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**REPORT  
OF  
THE SECURITY COUNCIL  
TO  
THE GENERAL ASSEMBLY**  
**Covering the period from 16 July 1950 to 15 July 1951**



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#### NOTE

All United Nations documents are designated by symbols, i.e., capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document

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## INTRODUCTION

The Security Council submits the present<sup>1</sup> report to the General Assembly in accordance with Article 24, paragraph 3, and Article 15, paragraph 1, of the Charter.

Essentially a summary and guide reflecting the broad lines of the debates, the report is not intended as a substitute for the records of the Security Council, which constitute the only comprehensive and authoritative account of its deliberations.

With respect to the membership of the Security Council during the period covered, it will be recalled that the General Assembly, at its 290th and 294th plenary meetings on 29 September and 7 October 1950, elected Brazil, the Netherlands and Turkey as non-permanent members of the Council for a term of two years, beginning 1 January 1951, to replace Cuba, Egypt and Norway, the retiring members. The newly elected members of the Security Council also replaced the retiring members on the Atomic Energy Commission and on the Commission for Conventional Armaments.

The period covered in the present report is from 16 July 1950 to 15 July 1951. The Council held seventy-two meetings during that period.

Part I of the report contains summary accounts of the proceedings of the Security Council in connexion with its responsibility for the maintenance of international peace and security.

Part II covers other matters considered by the Security Council and its subsidiary organs.

Part III deals with the work of the Military Staff Committee.

Part IV provides an account of a matter which was submitted to the Security Council but which was not admitted to its agenda.

Part V deals with matters brought to the attention of the Security Council but not discussed in the Council.

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<sup>1</sup> This is the sixth annual report of the Security Council to the General Assembly. The previous reports were submitted under the symbols A/93, A/366, A/620, A/945, and A/1361.



## Part I

# QUESTIONS CONSIDERED BY THE SECURITY COUNCIL UNDER ITS RESPONSIBILITY FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY

## Chapter 1

### Complaint of aggression upon the Republic of Korea

INTRODUCTORY NOTE: As indicated in the preceding report (A/1361), the Security Council, on 25 and 27 June 1950, adopted two resolutions on the Korean question. At the 476th meeting, on 7 July, the Council adopted a further resolution establishing the Unified Command under the United States of America.

#### A. Communications relating to the establishment of the United Nations Command and first report on the course of action undertaken under that Command

1. At the 477th meeting (25 July 1950), the representative of the UNITED STATES OF AMERICA communicated the text of an exchange of letters (S/1627) between the President of the Republic of Korea and the Supreme Commander of the United Nations Forces regarding the assignment to the Supreme Commander of the command authority over all military forces of the Republic of Korea during the period of the continuation of the state of hostilities.

2. The representative of the United States also communicated the text of the United States Far East Command *communiqué* announcing the establishment of the United Nations Command (S/1629), and the text of the first report (S/1626) to the Council by the United States Government on the course of action taken under the Unified Command.

3. The PRESIDENT considered that the report gave a clear account of the initial stages of the aggression launched by the North Korean army and a heartening impression of the speed and determination with which the available forces of the United States and other Member States had been thrown into the breach to stem the aggressor and uphold the principles of the United Nations.

4. At the 478th meeting (28 July), the representatives of FRANCE, the UNITED KINGDOM, CUBA, CHINA, INDIA AND ECUADOR associated themselves with the President's appreciation of the report.

5. The representative of INDIA also drew the Council's attention to the problem of the reconstruction and rehabilitation of Korea after the end of hostilities.

#### B. Resolution of 31 July 1950 concerning Korean relief

6. At the 479th meeting (31 July), the representative of the REPUBLIC OF KOREA drew the attention of the Council to the need among the refugees, who had fled, he stated, before the invading armies and were estimated to number more than one million.

7. In that connexion, the President, speaking as the representative of NORWAY, introduced on behalf of his delegation, as well as of those of France and the United Kingdom, the following joint draft resolution (S/1652):

*"The Security Council,*

*"Recognizing the hardships and privations to which the people of Korea are being subjected as a result of the continued prosecution by the North Korean forces of their unlawful attack, and*

*"Appreciating the spontaneous offers of assistance to the Korean people which have been made by governments, specialized agencies, and non-governmental organizations,*

*"Requests the Unified Command to exercise responsibility for determining the requirements for the relief and support of the civilian population of Korea, and for establishing in the field the procedures for providing such relief and support;*

*"Requests the Secretary-General to transmit all offers of assistance for relief and support to the Unified Command;*

*"Requests the Unified Command to provide the Security Council with reports, as appropriate, on its relief activities;*

*"Requests the Secretary-General, the Economic and Social Council in accordance with Article 65 of the Charter, other appropriate United Nations principal and subsidiary organs, the specialized agencies in accordance with the terms of their respective agreements with the United Nations, and appropriate non-governmental organizations to provide such assistance as the Unified Command may request for the relief and support of the civilian population of Korea, and as appropriate in connexion with the responsibilities being carried out by the Unified Command on behalf of the Security Council."*

8. Speaking in support of the joint draft resolution, the representative of the UNITED STATES OF AMERICA considered that the problem in question did not only involve the allaying of human misery. The Korean people would have to begin rebuilding their country and their government after the war and must be given sustenance to uphold in them an abiding faith in the power of freedom.

9. Turning to the terms of the draft resolution, he considered that it represented an historic step in the total mobilization of world peace machinery since it invoked, for the first time in the case of an aggression, the assistance of the specialized agencies of the United Nations.

**Decision:** *At the 479th meeting, on 31 July 1950, the joint draft resolution submitted by the representatives of France, Norway and the United Kingdom, was adopted (S/1657) by 9 votes, with one abstention (Yugoslavia) and one member absent (USSR).*

### C. Draft resolution submitted by the United States on 31 July 1950

10. At the same meeting, the representative of the UNITED STATES OF AMERICA submitted that not all Members of the United Nations were supporting the peace-making effort of the Organization. Moral, if not material support, he said, was being given to the North Korean authorities. That could fairly be regarded as giving aid and comfort to the enemy of the United Nations and was, therefore, a matter of serious concern. In those circumstances, it seemed wise to reinforce the efforts of the Council to keep the conflict localized.

11. The United States representative introduced the following draft resolution (S/1653):

*"The Security Council*

*"Condemns the North Korean authorities for their continued defiance of the United Nations;*

*"Calls upon all States to use their influence to prevail upon the authorities of North Korea to cease this defiance;*

*"Calls upon all States to refrain from assisting or encouraging the North Korean authorities and to refrain from action which might lead to the spread of the Korean conflict to other areas and thereby further endanger international peace and security."*

### D. Consideration of the provisional agenda of the 480th, 481st and 482nd meetings

12. In a letter dated 31 July 1950 (S/1655), the President of the Security Council for the month of August, the representative of the Union of Soviet Socialist Republics, informed the Secretary-General that the next meeting of the Council would have the following provisional agenda:

"1. Adoption of the agenda.

"2. Recognition of the representative of the Central People's Government of the People's Republic of China as the representative of China.

"3. Peaceful settlement of the Korean question."

13. The above provisional agenda was discussed at the 480th, 481st and 482nd meetings (1, 2 and 3 August 1950).

14. At the beginning of the 480th meeting, the PRESIDENT ruled that the representative of the Kuomintang group seated in the Security Council did not represent China and therefore could not take part in the Council's meetings.

15. The representative of the UNITED STATES OF AMERICA considered that no President had the authority to rule, by arbitrary fiat, upon the status of the representative of a country that was a Member of the United Nations. Accordingly, he challenged the ruling.

16. The representative of the UNITED KINGDOM referred to rule 17 of the Council's provisional rules of procedure and also challenged the ruling.

17. The representative of FRANCE agreed with the position taken by the representatives of the United Kingdom and the United States of America.

18. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, said that the question of the representation of China in the United Nations was, in substance, a matter of observance of, and respect for, the Charter. The Soviet Union, pursuing a policy of peace, regarded the United Nations as an instrument of peace and not as a weapon of war, into which the governing circles of the United States were trying to transform it. For that reason, the United States had blocked the normal and timely settlement of the question of the representation of China in the United Nations. As a result, the lawful representative of the People's Republic of China had been prevented, in violation of the United Nations Charter, from taking part in the work of the Security Council. He said that it was well known that, as a result of those circumstances, the representative of the Kuomintang group had been in the Security Council at the time of the establishment in China of the Central People's Government of the People's Republic of China, and that he had, illegally, usurped China's seat, with the protection of the ruling circles of the United States. Thus, the Kuomintang group did not and could not represent China and the Chinese people in the Security Council, in any other organ of the United Nations or in the United Nations as a whole, and could not have any legal claim to represent them in those international bodies.

19. Rule 17, to which the representative of the United Kingdom had referred, applied to plenipotentiary representatives of States members of the Security Council who had been duly accredited in accordance with rule 13. The case under consideration was concerned not with such an accredited representative, but with an impostor, the spokesman for a group which represented no one but itself.

20. The representative of INDIA said that, unless the question of Chinese representation were soon resolved in a satisfactory manner, it might disrupt the Organization. In such a grave situation, the Council need not be swayed by mere points of procedure. Since the Council had made its own rules of procedure, it could depart from them in any particular case, if there was a compelling reason. Ever since India had recognized the new government in China, it had followed the logical consequences of that step; accordingly, he would vote for the President's ruling.

21. The representative of NORWAY said that the challenge had been concerned with the preliminary ques-

tion whether the President had the right to rule on a question of that kind.

22. The representative of EGYPT said that the President could not, by a mere ruling, dispose of a question of the nature and importance of the one which the President had raised. He considered that the President's ruling went beyond the proper limits of his authority.

23. The representative of CUBA said that he would vote against the ruling, since the President could rule only on questions of procedure, in accordance with rule 30.

24. The representative of ECUADOR opposed the ruling, since he did not consider that the President could, of his own volition, exclude from the Council a representative who held credentials on which the Council had already made a ruling, and which had been issued by a government which was still recognized by more Members than the rival government of the same country. To do otherwise would be to allow a single Member to decide a matter which was the concern of all.

25. The representative of YUGOSLAVIA recalled that his delegation had frequently spoken in favour of the admission to the United Nations of the representatives of the Government of the People's Republic of China. In accordance with that attitude, he would vote in favour of the ruling.

26. The PRESIDENT stated that he could not agree with the representatives of Egypt and Ecuador for the simple reason that, in the present case, the ruling had been made not in respect of an accredited representative of a State Member of the United Nations, but in respect of the representative of a group which represented neither a State nor a nation. In the present case, he said, the Council was concerned with a private individual who had usurped the lawful place of a State Member of the United Nations — the People's Republic of China.

**Decision:** *The proposal to overrule the ruling of the President was adopted by 8 votes to 3 (India, USSR, Yugoslavia).*

27. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared that the Council's decision was illegal, because the person concerned was not the representative of a State but the spokesman for a group which represented no one.

28. In explaining his vote, the representative of CHINA said that he represented the only Chinese government which was based upon a Constitution, drafted and passed by the representatives of the Chinese people. He represented the only Chinese government headed by a President elected by the representatives of the Chinese people. There was no other government set up in China with the consent and approval of the Chinese people.

29. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that, as a result of the great victory of the Chinese people in the cause of its liberation and national independence, the Kuomintang group did not represent China or the Chinese people. In raising the question of the recognition of the lawful representative of the People's Republic of China in the Security Council, the USSR delegation had declared that it did not recognize the representative of the Kuo-

mintang group in the Security Council and other organs of the United Nations and did not regard that group as the representatives of China or the Chinese people.

30. The representative of the UNITED STATES OF AMERICA noted that, contrary to rule 10 of the Security Council's provisional rules of procedure, the provisional agenda did not contain the item "Complaint of aggression upon the Republic of Korea", which had been under consideration at the previous meeting. Furthermore, it had been understood that the 480th meeting would continue the discussion of the United States draft resolution (S/1653) on that item. He said that, during the previous five weeks, the United Nations had devoted great efforts to halt the North Korean aggressors and restore peace in Korea. Many problems confronted the Security Council in carrying out its great tasks and it was of the utmost importance that the Council's efforts should go forward without delay or diversion. So long as aggression continued, all other issues were secondary. Accordingly, the United States representative moved that the item following "Adoption of the agenda" should be "Complaint of aggression upon the Republic of Korea".

31. As regards item 2 of the provisional agenda, he felt that the United Nations should establish firmly the clear principle that the question of Chinese representation was not linked in any way with the Korean aggression. The firm opposition of the United Nations against the barbaric use of force had given strength and encouragement to all free peoples and it was not possible to risk the disillusionment which would flow from consideration of the question of representation under duress. Acceptance of the provisional agenda would undoubtedly create the impression that the question of the termination of the aggression from North Korea was contingent upon the determination of the question of Chinese representation. It should also be remembered, he said, that the Peking régime had denounced the United Nations action as armed aggression and intervention in the internal affairs of Korea. To consider at that time the seating of a declared opponent of the efforts of the United Nations to repel aggression would subvert the men of the United Nations at the front and would weaken the entire peace-making endeavour. The question of Chinese representation should be considered separately on its merits at another time.

32. With regard to item 3 of the provisional agenda, the United States representative said that it would be inappropriate to revise the title of the agenda item under which the Council had been discussing the Korean question for five weeks. The Council must reject the implication in the wording of item 3 that the USSR was the only nation interested in the peaceful settlement of that question. He pointed out that the wording of the item already on the Council's agenda would permit every member of the Council to express his point of view fully and to make proposals leading toward the termination of the breach of peace.

33. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the item referred to by the United States representative had not been included in the provisional agenda because the speaker had not been present at the preceding meeting, for reasons which were well known. Those reasons were best known to the delegation of the United States,

which for many months had been blocking the settlement of the question of the representation of China in the Security Council and in the United Nations.

34. As regards item 3, he said that the Soviet Union regarded the Security Council as the organ whose duty it was to begin promptly the consideration of the peaceful settlement of the Korean question. The USSR believed that any proposal for a peaceful settlement of an international conflict, which constituted a threat to peace and security, demanded the immediate adoption by the Security Council of measures to put an end to that conflict and to reach a peaceful settlement. That was the position of the Government of the Soviet Union and of the USSR delegation in the Security Council.

35. The United States Government had a different view and its draft resolution was intended to continue and intensify United States aggression and to extend its scope.

36. As regards item 2, he noted that the United States representative was maintaining that the Korean question and the question of Chinese representation in the United Nations were two separate matters. That was the same formula which the United States Secretary of State, Mr. Acheson, had used in reply to the noble initiative of Mr. Nehru, Prime Minister of India, on 15 July.

37. It was common knowledge that, on that date, Mr. Nehru had sent a message to the President of the Council of Ministers of the USSR, Mr. Stalin, calling for the localization of the Korean conflict and for collaboration in its prompt and peaceful settlement by ending the impasse in the Security Council so that the representative of the People's Republic of China might take his place in the Council. In his reply, Generalissimo Stalin had welcomed Mr. Nehru's peaceful endeavours and fully shared his views regarding the expediency of a peaceful settlement of the Korean question, through the Security Council, subject to the participation of the five great Powers, including the People's Republic of China and had also expressed the view that the prompt settlement of the Korean question would be promoted by the granting of a hearing in the Security Council to the representatives of the Korean people. However, the answer given to Prime Minister Nehru by Mr. Acheson had been the exact opposite since he had refused to accept Mr. Nehru's peaceful proposal. That reply by the Government of the United States, the USSR representative said, had once again demonstrated to the peoples of the world that the policy of the ruling circles of the United States was based not on peace, but on war and aggression. Mr. Acheson's reply fully revealed why the United States was blocking a settlement of the question of China's representation in the United Nations and why it did not wish to permit the Security Council to function in its full legal membership and to resume its work on the basis of the United Nations Charter.

