rejected by 3 votes in favour and 8 abstentions.⁴⁶⁸

At the same meeting, the joint draft resolution was voted on in parts and adopted. There were 8 votes in favour and 3 abstentions on the first three paragraphs and 8 votes in favour, 1 against and 2 abstentions on the fourth and fifth paragraphs.⁴⁶⁹ The resolution⁴⁷⁰ read as follows:

"The Security Council,

"Reaffirming its previous resolutions concerning the establishment and implementation of the truce in Palestine, and recalling particularly its resolution of 15 July 1948 which determined that the situation in Palestine constitutes a threat to the peace within the meaning of Article 39 of the Charter;

"Taking note that the General Assembly is continuing its consideration of the future government of Palestine in response to the request of the Security Council of 1 April 1948 (S/714);

"Without prejudice to the actions of the Acting Mediator regarding the implementation of the resolution of the Security Council of 4 November 1948,

"Decides that, in order to eliminate the threat to the peace in Palestine and to facilitate the transition from the present truce to permanent peace in Palestine, an armistice shall be established in all sectors of Palestine;

"Calls upon the parties directly involved in the conflict in Palestine, as a further provisional measure under Article 40 of the Charter, to seek agreement forthwith, by negotiations conducted either directly or through the Acting Mediator on Palestine, with a view to the immediate establishment of the armistice including:

"(a) The delineation of permanent armistice demarcation lines beyond which the armed forces of the respective parties shall not move;

"(b) Such withdrawal and reduction of their armed forces as will ensure the maintenance of the armistice during the transition to permanent peace in Palestine."

Decision of 29 December 1948 (396th meeting): Calling for an immediate cease-fire and implementation of the resolution of 4 November 1948

By cablegram dated 23 December 1948⁴⁷¹ and letter dated 24 December 1948⁴⁷² Egypt informed the Council that Jewish forces had launched a new large-scale attack and requested an urgent meeting to examine the situation resulting from alleged repeated violations by Jewish forces of the cease-fire orders of the Council.

By cablegrams dated 25 December and 27 December 1948,⁴⁷³ the Acting Mediator transmitted reports concerning the fighting in the Negeb. He stated that he was unable to supervise effectively the truce in the Negeb, since United Nations observers were being refused access to the area on the Israeli side; and that the intransigent attitude assumed by Israeli authorities on the situation at Al Faluja was a major factor in preventing progress toward implementation of the Council resolution of 16 November.

The Council considered these communications at the 394th, 395th and 396th meetings on 28 and 29 December 1948.

At the 394th meeting, the representative of the United Kingdom submitted a draft resolution⁴⁷⁴ which was revised at the 396th meeting on the suggestions of the representatives of France and China.⁴⁷⁵

At the same meeting, the draft resolution as revised was voted upon in parts, and adopted as a whole by 8 votes in favour and 3 abstentions.⁴⁷⁶ The resolution⁴⁷⁷ read as follows:

"The Security Council,

"Having considered the report of the Acting Mediator (document S/1152) on the hostilities which broke out in Southern Palestine on 22 December,

"Calls upon the Governments concerned:

"(i) to order an immediate cease-fire;

"(ii) to implement without further delay the resolution of 4 November and the instructions issued by the Acting Mediator in accordance with paragraph 5(1) of that resolution; and

"(iii) to allow and facilitate the complete supervision of the truce by the United Nations observers;

"Instructs the Committee of the Council appointed on 4 November to meet at Lake Success on 7 January to consider the situation in Southern Palestine and to report to the Council on the extent to which the

⁴⁷¹ S/1147.

⁴⁷² S/1151, O.R., 3rd year, Suppl. for Dec. 1948, pp. 299-300.

⁴⁷³ S/1152 and S/1153, O.R., 3rd year, Suppl. for Dec. 1948, pp. 300-305.

⁴⁷⁴ S/1163, 394th meeting: pp. 13-14.

⁴⁷⁵ S/1169, 396th meeting: pp. 23-26.

⁴⁷⁶ 396th meeting: pp. 23-26.

⁴⁷⁷ S/1169.

⁴⁶⁵ S/1079, 380th meeting: pp. 4-5.

⁴⁶⁶ 381st meeting: p. 54.

⁴⁶⁷ 381st meeting: pp. 51-53.

⁴⁶⁸ 381st meeting: p. 55.

⁴⁶⁹ 381st meeting: pp. 53-55.

⁴⁷⁰ S/1080, O.R., 3rd year, Suppl. for Nov. 1948, pp. 13-14.

Governments concerned have by that date complied with the present resolution and with the resolutions of 4 and 16 November;

"Invites Cuba and Norway to replace as from 1 January the two retiring members of the Committee (Belgium and Colombia); and

"Expresses the hope that the members of the Conciliation Commission appointed by the General Assembly on 11 December will nominate their representatives and establish the Commission with as little delay as possible."

Decisions of 11 August 1949 (437th meeting):

- (i) *Tributes to the Mediator, Acting Mediator and their staffs*
- (ii) *Reaffirming the cease-fire order, relieving the Acting Mediator of further responsibility under Council resolutions, and calling on the parties to insure observance of the armistice agreements*

By letter dated 21 July 1949,⁴⁷⁸ the Acting Mediator submitted a report on the status of the armistice negotiations and the truce in Palestine. He stated that as a result of armistice agreements between Israel and the neighbouring states an armistice applied at that time to all of the fighting fronts in Palestine. The Council's resolution of 16 November 1948 had thus been fulfilled by the parties to the Palestine dispute. He annexed to his report suggestions in the form of a draft resolution.

The report was considered by the Council at the 433rd to 435th and 437th meetings between 4 and 11 August 1949.

At the 433rd meeting on 4 August, the representatives of Canada and Norway submitted a joint draft resolution⁴⁷⁹ to pay tribute to the United Nations Mediator on Palestine.

At the 434th meeting on 4 August, the representative of Canada submitted a draft resolution sponsoring the Acting Mediator's suggestions, and incorporating certain amendments.⁴⁸⁰ The representative of France submitted amendments to the Canadian draft resolution.⁴⁸¹ At the 435th meeting on 8 August, three texts were replaced by a joint Canadian-French draft resolution.⁴⁸²

At the 437th meeting on 11 August, the representative of the USSR submitted amendments⁴⁸³ to the joint Canadian-French draft resolution to delete references to the Conciliation Commission for Palestine, to recall the United Nations observers from Palestine, and to disband the staff of the United Nations Truce Supervision Organization.

At the same meeting, the joint draft resolution submitted by Canada and Norway at the 433rd meeting was adopted without objection.⁴⁸⁴ The resolution⁴⁸⁵ read as follows:

"The Security Council,

"Having taken note of the report of the Acting United Nations Mediator on Palestine, submitted upon the completion of his responsibilities,

"Desires to pay special tribute to the qualities of patience, perseverance and devotion to the ideal of international peace of the late Count Folke Bernadotte, who stabilized the situation in Palestine and who, together with ten members of his staff, gave his life in the service of the United Nations, and

"Desires to express its deep appreciation of the qualities of tact, understanding, perseverance and devotion to duty of Dr. Ralph J. Bunche, Acting United Nations Mediator on Palestine, who has brought to a successful conclusion the negotiation of armistice agreements between Egypt, Jordan, Lebanon and Syria on the one hand, and Israel on the other, and.

"Desires also to associate in this expression of appreciation the members of the staff of the United Nations Mission in Palestine, including both the members of the United Nations Secretariat and the Belgian, French, Swedish and United States Officers who served on the staff and as military observers in Palestine."

At the same meeting, the USSR amendments to the joint Canadian-French draft resolution were rejected. The first two amendments received 2 votes in favour and 2 against, with 7 abstentions. The third amendment received 2 votes in favour and 6 against, with 3 abstentions.⁴⁸⁶

At the same meeting, the joint Canadian-French draft resolution was adopted by 9 votes in favour, none against, with 2 abstentions.⁴⁸⁷ The resolution⁴⁸⁸ read as follows:

"The Security Council,

"Having noted with satisfaction the several armistice agreements concluded by means of negotiations between the parties involved in the conflict in Palestine in pursuance of its resolution of 16 November 1948 (S/1080);

"Expresses the hope that the Governments and authorities concerned, having undertaken by means of the negotiations now being conducted by the Palestine Conciliation Commission, to fulfil the request of the General Assembly in its resolution of 11 December 1948 to extend the scope of the armistice negotiations and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, will at an early date achieve agreement on the final settlement of all questions outstanding between them;

"Finds that the armistice agreements constitute an important step toward the establishment of permanent peace in Palestine and considers that these agreements supersede the truce provided for in the resolutions of the Security Council of 29 May and 15 July 1948;

⁴⁷⁸ S/1357, O.R., 4th year, Suppl. for Aug. 1949, pp. 1-7.

⁴⁷⁹ S/1362, O.R., 4th year, Suppl. for Aug. 1949, pp. 8-9.

⁴⁸⁰ S/1365, 434th meeting: p. 28.

⁴⁸¹ S/1364, 434th meeting: pp. 35-36.

⁴⁸² S/1367, 435th meeting: pp. 2-3.

⁴⁸³ S/1375, O.R., 4th year, Suppl. for Aug. 1949, p. 9.

⁴⁸⁴ 437th meeting: p. 12.

⁴⁸⁵ S/1376-I.

⁴⁸⁶ 437th meeting: pp. 12-13.

⁴⁸⁷ 437th meeting: p. 13.

⁴⁸⁸ S/1376-II. For discussion in connexion with this resolution, see chapter XI, Case 12.