38. Settlement of the Korean question through the Security Council, as of any other question affecting peace, was the normal, rational and equitable course. That, however, required that the Security Council should function normally, with its lawful composition, and that was impossible without the participation of China and the Soviet Union in its work. The Security Council was not the Security Council when it failed to

act in strict conformity with the Charter, and in particular with Article 27 of the Charter; when it acted in the absence of representatives of two of its five permanent members, whose participation and unanimity were an essential prerequisite for the legality of the Council's decision.

39. The United States representative's motion for the rejection of the USSR proposal that the agenda should include both the question of the recognition of the representative of the People's Republic of China and the question of the peaceful settlement of the Korea question, showed that the ruling circles of the United States aimed at seizing Korea, and did not even want to hear of the cessation of aggression, of putting an end to armed intervention and of the termination of hostilities. Those who attempted through diversion to prevent the discussion of those questions, and who by a variety of manœuvres diverted the attention of the world and of the United Nations from the peaceful settlement of the Korean question, revealed themselves to be enemies of the peaceful settlement of that question. They wished to intensify their aggression against the Korean people and to extend the scope of the war they had unleashed.

40. At the 481st meeting (2 August), the representative of the UNITED KINGDOM stated that his Government could not agree that the question of Chinese representation and the complaint of aggression against the Republic of Korea were in any way linked, or that a solution of one must be made subject to a solution of the other. He said that, pursuant to resolutions of the Security Council, collective action had been taken to halt the aggression against the Republic of Korea and to drive back the aggressor forces. That question must be regarded as the gravest and most urgent with which the United Nations had ever dealt and, accordingly, he would support the United States motion.

41. Adoption of the USSR formula "Peaceful settlement of the Korean question" would delete all reference to aggression, although the act of aggression was responsible for bringing the matter before the Council and was the main factor with which the Council had to deal. That formula might also incorrectly imply that the Council had made no attempt to settle the Korean question by peaceful means. That was a travesty of the facts, since the first action of the Council in its resolution of 25 June had been to call for the immediate cessation of hostilities and for the withdrawal of the North Korean forces to the 38th parallel.

42. The representative of the United Kingdom noted that the Union of Soviet Socialist Republics representative had stated at the preceding meeting that the United States representative feared the words "peace" and "peaceful settlement". That was an instance of the upside-down language employed by the Union of Soviet Socialist Republics propaganda. If the side favoured by the Government of the Union of Soviet Socialist Republics attacked its neighbour, as in the present case, that was not an act of war; it was an act of peace. It would follow that the right settlement which, of course, would be a "peaceful settlement", would be that it should defeat its neighbour and attain all its objectives. Peace would then be established, and any action to interfere with the "peaceful" moves of the State or authorities concerned would be a warlike act. Similarly, the Union of Soviet Socialist Republics representative had stated



that the United States draft resolution was aimed at continuing and intensifying United States aggression and extending its scope. However, if the United States draft resolution (S/1653) was actually read, it would be found that it was specifically aimed at localizing the conflict.

43. The United Kingdom representative hoped that there would be general agreement that the question of Chinese representation could be placed on the agenda by any delegation at any time. However, it was not so urgent as to take precedence over the complaint of aggression against the Republic of Korea and the pending United States draft resolution on that item.

44. The representative of ECUADOR declared that the main concern of small States was that violence and the rule of the stronger should not be used in the settlement of international difficulties; that the principles of international law, of the Charter and of other international organizations, which proclaimed the principle of non-intervention and the right of peoples to choose their own governments, should govern the conduct of peoples; that force should not be a method for the settlement of conflicts; and that aggression should be condemned. He said that if it left unchallenged the President's declaration that the purpose of the agenda was to prevent the Council from becoming the tool of aggression against the Korean people, to permit the latter to choose its own government, to put an end to foreign intervention, and to ensure a peaceful settlement, the Ecuadorian attitude would seem illogical. As a Member, Ecuador considered valid the decisions made by the United Nations, both in the Security Council and in the General Assembly, with regard to Korea and its independence.

45. The United Nations wanted a free, unified and unoccupied Korea, with a government freely elected. The United Nations Commission, however, had not been allowed to carry out its assignment above the 38th parallel, and those who had obstructed the Commission's work bore the responsibility for the fact that free elections had been held only in the territory south of that parallel. The Korean Assembly so elected had established the Korean Government (which was recognized by the United Nations General Assembly). Up to that point, there could be no question of intervention, aggression or oppression of the Korean people.

46. In June 1950, fully trained and equipped armies coming from North Korea had started a carefully planned invasion of the Republic of Korea. The unarmed party could not be an aggressor against the armed party, nor could the invader be the invaded. Weak nations like his own knew that this was impossible.

47. The Security Council had taken up the complaint of aggression against the Republic of Korea. It had not called for intervention or aggression against the Korean people; but it had called upon the invaders to withdraw to the 38th parallel, thus leaving the door open to peaceful solution of any difficulties preventing Korean unification. The Council, therefore, must continue to deal with the said complaint of aggression.

48. In voting against the provisional agenda, he did not intend to vote in favour of military action, or against a peaceful settlement, which could be proposed by the Soviet representative under the heading "Complaint of aggression upon the Republic of Korea".

49. Regarding item 2 of the provisional agenda, the representative of Ecuador voiced his desire that the authority of the General Assembly, where all States were democratically represented on a footing of equality, should be extended and respected. The fundamentally important question of the representation of China should be considered by the General Assembly. Furthermore, adoption of this procedure would eliminate the possibility of different decisions by the Council and the Assembly.

50. In conclusion, the representative of Ecuador said that he would vote against the provisional agenda because his Government supported the principle of non-intervention in the internal affairs of States, respected the right of all peoples to choose their form of government and upheld the principle of non-aggression; because both the Charter and American international law condemned the use of violence in the solution of international problems; and because there was nothing to prevent the Council from discussing any steps that might be suggested for the peaceful settlement of the Korean conflict under the heading "Complaint of aggression upon the Republic of Korea".

51. The representative of FRANCE said that it was necessary to take into account the relative urgency of the various agenda items. By refraining on 13 January from continuing the discussion of the question of China's representation, which was on the agenda, the USSR delegation had indicated that the matter could wait. The aggression against the Republic of Korea, which the Council had solemnly condemned, was continuing. The United States draft resolution envisaged a continuation of the action already taken by the Council, and should be dealt with before the Council took up other subjects. He pointed out that nothing would prevent the representative of the USSR from submitting a plan for the peaceful settlement of the Korean question. The French delegation did not accept the connexion which the USSR representative attempted to make between the pacific settlement of the Korean question and the question of Chinese representation in the Security Council, since those subjects were separate, from both the historical and the legal points of view. Accordingly, the representative of France would support the United States motion.

52. The representative of CUBA could not agree with the contention of the USSR representative that the question of Chinese representation and the question of a peaceful settlement in Korea were inextricably connected. He said that the Council had made every possible effort to settle the latter question by peaceful means. After the procedures to achieve that end had been exhausted, the Council had no alternative but to carry out the provisions of the Charter concerning the disturbance of the peace and acts of aggression. Consideration of the question from the point of view adopted by the representative of the USSR would divert the attention of the Council to ends totally different from those which had inspired fifty-two Member States to support the Council's action. If peace was to be restored in that area, the Council must continue its discussion of the item already admitted to the agenda.

53. The representative of NORWAY said that his Government considered that the Central People's Government of the People's Republic of China should be

represented in all the organs of the United Nations as soon as such representation could be brought about by constitutional and orderly procedures. Accordingly, his delegation wished to have the question of Chinese representation taken up as soon as there was a prospect of progressing from the situation which had been found to exist at the time of the Council's last vote on the issue, on 13 January.

54. However, the Norwegian Government considered that the question of Chinese representation should not be linked with the question of aggression in Korea. The Korean question required urgent consideration and should not be confused by the introduction of any other question which did not have direct bearing on the matter already under consideration. For those reasons, he would vote in favour of giving precedence to the Korean question.

55. The representative of CHINA noted that a draft resolution dealing with the complaint of aggression upon the Republic of Korea was pending before the Council. Both from the point of view of the parliamentary situation and for fundamental political reasons, that item must be placed at the head of the agenda. Referring to item 3 of the provisional agenda, he said that the whole Council wished for the restoration of peace in Korea; but if it were to remain faithful to the Charter, it could not seek peace by condoning aggression. As to the question of Chinese representation, he pointed out that it would be strange if the Council attempted to stop aggression in Korea and, at the same time, considered the recognition of the fruits of such aggression in another country. Furthermore, he added that the Peking régime had been encouraging the North Korean aggressors and if the Council were to consider an item of the kind proposed by the USSR, the peoples of the world would have grave doubts about its sincerity.

56. At the 482nd meeting (3 August), the President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the discussion had revealed two diametrically opposed approaches to the question: one was that it should be discussed with a view to a peaceful settlement, as the USSR delegation insisted; the other was that it should be discussed with a view to continuing military operations in Korea, intensifying the United States Government's armed intervention against the Korean people, and extending the scope of aggression and war.

57. In giving its proposal the inaccurate title of "Complaint of aggression upon the Republic of Korea", the United States delegation was attempting to mask its aggression and to cast the blame for the events in Korea on the Government of the People's Democratic Republic of Korea. However, as disclosed by the statement made on 4 July 1950 (S/1603) by Mr. A. A. Gromyko, Deputy Foreign Minister of the USSR, irrefutable data and facts proved that, on 25 June, there had been a provocative attack by the forces of the South Korean authorities on frontier areas of the People's Democratic Republic of Korea and that the attack had been carried out in accordance with a previously prepared plan under the direction, and with the direct participation, of United States military advisers, as well as with the knowledge and agreement of highly placed officials of the United States.

58. The representative of the USSR referred to the definition of aggression which, in substance, had been approved in May 1933 by a League of Nations Committee composed of the representative of seventeen States, including five members of the Security Council. As was known, that definition of aggression included such acts as a declaration of war by a State against another State; an invasion of a territory by the armed forces of another State even without a declaration of war; the bombardment, by the armed forces of one State, of the territory of another State, and so forth.

59. United States land, sea and air forces were bombing Korean territory and attacking Korean vessels and aircraft. They had landed on Korean territory and were carrying on military action there against the Korean people, which were at that time in a state of domestic civil war. From the standpoint of the above definition, the military operations of the United States Government against the Korean people were acts of direct armed aggression, and the Government of the United States was the aggressor.

60. The attempt of the United States to justify its aggression in Korea by so-called strategic considerations, by its desire to move its defence lines as far as possible from its own borders for the alleged purpose of safeguarding its national security, could in no way serve as justification for the United States aggression against Korean people, since the above-mentioned definition also clearly stated that no consideration of a political, strategic or economic nature could serve as justification for an attack. The war between the North and South Koreans was not a war between two States, but an internal conflict between two groups of the Korean people temporarily split into two camps under two separate authorities. It was a civil war, and thus did not come under the definition of aggression. The only aggressors in Korea were those Powers which were maintaining their forces on Korean territory and were intervening in the struggle between the North and South Koreans.

61. The United Nations Charter also directly prohibited intervention by the United Nations in the domestic affairs of any State when the conflict was an internal one and the parties were two groups within a single State and a single nation. The Security Council could intervene only in events of an international rather than of an internal nature.

62. Preparing its long-planned aggression in Korea, the United States Government had, since January 1950, blocked the normal settlement of the question of Chinese representation in the Security Council; that action had made it impossible for the representative of the USSR to participate in the meetings of the Council. Taking advantage of the absence of two permanent members, the United States had forced upon the Council a series of illegal and scandalous resolutions. The ruling circles of the United States had used the local conflict within Korea as a screen for expanding American aggression over wide regions of Asia, and were dragging the Security Council and the United Nations toward war. As a result of the United States armed aggression in Korea, the Security Council was faced with two alternatives — peace or war. The Security Council had to make a choice; either it must decide to continue and intensify the war, or it must alter its course and follow

the path of peaceful settlement to which it had been called by all the peace-loving peoples of the world.

63. True to its peace-loving policy, the USSR was appealing to the United Nations and to the Security Council, as the chief international organ for the maintenance of peace, not to encourage and conceal United States aggression in Korea, but to adhere to the policy of the pacific settlement of the Korean question and the restoration and maintenance of peace. The Council could function normally and fulfil its noble mission to secure peace only if it had its full lawful membership. Without recognition of the representative of the Central People's Government of the People's Republic of China, any decision taken by a group of members of the Security Council would be illegal and without international juridical force or significance.

64. The delegation of the USSR insisted that the Council's agenda should include the two items it had submitted. It opposed the inclusion in the agenda of the diversionary and aggressive proposals of the delegation of the United States.

65. The representative of INDIA considered that, in conformity with rule 10 of the Council's provisional rules of procedure, the agenda must include the item proposed by the representative of the United States. Consistently with his delegation's past position, he could not agree with the exclusion from the agenda of the item of the provisional agenda relating to Chinese representation. The Indian delegation regarded the peaceful and honourable settlement of the Korean conflict as the paramount need of the hour. The Council should avoid any step which could be construed as indicating that any representative on the Council was not earnest in his desire for a peaceful settlement of the Korean question. Accordingly, the representative of India was not in favour of omitting the item entitled "Peaceful settlement of the Korean question".

66. The representative of the UNITED STATES OF AMERICA said that his Government saw no need to attempt at that time to fill with any more words the immense abyss which lay between the statements of the USSR representative and the facts of the situation as they were known the world over. The USSR statements rested on a total perversion of facts, as had been attested by the United Nations Commission on the spot, and by the voluntary support given to the Council's action by fifty-three Member States.

67. The representative of FRANCE said that, as was known, his Government wished to reserve its position with regard to the problem of China's representation in the Council but did not oppose further discussion of the matter. The French Government was most anxious that a peaceful settlement should be found for the Korean question, but felt that discussion on the subject could easily take place under the item already on the Council's agenda. A new agenda item would encourage duplication and misunderstandings. In reply to the representative of the USSR, the representative of France said that it had not been the Government of the United States, but the Security Council which had decided that there had been an act of aggression. That decision had been taken with nine affirmative votes on 25 June 1950. As the representative of one of the countries which had associated itself with the Council's decision, he wished

to protest against the attempt to disrupt their solidarity. Since the delegation of France had supported the resolution of 25 June, it could do nothing but repudiate a flagrant manoeuvre and oppose a provisional agenda which, as the Council had been clearly told, was opposed to that resolution.

68. The representative of YUGOSLAVIA said that, in accordance with his Government's general attitude on this matter, he would abstain from voting on questions which were inseparably linked with the Korean question, i.e., the priority of items on the provisional agenda and the headings under which the Korean question should be discussed. The Yugoslav Government still considered that the admission of the People's Republic of China to the organs of the United Nations was essential for the future of the Organization and important for peace. He would vote in favour of retaining on the agenda the item relating to Chinese representation.

69. The PRESIDENT ruled that the Council should vote on the inclusion of the three items in the agenda in the order in which they had been submitted, which was as follows: first, recognition of the representative of the Central People's Government of the People's Republic of China as the representative of China; secondly, peaceful settlement of the Korean question; and, thirdly, complaint of aggression upon the Republic of Korea.