"Reaffirms, pending the final peace settlement, the order contained in its resolution of 15 July 1948 to the Governments and authorities concerned, pursuant to Article 40 of the Charter of the United Nations, to observe an unconditional cease-fire and, bearing in mind that the several armistice agreements include firm pledges against any further acts of hostility between the parties and also provide for their supervision by the parties themselves, relies upon the parties to ensure the continued application and observance of these agreements;

"Decides that all functions assigned to the United Nations Mediator on Palestine having been discharged, the Acting Mediator is relieved of any further responsibility under Security Council resolutions;

"Notes that the armistice agreements provide that the execution of those agreements shall be supervised by mixed armistice commissions whose Chairman in each case shall be the United Nations Chief of Staff of the Truce Supervision Organization or a senior officer from the observer personnel of that organization designated by him following consultation with the parties to the agreements;

"Requests the Secretary-General to arrange for the continued service of such of the personnel of the present Truce Supervision Organization as may be required in observing and maintaining the cease-fire, and as may be necessary in assisting the parties to the armistice agreements in the supervision of the application and observance of the terms of those agreements, with particular regard to the desires of the parties as expressed in the relevant articles of the agreements;

"Requests the Chief of Staff mentioned above to report to the Security Council on the observance of the cease-fire in Palestine in accordance with the terms of this resolution; and to keep the Palestine Conciliation Commission informed of matters affecting the Commission's work under the General Assembly resolution of 11 December 1948."

Decision of 25 October 1949 (453rd meeting): Adjournment of further discussion on the question of the demilitarization of the Jerusalem area

At the request of the representative of Egypt, the Security Council, at the 450th meeting on 11 October 1949, included on the agenda the question of the "demilitarization of the Jerusalem area, with special reference to General Assembly resolution 194 (III), dated 11 December 1948".⁴⁸⁹

The question was considered at the 453rd meeting on 25 October. At the same meeting, the Council decided, without objection, on the proposal of the President (United States), to adjourn further discussion of the question indefinitely and to leave the item, pending the discussion in the General Assembly, on the list of matters of which the Security Council was seized.⁴⁹⁰

⁴⁸⁹ 450th meeting: pp. 1-2.

⁴⁹⁰ 453rd meeting: p. 4.

Decision of 17 November 1950 (524th meeting): Reference to the Mixed Armistice Commissions of complaints submitted to the Council by the parties

Complaints regarding alleged violations of armistice agreements were submitted for inclusion in the agenda of the Council by Egypt by letter dated 15 September 1950,⁴⁹¹ by Israel by telegram dated 16 September 1950,⁴⁹² and by Jordan by letter dated 21 September 1950.⁴⁹³

At the 502nd meeting on 18 September 1950, the Council decided to include the Egyptian complaint in its agenda.⁴⁹⁴ At the 503rd meeting on 26 September, it decided, at the suggestion of the President (United Kingdom) to combine the complaints submitted by Egypt and by Israel under the heading "The Palestine question".⁴⁹⁵ At the 511th meeting on 16 October, the Council adopted without objection the following item in the agenda.⁴⁹⁶

"The Palestine question:

"(a) Expulsion by Israel of thousands of Palestinian Arabs into Egyptian territory, and violation by Israel of the Egyptian-Israeli General Armistice Agreement (S/1790);

"(b) Violation by Egypt of the Egyptian-Israeli General Armistice Agreement through the maintenance for seventeen months of blockade practices inconsistent with the letter and spirit of the armistice agreement (S/1794);

"(c) Violation by Jordan of the General Armistice Agreement between the Hashemite Kingdom of the Jordan and Israel through non-implementation for nineteen months of article VIII of the armistice agreement (S/1794);

"(d) Violation by Egypt and Jordan of their respective armistice agreements with Israel by officially and publicly threatening aggressive action contrary to article I, paragraph 2, of the aforesaid agreements (S/1794);

"(e) Non-observance by Egypt and Jordan of the procedures laid down in article X, paragraph 7, and article XI, paragraph 7, of their respective armistice agreements with Israel, stating that claims or complaints presented by either party shall be referred immediately to the Mixed Armistice Commission through its Chairman (S/1794);

"(f) Complaint of aggression perpetrated by Israel on 28 August 1950 and of its occupation of Jordan territory situated near the confluence of the rivers Yarmuk and Jordan (S/1824)."

The Council considered the complaints at the 511th, 514th, 517th, 518th, 522nd and 524th meetings between 16 October and 17 November 1950.

At the 522nd meeting on 13 November, the representatives of France, the United Kingdom and the United States submitted a joint draft resolution⁴⁹⁷ to

⁴⁹¹ S/1790, O.R., 5th year, Suppl. for Sept.-Dec. 1950, pp. 23-24.

⁴⁹² S/1794, O.R., 5th year, Suppl. for Sept.-Dec. 1950, p. 55.

⁴⁹³ S/1824, O.R., 5th year, Suppl. for Sept.-Dec. 1950, pp. 63-69.

⁴⁹⁴ 502nd meeting: p. 15.

⁴⁹⁵ 503rd meeting: p. 10.

⁴⁹⁶ 511th meeting: p. 2.

⁴⁹⁷ S/1899, 522nd meeting: pp. 15-17.

refer the complaints to the corresponding Mixed Armistice Commissions.