70. The representative of the UNITED KINGDOM challenged that ruling.

**Decisions:** *At the 482nd meeting on 3 August after discussion, the President's ruling was rejected by 7 votes to 2 (India, USSR), with 2 abstentions (Egypt, Yugoslavia).*

*The United States representative's motion that the item following "Adoption of the agenda" should be "Complaint of aggression upon the Republic of Korea", was adopted by 8 votes to one (USSR), with 2 abstentions (India, Yugoslavia).*

71. The representative of INDIA explained that his abstention was limited to the question of priority, and was not meant to apply to the inclusion of the item proposed by the United States.

72. The representative of the UNITED KINGDOM said that he would vote against the inclusion of the final item on the provisional agenda, since proposals for the peaceful settlement of the conflict could be submitted during the debate on the item which the Council had just adopted. The Korean question and the United States draft resolution must be given priority and must be considered separately from the question of Chinese representation. Nevertheless, that fact need not prevent the Council from placing the question of Chinese representation on the agenda for subsequent discussion. He would vote for the inclusion of that item.

**Decisions:** *At the 482nd meeting also, the Council rejected the proposal to include in the agenda the item entitled "Recognition of the representative of the Central People's Government of the People's Republic of China as the representative of China".*

*There were 5 votes in favour, 5 against (China, Cuba, Ecuador, France, United States), and one abstention (Egypt).*

. The Council also rejected the proposal to include in the agenda the item entitled "Peaceful settlement of the Korean question", by 7 votes to 3 (Egypt, India, USSR), with one abstention (Yugoslavia).

73. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the decisions just taken by the Security Council were illegal. They were aimed at preventing the discussion of the question of a peaceful settlement of the Korean problem, and of the question of the restoration of the Security Council to its lawful composition.

#### **E. Continuation of the discussion of the complaint of aggression upon the Republic of Korea**

74. At the 483rd meeting (4 August), the President speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, introduced the following draft resolution entitled "Peaceful settlement of the Korean question", the text of which follows (S/1668):

*"The Security Council*

*"Decides*

*"(a) To consider it necessary, in the course of the discussion of the Korean question, to invite the representative of the People's Republic of China and also to hear representatives of the Korean people;*

*"(b) To put an end to the hostilities in Korea and at the same time to withdraw foreign troops from Korea."*

75. The representative of CHINA, supported by the representative of EGYPT, recalled the decision, taken by the Council on 25 June, to invite the representative of the Republic of Korea to participate in the meetings during the consideration of the Korean question. They considered that the practice of extending such an invitation when that question was being discussed should be continued.

76. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, considered that it was a tradition and practice established in the Security Council to invite both parties involved in the hostilities to participate in the consideration and discussion of such questions regardless of whether or not they were Members of the United Nations or whether or not they had been granted diplomatic recognition by all members of the Security Council. That practice had been followed by the Security Council in the consideration of a number of questions. Besides that, the United States draft resolution (S/1653) contained a paragraph directed against the "North Korean authorities". In such circumstances, it would be unfair and inadmissible for the Security Council not to give a due hearing to the accused party.

77. The representative of CHINA requested that, in view of the earlier decision of the Council, the President invite the representative of the Republic of Korea to participate in the debate, before the Council acted on the Union of Soviet Socialist Republics draft resolution.

78. The representative of the UNITED STATES OF AMERICA thought that the Union of Soviet Socialist Republics draft resolution went beyond the Council's agenda and that it was the President's duty first to invite the representative of the Republic of Korea, in

conformity with the constitutional privilege granted to that representative.

79. The General Assembly, in establishing the United Nations Commission on Korea on 12 December 1948 by its resolution 195 (III), had created the means whereby the North Korean régime could make itself heard. The Assembly had also declared that the Government of the Republic of Korea was the only government which represented the Korean people. In considering the Korean question, the General Assembly at each session had declined to seat the representative of the North Korean régime, on the very ground that the latter had not availed itself of the United Nations Commission. The North Korean régime was now, he said, not only acting in contempt of that General Assembly resolution, but was also defying Security Council decisions and engaged in hostilities against the forces which sought to enforce those decisions. The United States Government therefore considered that representatives of that régime should not be invited to sit at the Council table.

80. The representative of the UNITED KINGDOM considered that the representation, at the Council table, of the Republic of Korea, on the one hand, and of the North Korean authorities, on the other hand, were two separate questions. In view of the decision taken at the 473rd meeting with regard to the first of those questions, there could, he believed, be no suggestion that the representative of the Republic of Korea should not be invited to take his place at the table. When it came to the second question, the situation was that the North Korean authorities had, by their refusal to obey the injunctions of the United Nations, put themselves in a state of hostility with the United Nations itself. These authorities should certainly not be excluded forever, but they must first by their behaviour put themselves right with the United Nations.

81. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, considered that to reject the proposal to invite both parties would imply unwillingness on the part of the Security Council to assist in the halting of hostilities.

82. The representatives of NORWAY, INDIA and the UNITED KINGDOM expressed the opinion that the decision of 25 June was binding upon the Council as long as it was not reversed by a vote.

83. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS emphasized that his delegation's proposal was based upon the actual state of affairs in Korea, which was that there were two government camps, one in North Korea and the other in South Korea. The Korean people, which was one and the same both in the north and in the south, was divided into two opposing factions by an internal struggle and civil war. If the Council, setting aside all secondary circumstances, approached the factual situation realistically and invited the representatives of both sides, it would, in his view, be taking the most objective and the fairest decision possible.

84. He then rejected the assertion that the North Korean authorities had refused to comply with the decisions of the United Nations. The decisions adopted on the Korean question were not in accordance with the Charter and could not be regarded as legal deci-

sions of the Security Council and the United Nations, because they had been adopted with the participation of only three permanent members of the Council. Furthermore, the North Korean authorities had not so far been heard at the Council table, and attempts were now being made by certain delegations to continue to keep them from that table.

85. At the 484th meeting (8 August), the PRESIDENT read out the text of a cablegram dated 7 August (S/1674), from the Minister for Foreign Affairs of the People's Democratic Republic of Korea charging the United States Air Force with savage bombing of the civilian population of Korea and requesting the Council to take urgent steps to put an end to these actions.

86. The representative of CHINA raised a point of order and requested, under rule 30 of the rules of procedure of the Council, that the President immediately state a ruling on the following question: "Does the President consider it obligatory upon him to carry out the decision of the Security Council of 25 June by inviting the representative of the Republic of Korea to take his place at the Council table?"

87. The PRESIDENT considered that, in view of the fact that the question of inviting both parties had been raised at the 483rd meeting, it would be premature for him to announce any conclusion without allowing time for further discussion and for a decision to be reached on the question.

88. The representatives of CHINA and NORWAY insisted that the President should state his ruling on the point of order.

89. The PRESIDENT maintained that he was not yet in a position to do so.

90. The representatives of the UNITED STATES OF AMERICA and CHINA held the view that the President had in effect stated a ruling by proceeding to conduct the business of the Council without inviting the representative of the Republic of Korea to the Council table. The United States representative challenged that ruling.

91. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, then stated, *inter alia*, that, after having been invited to attend the meetings of the Council, the representative of the Syngman Rhee régime had, under United States dictation, made slanderous statements against the People's Democratic Republic of Korea, and that a group of members of the Council had given credence to that representative and adopted resolutions based on his one-sided version of events in Korea. Such an approach to the question could not be regarded as objective.

92. United States ruling circles, he said, were trying to introduce the use of every type of pressure, dictation and duress in international dealings. Thus, the repeated demands of a number of delegations in the General Assembly in recent years that the representatives of the People's Democratic Republic of Korea should be invited to attend, during discussions of the Korean question, had been rejected under United States pressure; and all General Assembly resolutions on that question had been taken on the basis of the one-sided statements of the so-called United Nations Commission

on Korea, which was nothing but an obedient tool of the United States Department of State. The attitude of the representative of the United States and of a number of other representatives who now pressed for the invitation of representatives of South Korea only to the Council table, was, he considered, contrary to the Charter, in particular to Article 32.

93. As to the assertion of the representative of the United States, to the effect that the General Assembly had declared that the Government of the Republic of Korea was the only government which represented the Korean people, he said that, in the first place, the Syngman Rhee terrorist régime had never enjoyed the support of the Korean people; and, in the second place, General Assembly resolution 195 (III), imposed upon it by the Anglo-American bloc, stated merely that in the area of Korea in which elections had been held under the supervision of the United Nations Commission on Korea, i.e., in South Korea, a government had been established which controlled only that part of Korea and not the whole of the country.

94. With regard to the assertion that the General Assembly had declined to seat the representative of the North Korean régime because it had not availed itself of the United Nations Commission, the fact remained that in 1947, before the Commission had been established, the Anglo-American bloc had not permitted representatives of the North Korean authorities to be present at the General Assembly session. Hence, he continued, it was the Anglo-American bloc in the United Nations which had first prevented the Government of the People's Democratic Republic of Korea from attending the meetings of the Assembly and had forced through its own one-sided, unjust and illegal resolutions. By means of those resolutions, the United States representative was now attempting, not only to cloak the illegal action and discrimination which the United States Government and its vassals had been perpetrating against North Korea since 1947, but also to cloak and justify the direct aggression of the United States upon the Korean people and its legal representative, the Government of the People's Democratic Republic of Korea. Now the United States Government, fearing open international discussion of the Korean question in the Council with the participation of representatives of both North and South Korea, was forcing upon the Council its one-sided version of events in Korea.

95. Adhering to its policy of peaceful settlement through the Security Council, the Government of the Soviet Union was not only submitting a draft resolution (S/1668) aimed at the peaceful settlement of the Korean question, but was demanding that the discussion of the question in the Council should follow a procedure providing, in accordance with Article 32 of the Charter, that representatives of both parties to a conflict capable of becoming a threat to international peace and security should be invited to the Council table.

96. The objections raised by the representative of the United States and other representatives had no basis or substance in the rules and provisions of international law, the Charter, Security Council practice, reality or common sense. Those objections were motivated, on the one hand, by the fear of the United States

that the representatives of the People's Democratic Republic of Korea would be given an opportunity of telling the Council the truth about the events in Korea and, on the other hand, by the desire of the United States to continue and intensify its aggression in Korea.

97. The PRESIDENT, in reply to a request by the representative of CHINA for a ruling on his point of order, considered that, in the circumstances which had arisen, he could not state a ruling on that point of order.

98. Thereafter, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, he proposed that there be put to the vote the question whether the permission granted on 25 June to the representative of the South Korean authorities to attend the meeting of the Council was valid for the present meeting also.

99. The representative of the UNITED KINGDOM thought that the majority of the Council wished the representative of the Republic of Korea to take his place at the Council table at once, unless the President ruled to the contrary and his ruling was sustained. Thereafter, it would be in order to propose that representatives of the North Korean authorities should also be invited.

100. The representative of the UNITED STATES OF AMERICA posed a series of questions and answers, in the following terms: Whose troops were attacking deep in the country of somebody else? The North Koreans. Whose country was being overrun by an invading army? The Republic of Korea. Who was assisting the Republic of Korea to defend itself? The United Nations, with the support of fifty-three out of fifty-nine Members. Who had the influence and the power to call off the invading North Korean army? The Soviet Union. Who then was supporting the United Nations Charter and working for peace? The fifty-three Members of the United Nations who were assisting the Republic of Korea. Was the Soviet Union one of the fifty-three? No. What member of this Security Council was assisting the invaders on the Security Council? The Soviet Union.

101. The United States representative went on to say that this condition had caused the Council to struggle for a week in a procedural quagmire. The President had endeavoured to stop the work of the Council and keep it from its business. The United States representative considered that it must be apparent to the Council and to the world at large that the representative of the USSR, while acting as President of the Council, would not abide by the rules of procedure or by the expressed will of the Council. If that campaign of obstruction continued, he said, it could lead only to one consequence: the Council would for the remainder of the month be unable to discharge its responsibility under the Charter.

102. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, considered that the representatives of the United States and of the Kuomintang group were obstructing his efforts to achieve a just solution of the question whether both parties to the conflict in Korea should be invited to the Council.

103. The United States delegation was attempting to mislead the Security Council and the public opinion

of the whole world by alleging that the draft resolution it had submitted was intended to limit or to secure the so-called "localization" of the conflict. In actual fact, the purpose of that draft resolution was to extend the scale of the United States Government's aggression against the Korean people.

104. The USSR representative introduced the text of a draft resolution reading as follows (S/1679):

*"The Security Council,*

*"Having considered the protest of the Government of the People's Democratic Republic of Korea against the inhuman, barbarous bombing of the peaceful population and of peaceful towns and populated areas which is being carried out by the United States Air Force in Korea,*

*"Recognizing that the bombing by the United States armed forces of Korean towns and villages, involving the destruction and mass annihilation of the peaceful civilian population, is a gross violation of the universally accepted rules of international law,*

*"Decides*

*"To call upon the Government of the United States of America to cease and not permit in future the bombing by the Air Force or by other means of towns and populated areas and also the shooting up from the air of the peaceful population of Korea;*

*"To instruct the Secretary-General of the United Nations to bring this decision of the Security Council to the very urgent notice of the Government of the United States of America."*

105. The representative of ECUADOR considered that the President had violated the Council's rules of procedure by his attitude with regard to the decision of 25 June to invite a representative of the Republic of Korea, and by not ruling on the point of order raised by the representative of China.

106. At the 485th meeting (10 August), the PRESIDENT stated that an unofficial exchange of views had taken place between members of the Council regarding the question raised by the representative of China at the preceding meeting. The exchange had shown that the various views had remained unchanged.

107. The representative of CHINA considered, *inter alia*, that the Council, when taking its decision on 25 June to invite the representative of the Republic of Korea, had not been dealing with a dispute but with war of aggression. In those circumstances, it was not only in accordance with the letter and spirit of the Charter, but also with common sense, that the Council should have refused to give a hearing to an aggressor. He insisted that the President give a ruling on the question raised at the 484th meeting.

108. The representative of the UNITED STATES OF AMERICA supported that request. He then gave a summary of the political history of Korea during and after the Second World War and of United Nations efforts in connexion with the problem of Korean unity and independence. He referred to the fact that, during the recent World War, the leading Allies, including the USSR, pledged the freedom and independence of Korea.

109. At the time of Japan's surrender, the 38th parallel, he said, had been selected as an administrative boundary line for convenience in accepting the surrender of Japanese troops. That was a temporary, military division and not a permanent political one. The Government of the USSR, however, had proceeded to turn it into a hard and fast frontier. In an effort to correct that violation of war-time pledges made to the Korean people, the Government of the United States had consistently urged the abolition of the military frontier and the creation of a democratic and independent government of unified Korea.

110. In 1947, 1948, and 1949, the General Assembly by an overwhelming majority had urged the same things. It had maintained in Korea, for nearly three years, a Commission charged with the completion of those tasks. The Commission had been denied access to North Korea by the Soviet Union as the occupying Power. South of the parallel, the Commission had supervised two elections, certified the establishment of a democratic government and verified the withdrawal of United States occupation forces. The General Assembly itself, by its resolution 195 (III), had accepted the Government of the Republic of Korea as the only valid and lawful government in Korea. Many Members of the United Nations had recognized the Republic of Korea, whose admission to the United Nations had, however, been blocked by the USSR veto. The determination of the United Nations to ensure that Korea should be free, unified and independent of outside influence from any great Power, had never wavered. That was what the United Nations forces were now fighting to uphold in Korea.

111. If the effort of the United Nations had not been blocked by the Soviet Union and the authorities of North Korea, Korea would now have been free and independent. The action of one great Power alone had kept the United Nations observers from fulfilling, above the 38th parallel, the task assigned to them by the General Assembly. On 24 June, the day before the North Korean attack, those observers had reported that their principal impression was that the Republican army was organized entirely for defence and in no condition to carry out attack on a large scale against the forces of North Korea. The Commission itself had found on 26 June that, judging from the actual progress of operations, the North Korean régime was carrying out a well-planned, concerted and full-scale invasion of South Korea. Those reports completely disposed of the charges that the aggression had been launched by the troops of the Republic of Korea. Many months before, the Commission had verified that United States forces had been totally withdrawn from Korea. It had never been able, however, to verify that the Union of Soviet Socialist Republics troops had left the area they controlled.

112. In the face of the North Korean aggression, the Security Council had met within twenty-four hours of the attack and adopted a resolution calling for the immediate cessation of hostilities, for the withdrawal of the North Korean forces to the 38th parallel, and for the rendering of "every assistance" by all Members of the United Nations "in the execution of this resolution". As the attack continued, the President of the United States, at noon of 27 June, had announced support for

that resolution by ordering the United States air and sea forces to assist the troops of the Korean Government. On the same day, the Security Council had recommended that all Members of the United Nations should furnish such aid to the Republic of Korea as might be necessary to repel the attack and restore international peace and security in the area. Subsequent military developments had proved that the invasion by the North Koreans was carefully planned and had been prepared over a long period of time.

113. Yet the representative of the Soviet Union was obstructing all efforts of the Council to perform its peace-making functions by speeches charging the United States as the aggressor. The representative of the Soviet Union suggested, in effect, that the United Nations forces should leave Korea and leave the defenseless Republic of Korea at the mercy of the aggressor. The terms of the United States draft resolution (S/1653) would, on the other hand, if faithfully supported, terminate promptly the existing breach of the peace.

114. The USSR was, he said, the only one of the great Powers that had held aloof from the condemnation of aggressive warfare in Korea. Refusal to condemn such aggression would make it clear who was for peace and who was not. If law and order were to be established in the world community, there could be no temporizing with defiance of the orders of the Security Council to end a breach of the peace.

115. The PRESIDENT maintained the view that he was unable to state a ruling on the point of order which had been raised.

116. The representative of the UNITED STATES OF AMERICA stated that he challenged the ruling of the President.

117. The PRESIDENT stated that he had made no ruling and that the challenge therefore lacked an object.

118. The representative of CUBA considered that the President had been using delaying tactics and disregarding the Council's rules of procedure. His delegation wished to protest against those tactics and insisted that the question before the Council should be solved in accordance with rule 30 before the meeting was adjourned.

119. The representative of the UNITED STATES OF AMERICA considered that a vote on his challenge was due at once. The attitude of the President with regard to the point of order raised by the representative of China was, in his view, a violation of the law.

120. The PRESIDENT stated that there were no grounds for the representative of the United States to attribute to him a ruling which he had not made, and then to challenge that fictitious ruling. He declared that he had not given, was not giving, and was not in a position to give a ruling on the point in question.

121. At the 486th meeting (11 August), the representative of the UNITED KINGDOM rejected the concept that the Korean conflict was a civil war. In advancing that concept, the representative of the USSR had omitted, he said, to draw attention to the fact that the Government of the Republic of Korea had already been declared the lawful government by the United Nations; that United Nations observers were stationed on its *de facto* northern frontier; and that, therefore,



the whole State was existing under the mantle of the United Nations. The Government of the Republic of Korea had been attacked by soldiers under the authority of a rival government, not acceptable to the United Nations. On the other hand, even a civil war might, under Article 39 of the Charter, constitute a threat to the peace, or even a breach of the peace; and, if the Security Council so decided, there would be nothing to prevent its taking action to put an end to the incident. The last few words of Article 2, paragraph 7 of the Charter also provided for such action.

122. With regard to the validity of the Security Council resolutions concerning the Korean question, the fact remained that they had been adopted unanimously without any of the permanent members present at the table making any reservations. The fact that one of those permanent members represented a government not recognized by a minority of the members of the Council could not affect the issue, because the question of representation could itself only be decided by a majority. As to the absence of a representative of the Union of Soviet Socialist Republics when those decisions were taken, the assertion that the Council must be powerless because one member boycotted it amounted to admitting that the Council, and indeed the whole of the United Nations, could only function if it did so in accordance with the wish, and even at the behest, of a single permanent member. It could not be admitted that the theory of great-Power unity ought to be abused in such a way particularly in view of the fact that all the great Powers, along with the small ones, had entered into a solemn obligation to abide by the purposes and principles of the Charter.

123. The main trouble since the beginning of the United Nations was that the rulers of the Soviet Union had been brought up on a doctrine of State infallibility and could not believe that in any circumstances the Soviet Government could be wrong. Their outmoded philosophy taught them that an attack by the "imperialist" Powers on the Soviet Union was inevitable. In fact, however, the non-communist Powers were only concerned that a philosophy which they did not want should not be imposed on them. The Soviet contention that the Koreans should be left to settle the matter for themselves would result in the communization of Korea along well-established lines. In previous instances, however, when countries had been subjected to this terrible process, there had been at least a pretence of preserving the constitutional forms. The South Koreans, however, had not voted for slavery, but on the contrary had declared themselves, in elections observed by the United Nations, in favour of democracy. The rulers of North Korea could not tolerate the existence of a free régime on their doorstep, and they therefore planned a crime which they no doubt hoped would go unpunished. If aggression were not resisted in Korea, it was all too likely that it would be repeated and that Asia would again be the scene of the crime.

124. The first step in achieving a solution in Korea must be for the invading forces to go back whence they came. The solution must be in accordance with the United Nations way, which was totally at variance with solutions based on force. Only by pursuing the United Nations way could there be hope of creating a worthy community of free nations obedient only to law. The

United Nations provided the only present alternative to some centrally controlled world despotism which must be at variance with all the purposes and principles of the Charter.

125. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, considered that the reports of the United Nations Commission on Korea were worthless because the information contained in them, had, he said, been received from United States and Syngman Rhee sources. On the basis of that false and tendentious information, a number of illegal resolutions had been adopted by a group of members of the Council without the participation of two of its permanent members: the USSR and China. Those resolutions were directed against the Government of the People's Democratic Republic of Korea; and an attempt was now being made to pass them off as "resolutions of the Security Council" and, by means of them, to justify United States aggression in Korea.

126. In the statement made by the Government of the USSR on 4 July (S/1603), and in the statements made by the delegation of the USSR in the Council, numerous facts had been adduced to show that the events in Korea had taken place as the result of a provocative attack by the forces of the South Korean authorities on areas of the People's Democratic Republic of Korea lying to the north of the 38th parallel. That attack had been the result of a premeditated plan carefully prepared by United States military authorities and the South Korean puppet régime of Syngman Rhee. That was confirmed by the statement of the former Syngman Rhee Minister of Home Affairs, Kim Hyo Suk, who had stated, "Syngman Rhee visited Japan in the spring of this year at MacArthur's request. He there received instructions from MacArthur to place his army at MacArthur's disposal for the duration of the 'campaign against the North' . . . At dawn on 25 June this year, Syngman Rhee gave orders to start the offensive against North Korea. The plan of operations was . . . to open an offensive along the whole length of the 38th parallel".

127. After having read out the first official statement dated 25 June, of the Ministry of Home Affairs of the Korean People's Democratic Republic, on the beginning of events in Korea, the representative of the USSR said that the facts contained in that statement were unknown to the Security Council and that the United States delegation had made every effort to conceal them by refusing up to the present to allow the representatives of the Government of the People's Democratic Republic of Korea to place those facts before the Security Council.

128. Syngman Rhee's innumerable aggressive speeches against North Korea were also well known to all. For example, speaking on 19 June in the so-called National Assembly at Seoul, in the presence of Mr. Dulles, Syngman Rhee had said: "If we are unable to protect democracy in the cold war, we will be victorious in a hot war".

129. In reply to that statement, Mr. Dulles had assured Syngman Rhee that the United States would give all necessary moral and material support to South Korea in its fight against communism. Thus, Syngman Rhee had received Washington's permission through Mr. Dulles to launch an attack on North Korea.



130. The beginning of United States aggression in Korea, as was evident from the report of the Foreign Affairs Committee of the House of Representatives of the United States Congress, had been preceded by extensive preparations in South Korea, starting in July 1949. The United States had provided Syngman Rhee with various armaments, to the value of \$110 million. On 19 May 1950, Mr. Johnson, leader of the United States administrative machinery for aid to Korea, had officially stated in the Appropriations Committee of the House of Representatives of the United States Congress that "100,000 soldiers and officers of the South Korean Army, provided with United States equipment and trained by the United States Military Mission, had completed their military preparations and could go into battle at any moment".

131. The representative of the USSR cited further facts showing that the plan for the armed attack on North Korea had been prepared in direct collaboration with General MacArthur and that, on the night of 25 June, Syngman Rhee had carried out MacArthur's order and had unleashed an internecine, fratricidal war in Korea. The United States Government had immediately started the intervention in Korea. President Truman's order had been issued at noon on 27 June; that was three hours before the meeting of the Security Council which took place on the same day. The United States Government had thus confronted the United Nations and the whole world with the accomplished fact of its aggression against the Korean people.

132. In December 1945, the Foreign Ministers of the USSR, the United States and the United Kingdom had adopted the well-known historical decision on Korea. Later, China had also associated itself with that decision, which fully assured the restoration of Korea as a unified, independent and democratic State. Soon afterwards, however, the United States Government and its Command in South Korea had begun to prevent the implementation of that decision. Having interfered with the establishment of a temporary democratic government in Korea, and noting the Korean people's dissatisfaction with that policy, the United States Government, counting on the support of the Anglo-American bloc in the United Nations, had unlawfully, in violation of war-time agreements and of Article 107 of the Charter, referred the Korean question to the United Nations in 1947, thus breaking the Moscow Agreement of the three Foreign Ministers.

133. Government circles of the United States, striving to convert the whole of Korea into a colony and counting on an easy victory, had decided to provoke an armed conflict in Korea between the government camp of South Korea and the government camp of North Korea. However, the army which Syngman Rhee had moved against the People's Democratic Republic of Korea on 25 June, had not and could not stand the gruelling test of an encounter with the true Korean People's Army, which was faithfully serving its people and was inspired by the high ideal of a sacred war for liberty and national independence and the creation of a unified independent and democratic Korean State free from all foreign servitude and oppression. Having lost their "watchdog" in Korea as a result of the collapse of the pseudo-national forces of Syngman Rhee, United

States ruling circles were now attempting to pervert the whole of the United Nations into a weapon for the defence of United States capital investments and of their strategic interests in Korea and the Far East, and thereby to conceal and justify the gross aggression of the United States Government against the Korean people. It was for that purpose that the United States Government needed resolutions, even illegal resolutions, of the Security Council, and also required the flag of the United Nations.

134. The actions of the United States Government towards the Korean people fell entirely within the definition of aggression widely accepted in international relations: they constituted a direct act of aggression and the United States Government was the attacking party, the aggressor. It had attempted to conceal and justify its aggression by means of the illegal Council resolutions of 25 and 27 June, adopted in violation of the Charter. In order to rectify matters, the United States Government was now attempting to force upon the Council a further illegal resolution condemning the Government of the People's Democratic Republic of Korea for its alleged "defiance of the United Nations". This was a further attempt to create the false impression that the Government of the People's Democratic Republic of Korea was failing to comply with lawful decisions of the Council. There were, however, no lawful decisions of the Security Council on the Korean question. It was therefore impossible either to defy or to violate non-existent decisions.

135. The United States draft resolution (S/1653) was designed to aggravate the civil war in Korea, to secure the illegal condemnation of one of the parties to that war and, particularly, to conceal and justify the further extension of United States aggression against the Korean people.

136. The contrast between that draft resolution and the one submitted by the delegation of the USSR (S/1668) would, he considered, show the peoples of the world that the Government of the USSR was calling upon the Security Council and the United Nations to follow the road to peace, while the United States Government was pushing the Council and the United Nations farther and farther along the road to war.

137. At the 487th meeting (14 August) the representative of ECUADOR pointed out that, since 1 August, not only had the rules of procedure been violated, but a precedent had been established to the effect that the President of the Council could exercise a type of veto over those rules. The Council had remained paralysed and thus had weakened the hope of peoples for peace. Countries like his were deeply concerned about the present division of the world and believed that, at that moment, a supreme effort to avoid greater evils and to ensure man's very survival and the pacific co-existence of nations was essential. Was it not possible to discuss without drawing further apart, and to see if there remained any equitable means of understanding? All peoples wanted peace, but not dictated ideas, ways of life and alleged truth at variance with the facts. The world would not accept the version that the invaded Republic of Korea was the aggressor, or that the United Nations Commission on Korea, composed of representatives of sovereign States, could be a mere tool of the United States.

138. With regard to the question of hearing representatives of the North Korean authorities, he said that, as a beginning, those representatives could be heard immediately by the Commission; but it would not be fitting to hear them in the Council at the very moment when they were committing an act of aggression and waging war against the United Nations. That was not against the principle that both parties must be heard in order to arrive at an impartial judgment.

139. The attitude taken by the Security Council was not the effect of orders or pressure by one State, as they had been told, but was founded on respect for the United Nations Charter. His delegation looked with favour on the attempts of the Asian peoples, such as the Korean people and others, to achieve true independence; what it did not want was for small minorities to set up new and harsher forms of dependence.

140. It was another mistake to think that fifty-two nations would become accomplices in the imperialistic acts of another nation. Nations could co-operate without giving up their own ideas and interests, and they could work together without submitting to the most powerful among them.

141. The position of the United Nations in the Korean conflict was that, if the United Nations had allowed Korea to be invaded and occupied, it would have ceased to function as a political instrument for the preservation of peace and for the protection of the independence of the peoples of the world.

142. The representative of NORWAY considered that the representative of the Union of Soviet Socialist Republics had taken an inconsistent position by insisting, on the one hand, that the Council's resolutions regarding the Korean question were invalid because adopted without the concurrence of the People's Republic of China, and by assuming, on the other hand, the Presidency of the Council while the People's Republic of China was not represented on it.

143. The representative of INDIA suggested that the Council should appoint a committee consisting of its non-permanent members to study all draft resolutions or proposals that had been or might be presented under the title "A peaceful settlement in Korea".

144. The representative of FRANCE, after welcoming the return of the USSR representative, noted that since the latter had taken over the Presidency, the Council had not been able even to begin discussing its agenda but had been held up by the following point of order: Could a decision of the Council be reopened without its consent? Obviously it could not.

145. The representative of France expressed the view that the USSR delegation, which had been absent on 25 June, had by its systematic failure to appear failed in its obligations. It was therefore strange that it should attempt to draw a legal consequence from its own failure. Moreover, the USSR delegation, in full knowledge of the circumstances, had allowed the Council's discussions to develop on the Korean question. It was therefore not entitled, after five weeks had passed, to oppose the continuation of the Council's work.

146. It therefore appeared that the paralysis of the Council, the assistance given thereby to the Korean aggressor, the attempt to disrupt the unity of the inter-

national organization and the attack against the United States had hitherto been the only results of the USSR delegation's return. As regards the proposal submitted by the latter, it amounted to a liquidation of the United Nations action in Korea and possibly of the international organization itself.

147. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the Charter did not require from each member of the Council obligatory participation in its meetings in all circumstances. The refusal of the Government of the USSR to participate in meetings of the Council could therefore not be regarded as a violation of established procedure. Since, on the other hand, the rules of procedure definitely provided that the Presidency of the Council should be held by the members in rotation, and since he had been unwilling to violate those rules, he had considered it necessary to fulfil his obligation in that respect.

148. The representative of FRANCE could not agree that it was possible at one and the same time, to assert that meetings of the Council in which a member did not participate were invalid and to deny that a member was sabotaging the work of the Council by refusing to take part in those meetings over a period of six months.

149. At the 488th meeting (17 August), the representative of CUBA considered that the provision of the Charter which recognized the right of any State party to a dispute to be heard, was not applicable to cases of aggression.

150. As to the USSR draft resolution (S/1668), he thought that, far from being aimed at a peaceful solution of the Korean question in accordance with the Charter, it advocated a peace on Moscow's terms.

151. The representative of the UNITED STATES OF AMERICA stressed that, in Korea, the United Nations was engaged in a struggle to give a small nation the right to live in liberty and independence, free from political pressure from any side. United Nations forces were fighting in Korea because they believed that, if they protected one small country, they were protecting all countries, great and small, from political oppression and military invasion.

152. The United States, like almost every other Member of the United Nations, wished to live in peace, in tolerance and in productive co-operation with its neighbours in the world community. It was determined to support the efforts of the United Nations to ensure that all countries, small and great, might be free from aggression. The United States believed that if aggression was stopped in Korea, it was less likely to break out elsewhere, and that the restoration of peace in Korea by the United Nations would strengthen peace in the world. The United States had no designs on Korea as a military base, and hoped some day to see it agreed that no great Power would try to dominate a unified Korea.

153. There would be no United States troops, no forces of any of the other United Nations in Korea now if the North Korean authorities had exercised that restraint which the Soviet Union was in a position to suggest to them. If the Soviet Union would now exercise its influence, the breach of the peace would be ended forthwith.

154. He stated the three great objectives for Korea to which the United Nations was committed: to end the breach of the peace, to provide a demonstration of United Nations achievement in Korea which would deter and prevent any future aggression, and to seek the establishment by the Korean people of a free, unified, and independent nation in order that they might attain complete individual and political freedom. The United States representative concluded by urging that those long-range aims not be lost sight of in the tumult of fighting.

155. The representative of CHINA considered that, when viewed in the light of Asian history during the last centuries, the situation now was that the peoples of Asia had the right to look forward to a period of friendly relations with the Western Powers, for the first time, on the basis of equality. At the present juncture, however, one Power alone continued its imperialistic exploitation of Asia; that Power was the Soviet Union.

156. The representative of YUGOSLAVIA supported the suggestion of the representative of India for the establishment of a committee composed of the non-permanent members of the Council.

157. The representative of NORWAY supported the view that Article 32 of the Charter could not be invoked in favour of inviting a representative of the North Korean authorities because the Council was not dealing with a dispute but with an act of aggression perpetrated by those authorities.

158. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, considered that the representative of the United States was evading the fact of aggression by the Government of the United States against the Korean people, without replying to a single one of the facts adduced in the statements of the delegation of the USSR. The purpose of the statement of the United States representative was, he said, to divert the attention of the Council, of the United Nations, and of world public opinion from the real events taking place in Korea.

159. At the 489th meeting (22 August), the President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, considered that it was now quite clear that the question of inviting only the representative of Syngman Rhee had been raised for the sole purpose of preventing discussion of the USSR proposals for the peaceful settlement of the Korean question. The whole world knew that armed intervention in the internal affairs of the Korean people, armed aggression in Korea, was being carried out by United States forces on the personal orders of President Truman and under the command of a United States general. No illegal resolutions could veil or justify that aggression.

160. The concept of aggression had been firmly established in international law as an attack by one State upon another State; it had never occurred to anyone to regard as an aggression an internal struggle within a State, an internal conflict within a nation, a civil war in progress upon the territory of one and the same State, upon territory inhabited by one and the same people, between two government camps of that people. On the contrary, the intervention of foreign

States in an internal conflict, in a civil war in any State, had always been described in international law as a typical manifestation of aggression. The ruling circles of the United States, he said, were attempting arbitrarily and illegally to replace the generally accepted principle of international law by the notorious "Truman Doctrine", which was essentially an attempt to justify the intervention of United States ruling circles in the domestic affairs of other countries and peoples. That doctrine openly destroyed the right of peoples to determine their own fate, and was a clear violation of international law and of the Charter.

161. The representative of the United States, he said, attempted to represent United States action in Korea as a kind of United Nations crusade against North Korean aggression. However, even the inhabitants of the United States no longer believed the assurances of President Truman in that respect. By referring to the so-called "majority" in the United Nations, the United States representative hoped to prove that it was not the United States and two or three colonial Powers which were participating in aggression against the Korean people. The facts showed, however, that the aggression of the United States Government in Korea was receiving active support primarily from one colonial Power: the United Kingdom and its Anglo-Saxon Dominions.

162. The colonial war against the peoples of Asia, begun as early as 1945 by the Netherlands imperialists in Indonesia, the British in Malaya, and the French in Indochina, had now been actively joined by the imperialists and aggressors in the United States, who, having committed an act of direct aggression against China by the occupation of Formosa (Taiwan), were waging war against the Korean people and dragging other colonial Powers into that war. Thus, he said, under the guidance of ruling circles of the United States and Wall Street, a sort of reactionary imperialist alliance of colonial Powers was being formed in the middle of the twentieth century for the purpose of forcibly suppressing national liberation movements among the colonial peoples and securing their further subjugation. However, the peoples of all colonial and dependent countries, inspired by the great historical example of the peoples of Russia and by the heroic struggle of the Chinese people for national liberation, had started their active campaign for freedom and national independence.

163. It was clear that armed aggression against the Korean people and the peoples of other countries of Asia was, under the conditions prevailing in the middle of the twentieth century, an illegal and cynical international act. For the purpose of concealing that colonial brigandage, the United States Government, with the support of the governments of other colonial Powers, was exerting every effort to compel certain colonial slaves and "Marshallized" lackeys to send a certain number of their troops to Korea in order to give United States military operations in Korea and the Far East an appearance of being international. That did not, however, alter the essential nature of United States aggression, which remained imperialist and colonial, and was aimed at preventing the establishment of an independent State and at stifling the national liberation movement in other countries of Asia.

164. Comparing developments in North and South Korea, the representative of the USSR considered that North Korea, since 1945, had gone forward with giant strides towards true national democratic development, while the rule of the United States occupation authorities and their Syngman Rhee puppets had reduced the economy of South Korea to a state of depression. There had been no land reform in South Korea. The number of schools had declined from year to year. Unemployment and poverty had reached immense proportions. The predatory policy of the United States imperialists, and the régime of terror which they had established in South Korea, had been unable, however, to break the will of the people to unite the country. That will had expressed itself in universal elections which had led to the creation of the Supreme National Assembly of the People's Democratic Republic of Korea. The people of South Korea had not followed or supported the Syngman Rhee clique. The civil war, forced upon the Korean people by that clique, had become from the outset a Korean people's war of liberation against the United States interventionists.

165. It was the duty of the Council, he concluded, to proceed immediately to the peaceful settlement of the Korean question, after terminating hostilities in Korea and demanding the immediate withdrawal of all foreign troops from the country. Those measures alone could bring to an end the bloody colonial aggression of the United States Government in Korea and pave the way for a peaceful settlement of the Korean question.

166. The representative of the UNITED KINGDOM considered the thesis of the representative of the USSR to be as follows: First, the forces of the Republic of Korea had attacked North Korea at the instance of the United States and other "imperialist" Powers; secondly, the war in Korea was nevertheless a "civil war", in which, whatever the Charter might say, the United Nations should not intervene; thirdly, however that might be, the conflict was a "dispute" to which there were two sides, and representatives of both sides should come together in order that the Council, by exercising mediation, should arrange for what was described as a "peaceful settlement"; fourthly, by "peaceful settlement" was meant some arrangement, whereby the fighting stopped, the United Nations forces retired, and the communists were left in ultimate possession of the field; fifthly, all that was required, therefore, to achieve peace in the first instance, was for a representative of the communist authorities in North Korea to be invited to the Council's table along with a representative of the Republic of Korea.

167. Regarding the first point, however, the patent fact of aggression had been verified by the United Nations Commission itself. It was useless to say that the Commission was "prejudiced" for the reason that it did not include a Soviet Union representative, since it was the USSR Government itself which had boycotted the Commission from the start. It had done so because it feared that the Commission might find out what was really happening behind the iron curtain in Korea; what the conditions forced on the majority of the unfortunate population were really like, and how the army of aggression composed of specially selected young fanatics was being formed. The mere fact of the exclusion of the United Nations was in itself pretty

good evidence that the communists in North Korea were engaging in some form of activity which would revolt any non-communist spectator.

168. As regards the second point, the United Kingdom representative stressed that the final clause of Article 2, paragraph 7, of the Charter provided for United Nations action in cases of civil war. Besides, the "civil war" argument amounted to acceptance of a procedure along the following lines: a State was divided into two parts; then a special government was organized in one part by some Power, nobody else being allowed to see how that government was formed or what it was doing. Full governmental authority was given to the government and it was recognized by that same Power, even though most States had recognized the government in the other part of the State. Then the first government, possessing *de facto* authority over half the territory, attacked the lawful government of the other half which had been set up under the international protection of the United Nations. Nobody, however, was allowed to interfere with that process, on the grounds that it was a "civil war". The result was that, in defiance of international authority, the Power in question gained control of the whole country. It was quite easy to think of other cases in which that interesting theory might be applied.

169. Regarding the third point, it would have been perfectly correct to agree to it if the Council had now been dealing with a dispute, but it was now dealing, on the contrary, with a violent attack by one party upon another, and the Council had already found the attacker to be in the wrong. To invite him to a hearing as long as the attack was going on would be like asking a criminal for a statement of his views when he was still engaged in committing the crime. As to the use of the term "peaceful settlement", he stressed that if by "peaceful settlement" was meant anything except a demonstration that aggression did not pay and that communist governments must not indulge in that kind of violent activity any more, it would not be a settlement which would bring peace to the world.

170. The representative of the United Kingdom then turned to what he termed the general subject of peace. He expressed the view that the Soviet Union in its propaganda reversed the actual meaning of words. A fundamental article of communist doctrine was that the aims of the Communist Party could, in the long run, only be achieved by force. Lenin had said, "The existence of the Soviet Republic side by side with imperial States for a long time is unthinkable. We or the others must triumph in the end, and before that end supervenes a series of frightful collisions between the Soviet Republic and the bourgeois States will be inevitable". The Soviet doctrine also divided wars into just wars and unjust wars. Any war in which the Soviet Union or its clients were engaged must, according to the USSR, be a just war of liberation, whereas any war in which the non-communist countries were engaged must be an unjust war of conquest. According to the Soviet Union, the North Koreans were resisting the forces of imperialism, but what Marx denounced as imperialism in 1848 no longer now existed. The peculiar views of the Soviet Union about aggression were illustrated by Stalin's statement, in November 1939, that it was not Germany which had attacked France and Britain, but

France and Britain which had attacked Germany, thus assuming responsibility for the present war. If Stalin himself subscribed to this remarkable analysis of aggression in 1939, who was going to believe Soviet theories of aggression in 1950? Unless those deterministic ideas were abandoned, the possibility of war must always remain. If, however, the fifty-three nations now supporting the United Nations action in Korea maintained their unity, those deterministic ideas would not be applied in practice because it would then be impossible for the Government of the Soviet Union to achieve by violence those ends which at the moment it seemed determined to secure.

171. The representative of the UNITED STATES OF AMERICA considered that, apparently, the Soviet Union representative could conceive of relationships between nations only in terms of power, in terms of the stronger dominating the weaker. However, inside and outside the United Nations, on every continent, men would vote together, would act together, and would make common sacrifice because they firmly adhered to the great principles on which peace and freedom must rest.

172. The representative of the USSR proposed to place the invader, who had an unbroken record of defiance of the United Nations, on an equal footing with the Republic of Korea, established with the help of the United Nations and which the General Assembly had found to be the only lawful government in Korea. Such a course of action, however, would place a premium on aggression.

173. The representative of the USSR used propaganda devices to cover the truth, calling falsehoods irrefutable facts. The United Nations Commission on Korea, which was an independent and unbiased witness, had stated in its cablegram of 26 June (S/1505/Rev.1), *inter alia*, that for the past two years the North Korean régime had, by violently abusive propaganda, by threatening gestures along the 38th parallel and by encouraging and supporting subversive activities in the territory of the Republic of Korea, pursued tactics designed to weaken and destroy the Government of that Republic. The Commission had also described the elections of 30 May 1950, which had been successfully conducted in an atmosphere of law and order, with all parties except the underground Communist Party participating. The cablegram had also stated that there had been distinct signs of improvement in both the economic and the political stability of the country. The 30 May elections had produced a new National Assembly with some 130 Independents out of a total of 210 members. The party which had received a majority in 1948 had lost its majority to other parties. In the free world any party might win an election. The secret ballot gave every man a voice in his own destiny. Could that have been the thought which the representative of the Soviet Union had in mind when he referred to the "ruling circles" of the United States? There were ruling circles in the United States; there was a total, according to the last census, of over 150 million "ruling circles".

174. The facts, far from showing the collapse of the political régime in the Republic of Korea, demonstrated the opposite. In spite of the tactics of the communists to weaken and destroy it from within, the new republic, by democratic methods, had strengthened itself in the

elections of 30 May. The obvious conclusion was that the North Korean régime, when it had found that it could not take the Republic from within, had launched aggression to take it by force of arms from without. The United Nations had acted with dispatch and unity and the United States had supported that United Nations action. The very fact that the Soviet Union had not submitted to the Council on 25 June a complaint that the United States had made an armed attack on North Korea or that the Republic of Korea had invaded North Korea, was consistent only with the fact that the aggressors were the North Koreans.

175. At the 490th meeting (25 August), the President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, stated that all facts quoted in his statements had been based on official sources. Not a single one of the official statements he had quoted, he said, either those made by the United States officials or those made by spokesmen of the Syngman Rhee régime, had been refuted either by the representatives of the United States or the United Kingdom. With regard to the remarks of the representative of the United Kingdom concerning the subject of peace, the fact was that Lenin had put forward, and Stalin had developed and strengthened, the theory of co-existence, of business relations and peaceful economic competition between the Soviet State and capitalist States. History had shown that it was Britain and the United States which had more than once, both overtly and covertly, sought to destroy Soviet Russia.

176. Thereafter, speaking as the PRESIDENT, he drew the attention of the Council to communications received from a number of States including Poland, Czechoslovakia, the People's Republic of China and the Mongolian People's Republic, and to over 3,500 communications from non-governmental sources. Those communications protested against United States intervention in Korea, against the inhuman bombing of towns and villages by the United States Air Force, against the bombardment of Korean coastal areas by the United States Navy and against other barbarous methods of mass destruction of the peaceful population of Korea. It was the duty of the Council, he said, to take into account the desire thus expressed by broad masses of the people throughout the world who were demanding the cessation of aggression, the restoration of peace and the peaceful settlement of the Korean question.

177. At the 494th meeting (1 September 1950), the PRESIDENT of the Security Council for the month of September, the representative of the United Kingdom, basing himself on the decision taken on 25 June, invited the representative of the Republic of Korea to take his seat at the Council table.

178. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS challenged the ruling of the President in the matter and recalled that the USSR draft resolution (S/1668), submitted at the 483rd meeting, proposed an invitation to both parties. He considered that the view of the representatives, headed by the representative of the United States, who thought that Article 32 of the Charter did not apply to cases of aggression, represented a perversion, not only of the spirit and the letter of the Charter but also of the generally accepted policy which the Security Council had

followed ever since it considered its first dispute and the first act of aggression.

179. He recalled that, during the consideration of the Indonesian question, an act of aggression had been committed by the Government of the Netherlands against Indonesia, so that the Netherlands had been the aggressor and the Republic of Indonesia the victim of aggression. Yet no one had thought of inviting to the Council table only the victim of aggression and of not inviting the Netherlands. Furthermore, it was common knowledge, he said, that it was the United States which was the aggressor in Korea. Thus, the representative of the aggressor was present and the representative of the victim of aggression was not, because the aggressor and some of his accomplices were preventing the victim from attending.

**Decision:** *The President's ruling was upheld by 9 votes to one (USSR) with one abstention (United Kingdom).*

180. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS then introduced the following draft resolution (S/1751):

*"The Security Council*

*"Decides that during the discussion of the Korean question it shall be necessary to invite and hear at its meetings the representatives of the Korean people, i.e., the representatives of North and South Korea."*

181. The representative of NORWAY considered that the wording of the USSR draft resolution was such that, if that proposal was rejected, the Council would be left in doubt as to whether the situation with regard to the representative of the Republic of Korea should be governed by the rejection or by the President's last ruling.

182. The PRESIDENT, the representative of the United Kingdom, declared that to avoid any such doubt he considered himself obliged to state a ruling. He ruled that if the USSR draft resolution (S/1751) was put to the vote and rejected, nothing in such a rejection should prejudice the right of the representative of the Republic of Korea to be present at the Council table during the discussion of the present item.

183. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that his delegation could not agree to such a decision on the future course of events.

184. The representative of EGYPT considered that such a matter could not be the subject of a ruling by the President. He would therefore not participate in the voting on that ruling.

**Decision:** *The President's ruling was upheld by 8 votes to one (USSR), with one abstention (Yugoslavia) and one member (Egypt) not participating in the voting.*

185. The representative of INDIA considered that Article 32 of the Charter could not be applied to the situation in Korea at the present stage, because the Council was considering, not a dispute, but a breach of the peace. The question of hearing a representative of the North Korean authorities could not arise until the hostilities had ceased and the withdrawal of the North Korean forces had been agreed upon. He would

therefore vote against the USSR draft resolution at that stage.

186. The representative of CUBA stated that he would vote against the USSR proposal, not only for the reasons advanced by the representative of India, but also because the North Korean authorities had ignored the attempts of both the United Nations Temporary Commission on Korea and the present Commission on Korea to enter into contact with them, and because those authorities had refused, after the outbreak of hostilities, to recognize the authority of the Council and had failed to comply with its decisions.

187. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS maintained that, when questions falling within Chapters VI and VII of the Charter were discussed, the representative of the party against which charges of aggression had been brought must attend meetings of the Council in order that the Council might better clarify the facts of the dispute and take all the necessary measures to halt aggression and to prevent the war from spreading. Nothing had been done to that effect. The representative of North Korea had not been admitted to the Council meetings. Thus, from the very outset of the Korean conflict, illegal and unjust acts had been committed against one of the parties to that conflict. Therefore, any references to the "legal grounds" were without any foundation.

188. The representatives of FRANCE and the UNITED KINGDOM associated themselves with the arguments submitted by the representative of India regarding the voting on the USSR draft resolution.

**Decision:** *At the 494th meeting, on 1 September 1950, the USSR draft resolution (S/1751) was rejected by 8 votes to 2 (USSR, Yugoslavia), with one member (Egypt) not participating in the voting.*

189. The representative of the REPUBLIC OF KOREA considered that the Korean people was in a struggle for its existence as a free and independent nation and would not accept any concession likely to be a camouflage for future aggression.

190. It was his Government's wish that elections be held in North Korea, after the cessation of the present conflict, to fill the seats left vacant for representatives of that area in the National Assembly of the Republic of Korea. Such elections should be held only after an atmosphere of complete freedom had been secured and, until those elections, the Government of the Republic of Korea should have jurisdiction over the civil administration of the area.

191. At the 495th meeting (5 September), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, recalling the statement made by him as President of the Council on 25 August (490th meeting), regarding communications received from a number of governments and from various non-governmental sources, informed the Council that, during the month of August and the first days of September, a total of over 20,000 cablegrams and letters had been received protesting against United States aggression in Korea, against the barbarous bombing of Korean towns and against the strafing of the civilian population by the United States Air Force.

192. At the same meeting, the representative of the UNITED STATES OF AMERICA drew the Council's attention to a communication dated 5 September (S/1758) from the deputy representative of the United States. The communication stated that, on the previous day, a bomber, identified only as bearing a red star, had opened fire upon a United Nations fighter patrol off the west coast of Korea. The patrol had returned the fire and shot down the bomber. The body of only one member of the bomber crew had been recovered and that member had been identified as a member of the armed forces of the USSR.

193. That incident, said the representative of the United States, illustrated the desirability of the immediate adoption by the Council of the United States draft resolution (S/1653) submitted at the 479th meeting. That proposal, he again wished to stress, was aimed at localizing the conflict, repelling the aggression in Korea and restoring peace in the area. The USSR ruling circle, on the other hand, seemed in his view to have been doing its best to increase tension between the Chinese communist authorities and those Members of the United Nations which were acting together to repel that aggression. In that connexion, he referred to reports, recently received by the United States Government, of substantial rail and road traffic in the area of North Korea adjacent to the Manchurian frontier. He quoted a recent broadcast report by the President of the United States in which it was said, *inter alia*, that the fighting in Korea would not spread unless communist imperialism drew other armies and governments into the fight of the aggressors against the United Nations.

194. The representative of FRANCE considered that adoption of the United States draft resolution (S/1653) would constitute a natural continuation of the action taken by the Council on 25 June. Nothing, he thought, could be more specifically in keeping with the Council's duty, as defined in the Charter. His delegation would therefore support that draft resolution.

195. On the other hand, it could not support the USSR draft resolution (S/1668). He could see no particular reason for inviting a representative of the Peking authorities to take part in the discussion of the present item. With regard to an invitation to a representative of the Korean people, the Council had already taken a position in that matter. Moreover, the last provision of the USSR draft resolution failed to take into account the Council's resolution of 25 June.

196. The representative of NORWAY supported the United States draft resolution. It was, in his view, a timely corollary to the Council's resolutions of 25 and 27 June.

197. In reply to the statement of the representative of France, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS remarked that his delegation was not at all surprised at that statement since one could hardly expect the representative of France to support a proposal for the peaceful settlement of the Korean question at a time when the French Foreign Ministry was announcing that French troops were being dispatched to Korea.

198. As to the substance of the question under consideration, he stated that the main purpose of the United States draft resolution was not to "localize the

conflict" as the United States representative had asserted, but to conceal and justify the aggression of the United States in Korea and the measures being taken by American ruling circles to extend United States armed intervention in the internal affairs of the Korean people, and to involve the largest possible number of countries in that aggression. The United States Government, supported by the governments of the colonial Powers of Europe, was waging a colonial and imperialist war against the Korean people and against the peoples of the other countries of Asia and the Far East. The most eloquent confirmation of the fact that the United States was waging war, not only against North Korea, but against the entire Korean people, could be seen in the barbarous bombardment, by United States naval and air forces, of peaceful towns and villages in both North and South Korea.

199. Referring to communications received from a number of governments and non-governmental organizations, he stated that the peoples of the whole world, above all those of the Soviet Union, of the People's Republic of China, of all Korea, and of the people's democracies, together with other millions in France, the United Kingdom, the United States and a number of other countries of Europe, Asia and America, demanded the immediate cessation of United States aggression in Korea and in Asia, and a prompt and peaceful settlement of the Korean question. The Security Council could not turn a deaf ear to the voices of the peoples of the world; the Council must take urgent and energetic steps for peaceful settlement of the Korean question. Only the immediate cessation of military operations and the withdrawal of all foreign troops from Korea could guarantee an immediate peaceful settlement of the Korean question.

200. Those who had the interest of peace at heart, he concluded, could not but support the USSR proposal for such a settlement.

201. At the 496th meeting (6 September), the Council, at the request of the representative of the USSR, was informed of the contents of a note (S/1766) addressed by the Government of the USSR to the Government of the United States regarding the incident of 4 September which had been dealt with in the communication dated 5 September (S/1758) from the deputy representative of the United States. According to the USSR note, a bomber of the USSR Air Force, which had neither bombing nor torpedo equipment and was carrying out a training flight from Port Arthur on the date in question, had been attacked and fired upon, without justification or excuse, by eleven fighters of the United States Air Force. The Soviet Government rejected the American version of the incident and protested against that action of American military aircraft. It insisted upon an investigation and punishment of those responsible, and on reparations for the loss of the crew and the destruction of the Soviet aircraft. In conclusion, the USSR note drew attention of the Government of the United States to the serious consequences which might result from such acts on the part of American military authorities.

202. The representative of CUBA, speaking in support of the United States draft resolution (S/1653), considered it appropriate that the Council, in the prevailing circumstances, should ask all States to comply



with the provisions of the Charter and should call upon all Member States to refrain from giving assistance to any State against which the United Nations was taking preventive or enforcement action.

203. Recalling the views expressed earlier by his delegation with regard to the USSR proposals, he considered that those proposals did not constitute any attempt to solve, let alone to localize, the Korean conflict.

204. The representative of CHINA, while supporting the United States draft resolution as a logical and necessary sequence to the previous resolutions of the Council in the matter, feared that it was inadequate to meet the grave issues involved. Certain States, namely the Soviet Union and its satellites, had, he considered, a controlling interest over the North Korean authorities, which they did not exercise on behalf of the cause of peace. What was needed was an open condemnation of that attitude.

205. With regard to the USSR draft resolution (S/1668), he considered that the adoption of its sub-paragraph (a) would enhance the diplomatic prestige of the Soviet Union, while adoption of sub-paragraph (b) would enhance the prestige of the Soviet army on the field of battle.

206. The other USSR draft resolution (S/1679), he said, amounted to a proposition that, while the aggressor was at work, those who chose to defend freedom must remain inactive.

207. The representative of EGYPT expressed his support of the United States draft resolution, which he considered in harmony with the Council's resolution of 25 June.

208. The representative of ECUADOR enumerated the antecedents regarding the Korean question, which, in his opinion, proved that the North Korean authorities were the aggressors or had caused the aggression. He also supported the United States draft resolution, *inter alia*, because of the North Korean aggression, and because it was the duty of the United Nations to prevent or repel any aggression. The draft resolution was the consequence of previous resolutions of the Council on the subject. Moreover, he felt that if all States refrained from assisting the North Korean authorities, the extension of the conflict could be prevented; and, finally, he was convinced that if the Government of the Soviet Union requested the North Korean authorities to withdraw their forces to the 38th parallel, those authorities would do so, and the road would then be open to a full settlement of the Korean question. It would be proper then, but not before then, for the Council to hear representatives of those authorities.

209. Turning to the USSR draft resolution (S/1668) he recalled the objections he had voiced earlier to its first sub-paragraph. As to sub-paragraph (b), he considered that its adoption would mean sanctioning of the aggression and surrender to the aggressor.

210. With regard to the other USSR draft resolution (S/1679), he emphasized that no bombing would have occurred in Korea if the aggressor had complied with the Council's resolution of 25 June. He considered that no vote on that proposal should be taken, but that the Council should request information from the Uni-

fied Command with regard to the accusations made by the North Korean authorities. If the draft resolution was put to the vote, however, he would vote against it.

211. The representative of the REPUBLIC OF KOREA associated himself with the statement of the representative of China, and expressed the hope that the Council would adopt the United States draft resolution, and reject the two submitted by the USSR.

**Decisions:** *At the 496th meeting, on 6 September 1950, the United States draft resolution (S/1653) was put to the vote. There were 9 votes in favour, one against (USSR), and one abstention (Yugoslavia). Since the negative vote was cast by a permanent member of the Council, the draft resolution was not adopted.*

*At the same meeting, the USSR draft resolution (S/1668) was rejected by 8 votes to one (USSR) with 2 abstentions (Egypt, Yugoslavia).*

212. The representative of EGYPT stated that, with respect to the words "and also to hear representatives of the Korean people", in the latter draft resolution, his abstention should be considered as non-participation in the voting.

213. At the 497th meeting (7 September), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS submitted new charges to the effect that the armed forces of the United States had perpetrated numerous atrocities in Korea and particularly that United States air forces, under the label of the United Nations, had been illegally and criminally bombing the peaceful civilian population of Korea, and its peaceful towns and industrial centres, where there were not and never had been any military objectives. Under the pretext of fighting guerrillas, those air forces had burned to the ground dozens of Korean villages and towns. There had been mass executions of Koreans unwilling to leave their birth-places, their homes and property and to retreat with the American troops. The barbarous attacks of American aircraft had caused the destruction of such "military" objectives as schools, hospitals, educational institutions and a great many other public and cultural organizations of Korea.

214. The purpose of the bombings and shellings carried out by American naval and air forces was, he said, to destroy the non-military industry of Korea. Such destruction characterized the notorious cannibalistic and barbarian doctrine of total war, aimed at the destruction of everyone and everything, in order to suppress all resistance for the achievement of aggressive aims.

215. Those barbarous bombardments constituted, he submitted, a gross violation of universally recognized standards of international law, particularly of article 25 of the Fourth Hague Convention, concerning the laws and customs of war on land, and article I of the Ninth Hague Convention, concerning bombardment by naval forces. Those Conventions, signed in 1907, were in full force today. The brutal and inhuman mass bombing of Korean towns and villages, and the rocket shelling and machine-gunning by American air and naval forces, of the civilian population in Korean towns, villages and fields, were resulting in the total destruction of many towns and populated centres and the brutal slaughter of many thousands of non-combatants, including women,



children and old people, who had already fallen victims to the terroristic and barbarous actions of the United States armed forces in Korea.

216. The Security Control, he concluded, must put an end to the shameful and bloody orgy in Korea and adopt the appropriate decision on that urgent question.

217. The representative of the UNITED STATES OF AMERICA, in reply, quoted a statement made on the subject by the United States Secretary of State on 6 September, in which it was stressed that the air activity of the United Nations forces in Korea had been and was directed solely at military targets of the invader, but that the communist command had compelled civilians to work at these sites, had used peaceful villages to cover its tanks and civilian dress to disguise its soldiers. The representative of the United States went on to say that the United Nations Command, however, had exerted every effort, by use of warning leaflets and radio broadcasts, to minimize, to the fullest extent possible, damage and injury to peaceful civilians and property.

218. Alleged violations of the Hague Conventions should be investigated by the International Red Cross. However, as appeared from a letter received by the President of the Council on 29 August from the President of the International Committee of the Red Cross, representatives of that organization had not been allowed into areas under the control of North Korean forces, despite requests to that effect.

219. The representative of INDIA stated that reports of large-scale bombings in Korea had been prevalent in India for some time and had disturbed Indian public opinion. At the same time, the Council could not assume without investigation that all the allegations of bombing were true. Since the USSR draft resolution made that assumption, he would vote against it.

220. The representative of NORWAY considered that the delegation of the USSR had not presented any proof in support of the contention that air forces of the United Nations had carried out bombing raids in Korea in violation of the rules of international law. He would therefore vote against the USSR draft resolution.