At the 524th meeting on 17 November, the representative of Egypt made several suggestions for amending the draft resolution,⁴⁹⁹ and at the same meeting, the sponsors submitted a revised draft resolution.⁴⁹⁹

At the same meeting, the revised joint draft resolution was adopted by 9 votes in favour, with 2 abstentions.⁵⁰⁰ The resolution⁵⁰¹ read as follows:

"The Security Council,

"Recalling its resolution of 11 August 1949 wherein it noted with satisfaction the several armistice agreements concluded by means of negotiations between the parties involved in the conflict in Palestine; expressed the hope that the Governments and authorities concerned would at an early date achieve agreement on final settlement of all questions outstanding between them; noted that the various armistice agreements provided that the execution of the agreements would be supervised by Mixed Armistice Commissions whose chairman in each case would be the United Nations Chief of Staff of the Truce Supervision Organization or his designated representative; and, bearing in mind that the several armistice agreements include firm pledges against any further act of hostility between the parties and also provide for their supervision by the parties themselves, relied upon the parties to ensure the continued application and observance of these agreements,

"Taking into consideration the views expressed and the data given by the representatives of Egypt, Israel, and the Hashemite Kingdom of Jordan and the Chief of Staff of the Truce Supervision Organization on the complaints submitted to the Council: (S/1790, S/1794, S/1824);

"Notes that with regard to the implementation of article VIII of the Israel-Jordan General Armistice Agreement the Special Committee has been formed and has convened and hopes that it will proceed expeditiously to carry out the functions contemplated in paragraphs 2 and 3 of that article;

"Calls upon the parties to the present complaints to consent to the handling of complaints according to the procedures established in the armistice agreements for the handling of complaints and the settlement of points at issue;

"Requests the Israel-Egyptian Mixed Armistice Commission to give urgent attention to the Egyptian complaint of expulsion of thousands of Palestine Arabs;

"Calls upon both parties to give effect to any finding of the Israel-Egyptian Mixed Armistice Commission regarding the repatriation of any such Arabs who in the Commission's opinion are entitled to return;

"Authorizes the Chief of Staff of the Truce Supervision Organization with regard to the movement of nomadic Arabs to recommend to Israel, Egypt and to such other Arab States as may be appropriate, such steps as he may consider necessary to control the movement of such nomadic Arabs across international frontiers or armistice lines by mutual agreement;

"Calls upon the Government concerned to take in the future no action involving the transfer of persons across international frontiers or armistice lines without prior consultation through the Mixed Armistice Commissions;

"Takes note of the statement of the Government of Israel that Israel armed forces will evacuate Bir Qattar pursuant to the 20 March 1950 decision of the Special Committee, provided for in article X, paragraph 4, of the Egyptian-Israel General Armistice Agreement, and that the Israel armed forces will withdraw to positions authorized by the Armistice Agreement;

"Reminds Egypt and Israel as Member States of the United Nations of their obligations under the Charter to settle their outstanding differences, and further reminds Egypt, Israel, and the Hashemite Kingdom of Jordan that the armistice agreements to which they are parties contemplate 'the return of permanent peace in Palestine', and, therefore, urges them and the other States in the area to take all such steps as will lead to the settlement of the issues between them;

"Requests the Chief of Staff of the Truce Supervision Organization to report to the Security Council at the end of ninety days, or before if he deems necessary, on the compliance given to this resolution and upon the status of the operations of the various Mixed Armistice Commissions, and further requests that he submit periodically to the Security Council reports of all decisions made by the various Mixed Armistice Commissions and the Special Committee provided for in article X, paragraph 4, of the Egyptian-Israel General Armistice Agreement."

Decision of 8 May 1951 (545th meeting): Calling for cessation of fighting in and around the demilitarized zone established by the Syrian-Israel General Armistice Agreement⁵⁰²

The representative of Syria, by letters dated 6 April⁵⁰³ and 9 April 1951,⁵⁰⁴ and the representative of Israel, by telegram dated 7 April 1951,⁵⁰⁵ requested the Council to include several complaints regarding violations of the Syrian-Israel General Armistice Agreement of 20 July 1949 in the agenda. The second Syrian letter held that the matters brought by it to the notice of the Council fell under Articles 34 and 35 of the Charter.

⁵⁰² For the preceding discussion concerning the applicability of Articles 39 and 40, see chapter XI, Case 13.

⁵⁰³ S/2075, O.R., 6th year, Suppl. for April-June 1951, p. 38.

⁵⁰⁴ S/2078, O.R., 6th year, Suppl. for April-June 1951, pp. 39-40.

⁵⁰⁵ S/2077, O.R., 6th year, Suppl. for April-June 1951, pp. 38-39.

⁴⁹⁹ 524th meeting: pp. 6-7.

⁴⁹⁹ 524th meeting: pp. 9-10.

⁵⁰⁰ 524th meeting: p. 16.

⁵⁰¹ S/1907, O.R., 5th year, Suppl. for Sept.-Dec. 1950, pp. 122-124.