**Decision:** At the 497th meeting, on 7 September 1950, the USSR draft resolution (S/1679), was rejected by 9 votes to one (USSR), with one abstention (Yugoslavia).

221. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered it illegal and unjust that the majority in the Council had rejected the draft resolution. The responsibility for such a decision, he said, would rest with the delegations which had voted against it.

222. The President, speaking as the representative of the UNITED KINGDOM, wished to add that the responsibility for the continuation of the Korean war with all its horrors rested with those who had caused it.

223. At the 502nd meeting (18 September), the representative of the UNITED STATES OF AMERICA read out to the Council the fourth report (S/1796) of the United Nations Command operations in Korea, covering the period 16 to 31 August. The report mentioned, *inter alia*, that identified Soviet equipment captured

from the North Koreans in battle bore the manufacturing dates of 1949 and 1950.

224. The conclusions of the report were, *inter alia*, to the effect that positive proof had been obtained that, during 1949 and 1950, the Soviet Union had supplied the North Korean forces with munitions and that the Chinese communists had supplied manpower. It was also charged that the North Koreans had in some instances conducted savagely barbarous killings of captured United States soldiers.

225. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS read out communications dated 7 and 18 September respectively (S/1778/Rev.1 and S/1800), from the Minister for Foreign Affairs of the People's Democratic Republic of Korea charging United States air forces in Korea with barbarous bombings of non-military targets and requesting the Council to take urgent steps to put an end to such activities. The representative of the USSR also charged that the United States forces in Korea were deliberately and forcibly driving the Korean population to the south, but were taking no steps to provide that population with the necessary food, drink or shelter.

226. With regard to the assertion that North Korea was being provided with Soviet arms, he stated that the United States representative's assertion was slanderous and in no way conformed to the facts, since North Korea had only the armaments sold to it by the Soviet Union when the USSR troops withdrew from that country in 1948. He said that the fact was, however, that the artillery part of the North Korean forces consisted of the artillery and equipment so lavishly and generously sent by the Government of the United States to its South Korean puppet, Syngman Rhee. Even the Press in the United States had admitted that Syngman Rhee and the United States troops in Korea had already lost almost as much fighting equipment as had been lost by the United States during the entire European campaign. It was not surprising that the Korean army was well equipped, as it had been able to equip itself from captured booty.

227. At the 503rd meeting (26 September), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS submitted the following draft resolution (S/1812):

*"The Security Council,*

*"Having considered the protest of the Government of the People's Democratic Republic of Korea against the continued inhuman, barbarous bombings of the peaceful population and peaceful towns and inhabited centres carried out by the United States Air Force in Korea, contained in the communication which the Minister for Foreign Affairs of the People's Democratic Republic of Korea, Mr. Pak Hen En, addressed to the Security Council on 7 September 1950 (S/1778/Rev.1), and also in his cablegram addressed to the Secretary-General and to the President of the Security Council, received on 18 September 1950 (S/1800),*

*"Recognizing that the bombardment of Korean towns and villages by the United States armed forces, resulting in their destruction and the mass extermination of the peaceful civilian population, is a flagrant violation of the generally accepted rules of international law,*

*"Decides:*

*"To call upon the Government of the United States of America to cease, and henceforth forbid, the bombardment by air forces or by other means of peaceful towns and inhabited centres and also the machine-gunning from the air of the peaceful population of Korea;*

*"To instruct the Secretary-General of the United Nations to bring this resolution of the Security Council without delay to the knowledge of the Government of the United States of America."*

228. At the 508th meeting (30 September), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that it was clearly shown, not only by the communications referred to in his draft resolution, but also by reports from General MacArthur's headquarters, that the ceaseless strafing of the civilian population and the bombing by the United States Air Force of peaceful towns and localities in Korea were still continuing. Those barbarous bombings, the mass murder of the civilian population, the devastation of towns and villages, the destruction of the crops of the Korean peasants and other similar savage acts by the United States interventionists in Korea constituted a glaring violation, by the United States Government, of the Fourth and Ninth Hague Conventions of 1907, as he had already pointed out. It was the duty of the Council to take urgent measures to put an immediate end to those acts.

229. The representative of the UNITED STATES OF AMERICA considered that the USSR draft resolution (S/1812) brought out no new point other than certain allegations which the representative of the USSR had been pressing in the Council for some weeks. The purpose of the charges levelled by the USSR delegation against the United Nations air forces in Korea was at least twofold: first, to appeal to the natural abhorrence which all men felt for war and, in particular, for the tragic aspects of bombing; secondly, it constituted an attempt to single out the United States as a special offender in order to divert attention from the fact that it was the United Nations which was engaged in the action in Korea. The statements by the Secretary of State of the United States that peaceful villages were being used to cover the tanks of the invading army, and that civilian dress was used to disguise its soldiers, had not been denied by the representative of the USSR or in the communications from North Korea. No reference had been made, either by the USSR representative or in the communications from North Korea, to the letter received on 29 August by the President of the Council from the President of the International Committee of the Red Cross (497th meeting), in which it was stated that the request from the International Red Cross for access to North Korea had not been heeded.

230. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that there was no air force of the United Nations. The United States Air Force was acting in Korea under the cover of the United Nations flag. The letter from the President of the International Committee of the Red Cross had no bearing on the question under discussion. The real aim behind the repeated references of the United States representative to that letter was to divert the attention of world public opinion and of the Council from the atrocities

perpetrated by the United States Air Force in Korea. The allegations that tanks had been concealed in dwellings in Korea were too absurd to bear repeating.

231. The representatives of INDIA, FRANCE and CHINA stated that they would vote against the USSR draft resolution under discussion for the reasons indicated in connexion with the vote on the preceding USSR draft resolution (S/1679).

**Decision:** *At the 508th meeting, on 30 September 1950, the USSR draft resolution (S/1812) was rejected by 9 votes to one (USSR), with one abstention (Yugoslavia).*

232. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the United States Government, from which the orders to bomb peaceful Korean towns and to strafe the civilian population of that country had emanated, was committing a gross violation of one of the Hague Conventions which had been signed by that Government. Responsibility for the consequences of those barbarous bombings lay wholly with the United States Government, and also with those members of the Council which had prevented the adoption of the USSR proposal.

233. The representative of NORWAY stated that no semblance of a proof of bombardment by United Nations air forces in violation of international law had yet been produced by the representative of the USSR.

234. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that a careful reading of Council documents would show that they contained concrete confirmation of the charges levelled against the United States Air Force.

235. At the 518th meeting (6 November 1950), the representative of the UNITED STATES OF AMERICA brought to the attention of the Council the text of a special report dated 5 November (S/1884), from the United Nations Command in Korea. The report submitted that, in certain areas of Korea, United Nations forces were presently in contact with Chinese communist military units deployed for action against the forces of the United Nations Command.

236. At the 519th meeting (8 November), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS objected to the Council considering the special report of the United Nations Command, on the ground that the Council resolution establishing that Command had been taken in violation of the Charter. Furthermore, General MacArthur's reports could not be regarded as reliable. The history of war showed that army commanders always gave a biased interpretation of events, which they considered exclusively from the point of view of their own military interests. It should also be recalled that, as far back as 27 September, the Government of the Peoples Republic of China had submitted a complaint of violation of China's frontier by American troops in Korea. The Council had been prevented by the United States delegation from adopting a just and legal decision in connexion with that complaint. Since the United States delegation had argued against discussing that communication, there were no grounds for discussing at that time the tendentious and thoroughly unreliable reports of an American general in Korea.

**Decision:** *The agenda of the 519th meeting, on 8 November, was adopted, with one vote against (USSR).*

237. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that, since the Council had decided to discuss the special report and since it would seem from the contents of that report that the interests of the People's Republic of China were directly involved, representatives of the People's Republic of China should be invited to take part in the discussion. He therefore submitted the following draft resolution (S/1889):

*"The Security Council*

*"Decides that during the discussion of the Korean question it shall be necessary to invite the representative of the People's Republic of China."*

238. The representative of the UNITED STATES OF AMERICA stressed that the special report did not refer to volunteers interspersed in the North Korean army but to Chinese communist military units deployed for action against the forces of the United Nations Command. The USSR proposal, he considered, raised therefore the question whether the Council should invite representatives of aggressors to present their views.

239. The Chinese communists had imposed upon the world the danger that the present conflict might not be limited to the Korean area. The United Nations had done its best to avert that peril and the United States, on its own behalf and in the exercise of the responsibilities of the Unified Command, had made every effort to do the same. He recalled the assurances given to the Chinese communists that the United Nations had no aggressive designs in Korea nor elsewhere in the Far East, that no territory or special privilege was sought, that the territory of China was not being encroached upon, that no aggressive action was being taken against China. It was apparent, however, that the assurances given to the Chinese communists had made no impression on them. The Council, he said, should therefore affirm to the Chinese communist régime, once again, the objectives of the United Nations in Korea, and should do so in such a way as to leave no doubt about those objectives. But in offering assurance, the Council must also see to it that the Peking authorities were under no illusion that their conduct was condoned by the United Nations.

240. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that, under the Charter and its rules of procedure, the Council was obliged to invite representatives of the Central People's Government of the People's Republic of China, before considering the charges brought against that Government by the United States.

241. It was known, he said, that the United States delegation and the delegations of other countries bound by a military alliance — the aggressive North Atlantic Treaty — long ago had begun to violate the fundamental provisions of the Charter, and that they were always trying to make slanderous accusations against other countries, without listening to their representatives. In order to form a definite opinion on any case, it was necessary to hear both sides. Obviously, it was much more pleasant for United States representatives to lounge at meetings and hurl indiscriminate accusations

right and left without bothering to hear the opinion of those whom they were accusing.

242. The Council should not have listened to such gross and slanderous accusations based on biased, tendentious and unreliable information from an American general commanding American interventionist forces in Korea, without inviting representatives of the country which was being accused.

243. In view of those considerations, the delegation of the USSR insisted that representatives of the People's Republic of China should be invited.

244. The representative of CHINA stated that he opposed the proposal to extend an invitation to representatives of the Chinese communists on the grounds that the Peking régime was not Chinese in origin or character but the fruit of Soviet Union intervention and aggression in China, and that the matter under discussion was not a dispute.

245. The representative of the UNITED KINGDOM considered that, as a general matter of equity, a representative of the People's Republic of China should be invited to be present during the Council's discussion of the item. However, the USSR draft resolution (S/1889) was not appropriate. He therefore submitted the following amendment (S/1890):

*"The Security Council*

*"Decides to invite, in accordance with rule 39 of the rules of procedure, a representative of the Central People's Government of the People's Republic of China to be present during discussion by the Council of the special report of the United Nations Command in Korea (S/1884)."*

246. The United Kingdom representative felt that if that counter-draft was adopted, the Council should not be debarred, in the interval pending the arrival of a representative from Peking, from considering the item on the agenda and from taking any decision in that respect which it deemed essential.

247. At the 520th meeting (8 November), the representative of the UNITED STATES OF AMERICA stated that the facts at present before the Council could be interpreted as a provocation to general war, and that some information which might guide the Council toward prevention of such war might be gained from witnesses from the Chinese communist régime. The circumstances now were different from those surrounding the proposal to invite representatives of North Korea. In that case, the whole purpose of the Council had been expressed in resolutions and, moreover, the North Koreans had refused to avail themselves of the opportunity of negotiating with the United Nations Commission on the spot. He rejected, however, the concept of an invitation to the Central People's Government of China in the form tendered by the Council in its efforts to adjust controversies by peaceful means. The Peking régime should be summoned before the Council, he said, and afford the community of nations such explanation as it could for the state of affairs which the Council was forced to consider.

248. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the United Kingdom amendment (S/1890) represented, not an amend-

ment to the USSR draft resolution (S/1889), but a separate draft resolution. Accordingly, he asked that those draft resolutions be voted upon separately. He took exception to the use, by the United States representative, of the word "summons", when dealing with an invitation to the representative of a sovereign State.

249. The representative of FRANCE said that he fully supported the proposal of the representative of the United Kingdom.

250. The President, speaking as the representative of YUGOSLAVIA, explained that, having always considered the People's Republic of China as an interested party in the Korean question as a whole, he would vote in favour of the USSR draft resolution. If it was not adopted, he would vote for the proposal submitted by the representative of the United Kingdom.

**Decision:** *At the 520th meeting, on 8 November 1950, the USSR draft resolution (S/1889) was rejected, the vote being 2 in favour (USSR, Yugoslavia), 3 against (China, Cuba, United States), and 6 abstentions.*

251. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS proposed replacing the words "special report of the United Nations Command in Korea (S/1884)" in the United Kingdom draft resolution by the words "the question submitted by the delegation of the United States of America (S/1886)".

**Decision:** *At the same meeting, the USSR amendment to the United Kingdom draft resolution (S/1890) was rejected, the vote being one in favour (USSR), 2 against (China, Cuba), and 8 abstentions.*

252. The representatives of the UNITED STATES OF AMERICA, FRANCE and ECUADOR explained that, while they would vote in favour of the United Kingdom draft resolution, their votes should not be construed as implying recognition by their Governments of the Central People's Government of the People's Republic of China, named in that draft resolution.

253. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that he would also vote in favour of the United Kingdom proposal, even though his delegation did not recognize the United Nations Command and its so-called special report.

254. The representative of EGYPT, after having stated that he would not vote against the United Kingdom proposal, also stressed that his Government's position with regard to the question of the recognition of the Government of China remained unchanged.

**Decision:** *At the 520th meeting, also, the United Kingdom draft resolution (S/1890) was adopted by 8 votes to 2 (China, Cuba), with one abstention (Egypt).*

255. At the 521st meeting (10 November), the representatives of CUBA, ECUADOR, FRANCE, NORWAY, the UNITED KINGDOM and the UNITED STATES OF AMERICA submitted jointly the following draft resolution (S/1894):

*"The Security Council,*

*"Recalling its resolution of 25 June 1950, determining that the North Korean forces had committed a breach of the peace and calling upon all Members of the United Nations to refrain from giving assistance to the North Korean authorities,*

*"Recalling the resolution adopted by the General Assembly on 7 October 1950, which sets forth the policies of the United Nations in respect to Korea,*

*"Having noted from the special report of the United Nations Command in Korea dated 5 November 1950 that Chinese communist military units are deployed for action against the forces of the United Nations in Korea,*

*"Affirming that United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the objectives of stability throughout Korea and the establishment of a unified independent and democratic government in the sovereign State of Korea, as set forth in the resolution of the General Assembly dated 7 October 1950,*

*"Insistent that no action be taken which might lead to the spread of the Korean conflict to other areas and thereby further endanger international peace and security,*

*"Calls upon all States and authorities, and in particular those responsible for the action noted above, to refrain from assisting or encouraging the North Korean authorities, to prevent their nationals or individuals or units of their armed forces from giving assistance to North Korean forces and to cause the immediate withdrawal of any such nationals, individuals, or units which may presently be in Korea;*

*"Affirms that it is the policy of the United Nations to hold the Chinese frontier with Korea inviolate and fully to protect legitimate Chinese and Korean interests in the frontier zone;*

*"Calls attention to the grave danger which continued intervention by Chinese forces in Korea would entail for the maintenance of such a policy;*

*"Requests the Interim Committee on Korea and the United Nations Commission for the Unification and Rehabilitation of Korea to consider urgently and to assist in the settlement of any problems relating to conditions on the Korean frontier in which States or authorities on the other side of the frontier have an interest, and suggests that the United Nations Commission for the Unification and Rehabilitation of Korea proceed to the area as soon as possible, and, pending its arrival, that it utilize the assistance of such States members of the Commission as now have representatives in the area for this purpose."*

256. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS objected to the inclusion of the Korean question in the agenda of the meeting, because he considered that the participation of representatives of the People's Republic of China was essential to the discussion of the questions referred to in the six-Power draft resolution. The time necessary to reach Lake Success should be afforded them, following the invitations issued to them by the Council. The apparent purpose of the United States delegation still was, he said, to discuss questions in the Council without the representatives of States whose interests were concerned, and to conduct debates on those matters on the basis of unilateral reports from General MacArthur, whose hostility towards the peoples of Korea, China and Asia as a whole could not be ignored.