At the 541st meeting on 17 April 1951, these complaints were included in the agenda, without objection,⁵⁰⁶ in the following form:

"The Palestine question:

"(a) Violations of the General Armistice Agreement (Starting and continuing operations for draining the Huleh swamps within the demilitarized zone against the wishes of Syria, Arab landowners and United Nations Supervisors, thus violating repeatedly the terms of the Armistice Agreement and defying the recommendation and advice of the United Nations Supervisors) (S/2075, S/2078);

"(b) Military Occupation by Israel of demilitarized zones (Occupation of demilitarized zones by Israel forces and deliberate attack against a Syrian post by Israel police patrols; Israel attempt to occupy Hamneh where they were repulsed with loss) (S/2075, S/2078);

"(c) Firing on Syrian posts (Firing of automatic weapons and mortars on Syrian military posts) (S/2075, S/2078);

"(d) Evacuation of Arab inhabitants (Evacuation of the Arab inhabitants by force within the demilitarized zones) (S/2075, S/2078);

"(e) Bombing and demolishing incidents (Bombing of Syrian military posts and demolishing of Arab villages on Syrian territory on 5 April 1951) (S/2075, S/2078);

"(f) Complaint of Syrian violation of the General Armistice Agreement between Israel and Syria by persistent firing on civilian workers in the demilitarized zone in Israel territory near Banat Yakub on 15 March 1951 and between 25 and 28 March 1951 (S/2077);

"(g) Complaint of Syrian violation of the General Armistice Agreement between Israel and Syria by the entry of Syrian armed forces into the demilitarized zone in Israel territory between El Hamma and Khirbeth Tewfig on 3 April 1951 (S/2077);

"(h) Complaint of Syrian violation of the General Armistice Agreement between Israel and Syria by the action of Syrian armed forces in opening fire on Israel civilian policemen near El Hamma in Israel territory on 4 April 1951, killing seven Israel civilian policemen and wounding three (S/2077)."

The Council considered the complaints at the 541st and 542nd meetings on 17 and 25 April and at the 544th to 547th meetings between 2 and 18 May 1951.

By telegram dated 6 May 1951,⁵⁰⁷ the permanent representative of Israel requested that the Council be convened urgently to include in the agenda and to discuss the following item:

"Israel complaint of Syrian aggression against Israel territory since 2 May 1951 and persistent Syrian attacks on the demilitarized zone."

At the 545th meeting on 8 May, the Council included the complaint in the agenda as sub-item (i) under "The Palestine question".⁵⁰⁸

At the same meeting, the representatives of France, Turkey, the United Kingdom and the United States submitted a joint draft resolution⁵⁰⁹ which was adopted by 10 votes in favour, with 1 abstention.⁵¹⁰ The resolution read as follows:

"The Security Council,

"1. *Recalling* its resolutions of 15 July 1948, 11 August 1949, and 17 November 1950,

"2. *Noting* with concern that fighting has broken out in and around the demilitarized zone established by the Syrian-Israel General Armistice Agreement of 20 July 1949 and that fighting is continuing despite the cease-fire order of the Acting Chief of Staff of the United Nations Truce Supervision Organization issued on 4 May 1951,

"3. *Calls upon* the parties or persons in the areas concerned to cease fighting, and brings to the attention of the parties their obligations under Article 2, paragraph 4, of the Charter of the United Nations and the Security Council's resolution of 15 July 1948 and their commitments under the General Armistice Agreement, and accordingly calls upon them to comply with these obligations and commitments."

Decision of 18 May 1951 (547th meeting): Calling upon the Governments of Israel and Syria for action on various matters which had been brought before the Security Council

The Council then continued consideration of the complaints before it.

At the 546th meeting on 16 May 1951, the representatives of France, Turkey, the United Kingdom and the United States submitted a joint draft resolution⁵¹¹ indicating measures to be taken by the parties in connexion with matters brought before the Council.

At its 547th meeting on 18 May 1951, the joint draft resolution was adopted by 10 votes in favour, with 1 abstention.⁵¹² The resolution⁵¹³ read as follows:

"The Security Council,

"*Recalling* its past resolutions of 15 July 1948, 11 August 1949, 17 November 1950 and 8 May 1951 relating to the General Armistice Agreements between Israel and the neighboring Arab States and to the provisions contained therein concerning methods for maintaining the armistice and resolving disputes through the Mixed Armistice Commission participated in by the parties to the General Armistice Agreements,

"*Noting* the complaints of Syria and Israel to the Security Council, statements in the Council of the representatives of Syria and Israel, the reports to the Secretary-General of the United Nations by the Chief of Staff and the Acting Chief of Staff of the United Nations Truce Supervision Organization for Palestine and statements before the Council by the Chief of Staff of the United Nations Truce Supervision Organization for Palestine,

⁵⁰⁶ S/2130, 545th meeting: p. 4.

⁵¹⁰ 545th meeting: p. 28.

⁵¹¹ S/2152/Rev.1, 546th meeting: pp. 2-5.

⁵¹² 547th meeting: p. 41.

⁵¹³ S/2157.

⁵⁰⁰ 541st meeting: p. 2.

⁵⁰⁷ S/2121, O.R., 6th year, Suppl. for April-June 1951, pp. 100-101.

⁵⁰⁸ 545th meeting: p. 3.

"Noting that the Chief of Staff of the Truce Supervision Organization in a memorandum of 7 March 1951, and the Chairman of the Syrian-Israel Mixed Armistice Commission on a number of occasions have requested the Israel delegation to the Mixed Armistice Commission to ensure that the Palestine Land Development Company, Limited, is instructed to cease all operations in the demilitarized zone until such time as an agreement is arranged through the Chairman of the Mixed Armistice Commission for continuing this project, and,

"Noting further that article V of the General Armistice Agreement between Israel and Syria gives to the Chairman the responsibility for the general supervision of the demilitarized zone,

"Endorses the requests of the Chief of Staff and the Chairman of the Mixed Armistice Commission on this matter and calls upon the Government of Israel to comply with them;

"Declares that in order to promote the return of permanent peace in Palestine, it is essential that the Governments of Israel and Syria observe faithfully the General Armistice Agreement of 20 July 1949;

"Notes that under article VII, paragraph 8, of the Armistice Agreement, where interpretation of the meaning of a particular provision of the agreement, other than the preamble and articles I and II, is at issue, the Mixed Armistice Commission's interpretation shall prevail;

"Calls upon the Governments of Israel and Syria to bring before the Mixed Armistice Commission or its Chairman, whichever has the pertinent responsibility under the Armistice Agreement, their complaints and to abide by the decisions resulting therefrom;

"Considers that it is inconsistent with the objectives and intent of the Armistice Agreement to refuse to participate in meetings of the Mixed Armistice Commission or to fail to respect requests of the Chairman of the Mixed Armistice Commission as they relate to his obligations under article V and calls upon the parties to be represented at all meetings called by the Chairman of the Commission and to respect such requests;

"Calls upon the parties to give effect to the following excerpt cited by the Chief of Staff of the Truce Supervision Organization at the 542nd meeting of the Security Council on 25 April 1951, as being from the summary record of the Syria-Israel Armistice Conference of 3 July 1949, which was agreed to by the parties as an authoritative comment on article V of the General Armistice Agreement between Israel and Syria:

"The question of civil administration in villages and settlements in the demilitarized zone is provided for, within the framework of an Armistice Agreement, in sub-paragraphs 5 (b) and 5 (f) of the draft article. Such civil administration, including policing, will be on a local basis, without raising general questions of administration, jurisdiction, citizenship, and sovereignty.

"Where Israeli civilians return to or remain in an Israeli village or settlement, the civil administra-

tion and policing of the village or settlement will be by Israelis. Similarly, where Arab civilians return to or remain in an Arab village, a local Arab administration and police unit will be authorized.

"As civilian life is gradually restored, administration will take shape on a local basis under the general supervision of the Chairman of the Mixed Armistice Commission.

"The Chairman of the Mixed Armistice Commission, in consultation and co-operation with the local communities, will be in a position to authorize all necessary arrangements for the restoration and protection of civilian life. He will not assume responsibility for direct administration of the zone.'

"Recalls to the Governments of Syria and Israel their obligations under Article 2, paragraph 4, of the Charter of the United Nations and their commitments under the Armistice Agreement not to resort to military force and finds that:

"(a) Aerial action taken by the forces of the Government of Israel on 5 April 1951, and

"(b) Any aggressive military action by either of the parties in or around the demilitarized zone, which further investigation by the Chief of Staff of the Truce Supervision Organization into the reports and complaints recently submitted to the Council may establish,

"constitute a violation of the cease-fire provision provided in the Security Council resolution of 15 July 1948 and are inconsistent with the terms of the Armistice Agreement and the obligations assumed under the Charter;

"Noting the complaint with regard to the evacuation of Arab residents from the demilitarized zone;

"(a) Decides that Arab civilians who have been removed from the demilitarized zone by the Government of Israel should be permitted to return forthwith to their homes and that the Mixed Armistice Commission should supervise their return and rehabilitation in a manner to be determined by the Commission; and

"(b) Holds that no action involving the transfer of persons across international frontiers, armistice lines or within the demilitarized zone should be undertaken without prior decision of the Chairman of the Mixed Armistice Commission.

"Noting with concern the refusal on a number of occasions to permit observers and officials of the Truce Supervision Organization to enter localities and areas which were subjects of complaints in order to perform their legitimate functions, considers that the parties should permit such entry at all times whenever this is required, to enable the Truce Supervision Organization to fulfil its functions, and should render every facility which may be requested by the Chairman of the Mixed Armistice Commission for this purpose;

"Reminds the parties of their obligations under the Charter of the United Nations to settle their international disputes by peaceful means in such manner that international peace and security are not endangered, and expresses its concern at the failure of the Governments of Israel and Syria to achieve progress pursuant to their commitments

under the Armistice Agreement to promote the return to permanent peace in Palestine;

"Directs the Chief of Staff of the Truce Supervision Organization to take the necessary steps to give effect to this resolution for the purpose of restoring peace in the area, and authorizes him to take such measures to restore peace in the area and to make such representations to the Governments of Israel and Syria as he may deem necessary;

"Calls upon the Chief of Staff of the Truce Supervision Organization to report to the Security Council on compliance given to the present resolution:

"Requests the Secretary-General to furnish such additional personnel and assistance as the Chief of Staff of the Truce Supervision Organization may request in carrying out the present resolution and the Council's resolutions of 8 May 1951 and 17 November 1950."

Decision of 1 September 1951 (558th meeting): Calling upon Egypt to terminate the restrictions on the passage of international commercial shipping through the Suez Canal

By letter dated 11 July 1951,⁵¹⁴ the permanent representative of Israel requested that the following item be placed on the agenda of the Council for urgent discussion:

"Restrictions imposed by Egypt on the passage of ships through the Suez Canal."

He stated that the Government of Egypt, in contravention of international law, of the Suez Canal Convention of 1888 and of the Egyptian-Israeli Armistice Agreement of 1949, continued to detain, visit and search ships seeking to pass through the Suez Canal on the grounds that their cargoes were destined for Israel. In his report to the Council,⁵¹⁵ the Chief of Staff of the Truce Supervision Organization had characterized such interference as an aggressive and hostile action contrary to the spirit of the Armistice Agreement. The Government of Israel was bringing the question to the Council as a matter endangering the peace and security of the Middle East.

At the 549th meeting on 26 July 1951, the Council decided to include the complaint in the agenda under the general heading: "The Palestine question".⁵¹⁶

The question was considered by the Council at the 549th to 553rd meetings between 26 July and 16 August 1951, 555th meeting on 27 August, 556th meeting on 29 August and 558th meeting on 1 September 1951.

The representative of Egypt contended at the 549th, 550th and 553rd meetings that Egypt was not violating the Armistice Agreement, that the Egyptian-Israeli Special Committee established by the Armistice Agreement had made a final decision on 12 June 1951⁵¹⁷ denying the right of the Mixed Armistice Commission to demand from the Egyptian Government that it

should not interfere with the passage of goods to Israel through the Suez Canal, and that the Israel complaint was non-receivable.

At the 552nd meeting on 16 August, the representatives of France, the United Kingdom and the United States submitted a joint draft resolution, which was revised at the 553rd meeting on the same day.⁵¹⁸

At the 558th meeting on 1 September, the revised joint draft resolution was adopted by 8 votes in favour, none against, with 3 abstentions.⁵¹⁹ The resolution⁵²⁰ read as follows:

"The Security Council,

"1. Recalling that in its resolution of 11 August 1949 (S/1376) relating to the conclusion of Armistice Agreements between Israel and the neighboring Arab States it drew attention to the pledges in these Agreements 'against any further acts of hostility between the Parties',

"2. Recalling further that in its resolution of 17 November 1950 (S/1907) it reminded the States concerned that the Armistice Agreements to which they were parties contemplated 'the return of permanent peace in Palestine', and therefore urged them and the other States in the area to take all such steps as would lead to the settlement of the issues between them,

"3. Noting the report of the Chief of Staff of the Truce Supervision Organization to the Security Council of 12 June 1951 (S/2194),

"4. Further noting that the Chief of Staff of the Truce Supervision Organization recalled the statement of the senior Egyptian delegate in Rhodes on 13 January 1949, to the effect that his delegation was 'inspired with every spirit of co-operation, conciliation and sincere desire to restore peace in Palestine', and that the Egyptian Government has not complied with the earnest plea of the Chief of Staff made to the Egyptian delegate on 12 June 1951, that it desist from the present practice of interfering with the passage through the Suez Canal of goods destined for Israel,

"5. Considering that since the armistice regime, which has been in existence for nearly two and a half years, is of a permanent character, neither party can reasonably assert that it is actively a belligerent or requires to exercise the right of visit, search, and seizure for any legitimate purpose of self-defence,

"6. Finds that the maintenance of the practice mentioned in paragraph 4 above is inconsistent with the objectives of a peaceful settlement between the parties and the establishment of a permanent peace in Palestine set forth in the Armistice Agreement;

"7. Finds further that such practice is an abuse of the exercise of the right of visit, search and seizure;

"8. Further finds that the practice cannot in the prevailing circumstances be justified on the ground that it is necessary for self-defence;

⁵¹⁴ S/2241, O.R., 6th year, Suppl. for July-Sept. 1951, pp. 9-10.

⁵¹⁵ S/2194, O.R., 6th year, Suppl. for April-June 1951, pp. 162-164.

⁵¹⁶ 549th meeting: p. 1.

⁵¹⁷ S/2194, O.R., 6th year, Suppl. for April-June 1951, pp. 162-164.

⁵¹⁸ S/2298/Rev.1, 558th meeting: pp. 2-3.

⁵¹⁹ 558th meeting: p. 3.

⁵²⁰ S/2322. For the preceding discussion concerning the applicability of Article 51, see chapter XI, Case 21. For objection to the draft resolution as contrary to the Purposes and Principles of the Charter, see Chapter XII, Case 24.

"9. *And further noting* that the restrictions on the passage of goods through the Suez Canal to Israel ports are denying to nations at no time connected with the conflict in Palestine valuable supplies required for their economic reconstruction, and that these restrictions together with sanctions applied by Egypt to certain ships which have visited Israel ports represent unjustified interference with the rights of nations to navigate the seas and to trade freely with one another, including the Arab States and Israel;

"10. *Calls upon* Egypt to terminate the restrictions on the passage of international commercial shipping and goods through the Suez Canal wherever bound and to cease all interference with such shipping beyond that essential to the safety of shipping in the Canal itself and to the observance of the international conventions in force."

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

THE INDIA-PAKISTAN QUESTION⁵²¹

INITIAL PROCEEDINGS

On 1 January 1948, the Government of India reported to the Security Council details of a situation existing between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and tribesmen from the territory immediately adjoining Pakistan on the north-west, were drawing from Pakistan for operations against Jammu and Kashmir, a State which, having acceded to the Dominion of India, the Government of India declared to be part of India. The Government of India considered the giving of this assistance by Pakistan to be an act of aggression against India, and likely to endanger the maintenance of international peace and security, since in self-defence India might be compelled to enter Pakistan territory in order to take military action against the invaders. The Government of India, being anxious to proceed according to the principles and aims of the Charter, brought the situation to the attention of the Security Council under Article 35 of the Charter.⁵²²

On 15 January 1948 the Government of Pakistan emphatically denied that they were giving aid and assistance to the so-called invaders, or had committed any act of aggression against India. The Azad (Free) Kashmir Government was struggling for liberty, and was possibly being helped by a certain number of independent tribesmen and persons from Pakistan as volunteers. The complaint of India under Article 35 of the Charter contained a threat of direct attack against Pakistan. Under Article 35 of the Charter the Government of Pakistan further brought to the attention of the Security Council a situation existing between India and Pakistan which had already given rise to disputes tending to endanger the maintenance of international peace and security. The Pakistan Government had unsuccessfully tried over a period of many months to seek a solution of the dispute by the

methods described in Article 33 of the Charter. The main points of the charges concerned India's action in the State of Jammu and Kashmir, the unlawful occupation of the State of Junagadh and other States by Indian forces, the mass destruction of Muslims in a prearranged programme of genocide, and failure to implement agreements between the two countries.⁵²³

The question was included in the agenda at the 226th meeting on 6 January 1948 under the title "The Jammu and Kashmir question".⁵²⁴

The Security Council considered the question at the 226th-232nd, 234th-237th, 239th-246th, 250th-257th, 264th-266th, 269th, 284th-287th, 289th, 290th, 304th, 305th, 311th, 312th, 315th, 382nd, 399th, 457th, 458th, 463rd-471st, 532nd-540th, 543rd, 564th and 566th meetings, between 6 January 1948 and 31 December 1951.

Decision of 17 January 1948 (229th meeting): Request to the two parties not to take any steps which might aggravate the situation

By cablegram dated 6 January 1948, the President (Belgium) asked the Governments of India and Pakistan to refrain from any step incompatible with the Charter and liable to result in an aggravation of the situation, thereby rendering more difficult any action by the Security Council.⁵²⁴

At the 227th meeting on 15 January 1948, the representative of India* declared that, having failed to achieve a settlement of the question through negotiations with the Government of Pakistan, the Government of India had to invoke the assistance of the Council to persuade the Government of Pakistan not to give direct or indirect aid to forces fighting in the State of Jammu and Kashmir.⁵²⁵

At the 228th and 229th meetings on 16 and 17 January respectively, the representative of Pakistan* declared that it was impossible to appraise the issues referred to the Council under Article 35 of the Charter without direct reference to the background of the matter, which he proceeded to state in some detail. He declared that the Jammu-Kashmir Government had refused or ignored offers of friendly discussions and had called in Indian troops without informing Pakistan of its intended action. He called for the evacuation of all elements foreign to the State, including tribesmen and Indian army troops as the best step to a solution of the question.⁵²⁶

At the 229th meeting on 17 January, the President submitted a draft resolution⁵²⁷ which, with one amendment to the preamble, was adopted by 9 votes in favour and none against, with 2 abstentions.⁵²⁸ The resolution⁵²⁹ read as follows:

"The Security Council,

"Having heard statements on the situation in Kashmir from representatives of the Governments of India and Pakistan,

⁵²³ S/646, and Corr.1, O.R., 3rd year, Suppl. for Nov. 1948, pp. 67-87.

⁵²⁴ S/636, 226th meeting: p. 4.

⁵²⁵ 227th meeting: pp. 11-28.

⁵²⁶ 228th and 229th meetings: pp. 90-120.

⁵²⁷ 229th meeting: pp. 120-121.

⁵²⁸ 229th meeting: p. 125. For the President's consultation with the parties, see chapter I, Case 26.

⁵²⁹ S/651.

⁵²¹ For the claim of the right of self-defence in conformity with Article 51 in connexion with this question, see chapter XI, Case 20.

⁵²² S/628, O.R., 3rd year, Suppl. for Nov. 1948, pp. 139-144.