257. The representative of INDIA stressed that reasonable time should be given the Peking Government

to send a representative, before the Council considered the special report of the Unified Command. In view of the importance of the declaration of policy, aimed at lessening tension and fear, contained in the joint draft resolution, his delegation would, however, vote in favour of the inclusion of the item in the agenda, on the assumption that the draft resolution would not be discussed or voted upon at present.

258. The representative of the UNITED KINGDOM expressed himself along similar lines.

**Decision:** *The proposal of the representative of the USSR not to include the item "Complaint of aggression upon the Republic of Korea" in the agenda of the 521st meeting on 10 November, was rejected, the vote being one in favour (USSR) and 10 against.*

259. The representative of FRANCE explained that immediate submission of the six-Power draft resolution (S/1894) had become necessary because the intervention of Chinese units in Korean territory had been intensified since the Council's meeting of 8 November, and had reached very considerable proportions.

260. The draft resolution took a position on two different aspects of that situation, the first being the fact of intervention itself. It was surprising that the Peking authorities, who had so strongly emphasized their desire to represent China in the United Nations, should order or authorize the participation of their nationals in an aggression characterized as such by a vote of the Council. The second aspect was the lack of knowledge with regard to the intentions underlying that intervention. Were the Peking authorities opposing the implementation of the programme laid down by the General Assembly resolution of 7 October, or did they have some special concern in the face of the advance of the United Nations troops?

261. In order to dispel the misunderstandings which might arise, or might have arisen, regarding the intentions of the parties concerned, it was necessary for the policy of the United Nations in Korea to be reiterated as clearly as possible at the present juncture, with due regard to the doubts which the Peking authorities might have regarding the principles of that policy, and with due regard to their special concern for the interests which they considered to be their responsibility.

262. The immediate objective of the draft resolution, he emphasized, was to prevent the development of a threatening situation which might endanger not only the restoration of peace in Korea, but also the very principle of peace in an important area of the world.

263. The representative of the UNITED KINGDOM expressed broad agreement with the statement of the representative of France and stressed that continued intervention by Chinese forces in Korea would have the most serious and unforeseeable consequences. As to the machinery for a settlement, the United Nations Commission for the Unification and Rehabilitation of Korea would shortly be in a position to deal with any genuine difficulty which might arise concerning the frontier region.

264. The representative of the UNITED STATES OF AMERICA stated that international peace and security had been placed in new jeopardy by the leaders of the Chinese communist régime. Assistance had already been

given to the North Korean aggressors by the Chinese communists to the extent of moral encouragement, military supplies and equipment, and the release of some 140,000 combat troops of Korean origin from its armies. Following that assistance, the fighting units of the Chinese communists themselves, in large numbers, had crossed the border from Manchuria to Korea and thus threatened to prolong the process of restoring peace to Korea. He went on to say that this situation endangered peace and security generally.

265. The provisions of the six-Power draft resolution, however, should remove any fears that the territory of China was endangered in any way by the presence of United Nations forces. Whatever its motives, the intervention must cease. The objective of the proposal was to localize the conflict, and pursuit of that objective could not be delayed.

266. At the 523rd meeting (16 November), the representative of CHINA expressed agreement with the fundamental purpose of the six-Power draft resolution to localize the conflict. The communist action in Korea was, he said, totally un-Chinese. It did not serve the interests of China but, obviously, those of the Soviet Union.

267. The representative of ECUADOR referred to the refusal of the Central People's Government, contained in a cablegram dated 11 November (S/1898), to accept the invitation issued by the Council on 8 November (520th meeting). That refusal, he considered, could not influence the position adopted hitherto by the United Nations on the Korean question. On the contrary, the refusal justified the six-Power draft resolution and made its adoption indispensable. The draft resolution merely reaffirmed what had already been stated in the Council's resolution of 25 June and in the General Assembly's resolution of 7 October. He considered that the presence of representatives of the Peking Government was therefore not needed for the consideration and adoption of that draft resolution. Its affirmation that the policy of the United Nations was to keep the Chinese frontier with Korea inviolate, and fully protect Chinese and Korean interests in the frontier area, was obviously to the advantage of both China and Korea. To oppose the draft resolution would be to act counter to the interests of the Chinese people itself and not to desire that a solemn guarantee of respect for the frontiers of China should be given.

268. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the representative of the United States and some of the other co-sponsors of the six-Power draft resolution had attempted to justify American aggression in Korea by expounding a false version of the development of events there and of United States aggression against China.

269. Events in Korea, he said, had begun on 25 June 1950 as a result of a provocative attack by forces of the South Korean puppet régime on the frontier areas of the People's Democratic Republic of Korea. When it had become clear that the régime of Syngman Rhee would collapse, the United States Government had intervened openly, before the meeting of the Council on 27 June had been called. The Council's approval of the United States action had been given retroactively and, moreover, in flagrant violation of the Charter, by the pro-

American group of members, with two permanent members — China and the USSR — not present. He pointed out that the vote of the Kuomintang representative, who illegally occupied China's seat in the Council, had been counted as the seventh in favour of the draft resolution adopted on 27 June. Furthermore, the Charter forbade United Nations intervention in the internal affairs of any State, such as an internal conflict between two government factions, like the conflict in Korea.

270. Events since then had confirmed that the aggressive circles of the United States had broken the peace in an attempt to seize not only South Korea but North Korea as well, with the purpose of depriving Korea of its national independence, of preventing the creation of a united democratic State of Korea based on the freely expressed will of the Korean people without any pressure and outside intervention, of transforming the country into a colony and of using its territory as a military air base in the Far East.

271. He stated that the American interventionists had, under the cover of the United Nations flag, advanced in the direction of the Yalu and Tumen rivers and were at that time directly threatening the north-eastern frontier of China. In addition to its aggression in Korea, the Government of the United States had committed and was committing a number of other acts of aggression. There was evidence of that aggression in the violation of the frontier of China by land, sea and air forces and the seizure of the Chinese island of Taiwan (Formosa). The denunciations contained in the MacArthur special report and the statements of the representatives of the United States on that subject were completely contrary to the truth and constituted an attempt to intimidate China. The United States had invaded Chinese territory, seized Taiwan, violated the sovereignty of China and was threatening that country's security. The Chinese people had therefore every reason to indict the United States Government for its hostile provocations and aggression against China.

272. The mere fact that the six-Power draft resolution was based on the unilateral MacArthur report was enough to prove that it could not be either objective or just, and was therefore unacceptable. Moreover, the draft resolution, which referred to illegal resolutions of the Council and of the General Assembly and thus represented a gross violation of the Charter, was intended to justify and further conceal United States aggression,

both against Korea and against the People's Republic of China, and to secure the extension of American aggression in the Far East.

273. At the request of the representative of the USSR, the Council heard part of a statement dated 11 November (S/1902), by a representative of the Ministry of Foreign Affairs of the People's Republic of China, charging the United States with invading Chinese territory, violating Chinese sovereignty and threatening Chinese security. The Chinese people, it was stated, was voluntarily helping the Korean people to repulse United States aggression. The Central People's Government of the People's Republic of China continued to demand a peaceful settlement of the Korean question, but the Chinese people had no fears of the threats of any aggressors. The Central People's Government of China considered that there were no grounds for hindering the dispatch to Korea of volunteers wishing to take part, under the command of the Government of the People's Democratic Republic of Korea, in the liberation struggle of the Korean people against United States aggression. If that aggression did not stop, the struggle against it would never cease. In order to achieve a peaceful settlement of the Korean question, it was essential to withdraw all foreign troops from Korea and to let the people of North and South Korea solve the question themselves.

274. The representative of the UNITED STATES OF AMERICA, in reply, quoted a statement made by the President of the United States on that same day, 16 November. Mr. Truman, after reviewing the provisions of the six-Power draft resolution and the reasons for its submission, gave the assurance that the United States was supporting and acting within the limits of United Nations policy in Korea and had never entertained any intention to carry hostilities into China. The United States would take every honourable step to prevent any extension of the hostilities in the Far East. Mr. Truman also stated that, if the Chinese communist authorities or people believed otherwise, it could only be because they were being deceived by those whose advantage it was to prolong and extend hostilities in the Far East, against the interests of all Far Eastern peoples.

NOTE: *The debate on the complaint of aggression upon the Republic of Korea is continued in chapter 4 of the present report.*

## Chapter 2

### Complaint of armed invasion of Taiwan (Formosa)

275. In a cablegram dated 24 August 1950 (S/1715) addressed to the President of the Security Council, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China stated that on 27 June President Truman had announced the decision of the Government of the United States of America to prevent by armed force the liberation of Taiwan (Formosa) by the Chinese People's Liberation Army. The United States Seventh Fleet had moved towards the Strait of Taiwan, and contingents of the United States Air Force had arrived in Taiwan. That action was a direct armed aggression on the territory of China and a total violation of the United Nations Charter. The fact that Taiwan was an integral part of China was based on history and confirmed by the situation existing since the surrender of Japan. It was also stipulated in the Cairo Declaration of 1943 and the Potsdam *communiqué* of 1945. The people of China were determined to liberate from the United States aggressors Taiwan and all other territories belonging to China. The Government of the People's Republic of China considered that, to maintain international peace and security and to uphold the dignity of the Charter, it was the duty of the Security Council to condemn the United States Government for its armed invasion of the territory of China, and to take immediate measures to bring about the complete withdrawal of all the United States invading forces from Taiwan and from other territories belonging to China.

276. In a letter dated 25 August (S/1716), the representative of the United States replied that President Truman's statements of 27 June and 19 July, and the facts to which they related, had made clear certain fundamental points as follows:

(1) The United States had not encroached on the territory of China, nor taken aggressive action against China.

(2) The action of the United States in regard to Formosa had been taken at a time when that island was the scene of conflict with the mainland, with more serious conflict threatened by the public declaration of the Chinese communist authorities. Such conflict would have threatened the security of the United Nations forces operating in Korea under the mandate of the Security Council to repel the aggression upon the Republic of Korea. There had been a threat to extend the conflict through the Pacific area.

(3) The action of the United States had been an impartial, neutralizing action addressed both to the forces on Formosa and to those on the mainland, an action designed to keep the peace. As President Truman had declared, the United States had no designs on Formosa, and its action had not been inspired by any desire to acquire a special position.

(4) The action of the United States had been expressly stated to be without prejudice to the future political settlement of the status of the island. Like other territories taken from Japan by the victory of the Allied Forces, its legal status could not be fixed until there was international action to determine its future. The Chinese Government had been asked by the Allies to take the surrender of the Japanese forces on the island, and that was the reason the Chinese were there.

(5) The United States continued to feel its historical friendship for the Chinese people and knew that millions of Chinese reciprocated that feeling.

(6) The United States would welcome United Nations consideration of the case of Formosa and would approve full United Nations investigation at headquarters or on the spot.

(7) The United States did not believe that the Security Council need be or would be diverted from its consideration of the aggression against the Republic of Korea.

#### A. Adoption of the agenda

277. The item was included in the provisional agenda of the Security Council's 492nd meeting (29 August 1950), under the title "Statement of the Central People's Government of the People's Republic of China, concerning armed invasion of the territory of China by the Government of the United States of America and concerning violation of the Charter of the United Nations".

278. The representative of the UNITED STATES OF AMERICA said that he would vote for the inclusion of that item in the agenda if it were amended to read "Complaint regarding Formosa".

279. The representative of CHINA considered that, when a question was placed on the Council's agenda, there must be at least some *prima facie* case. His Government was in effective control and administration of Taiwan, but it knew of no aggression by the United States and had no complaint to make. The United States had made no demand for territorial or economic concessions or for any special political privileges on Taiwan. He considered that the question had been raised to divert the attention of the peoples of the world from the real aggressors. The representative of China quoted from official statements of the Central People's Government of China and analysed post-war developments to indicate its nature and character. He said that it had resulted from a rebellion against the legal Central Government of China, and was a puppet régime which had reached its present status through the interference and active support of the USSR. The representative of China objected to the inclusion of the item in the agenda



and submitted that the Security Council should study the preliminary question of the real origin and character of the Peking régime, and whether its complaint was worthy of the Council's consideration.

280. The representative of the UNITED KINGDOM pointed out that the complaint had been made by the government which was in physical control of by far the greater part of China. Furthermore, the United States Government had stated that it would welcome United Nations consideration of the case of Formosa. Accordingly, he would agree to the inclusion of the item in the agenda, as rephrased by the United States representative.

281. In analysing the reply (S/1716) of the United States representative, the President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, said that the Council was not faced with the question of Formosa. The fate of that island had been finally and unequivocally decided in accordance with the Cairo Declaration, the Potsdam decisions and the act of surrender of Japan, which had returned the island to China as an integral and inalienable part of its territory.

282. The question before the Council was of a different nature. As could be seen from the cablegram (S/1715) from the Foreign Minister of the Central People's Government of the People's Republic of China, the United States Government had violated one of the basic provisions of the Charter and had committed a direct act of armed aggression against China, by virtually occupying the island of Taiwan with its naval and air forces. Disregarding the fact that, in accordance with international instruments, that territory belonged to China, the United States Government had decided to invade the island and to declare that the armed forces and authorities of the lawful government of China, namely that of the People's Republic of China, should be denied access to the island. Thus, what the Council was concerned with was not the question of Formosa, but an act of aggression committed by the United States Government against an integral part of China. If that item were to be worded differently on the Council's agenda, it would lose its meaning. Accordingly, the USSR delegation considered that the wording which appeared in the provisional agenda should be retained.

283. The representative of INDIA supported the inclusion of the item in the agenda and suggested that it be redrafted to read "Complaint of armed invasion of Taiwan (Formosa)".

**Decisions:** *The Council decided to include in its agenda (following the item "Complaint of aggression upon the Republic of Korea") the following item: "Complaint of armed invasion of Taiwan (Formosa)". It was adopted by 7 votes to 2 (China, Cuba), with one abstention (Egypt) and one representative (Yugoslavia) not participating.*

*One vote (USSR) was cast in favour of including the item in the form in which it had appeared in the provisional agenda.*

284. Subsequently, at the 493rd meeting (31 August), the representative of CUBA explained that he had voted against the inclusion of the item in the agenda since there was no dispute or controversy involved which might lead to international friction, or still less to an act of aggression. The Cuban delegation knew that

the complaint was simply a propaganda move and a new Soviet manoeuvre to bring the representative of communist China into the Security Council.

## **B. Discussion of the question of an invitation to a representative of the Central People's Government of the People's Republic of China**

285. During the continuation of the discussion at the 492nd meeting on 29 August, the President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, submitted the following draft resolution (S/1732):

*"The Security Council,*

*"In connexion with the statement of the Central People's Government of the People's Republic of China regarding armed invasion of the island of Taiwan (Formosa),*

*"Decides to invite a representative of the Central People's Government of the People's Republic of China to attend meetings of the Security Council."*

286. In submitting that draft resolution, he said that the delegation of the USSR was guided by Article 32 of the Charter, which provided that the Council should invite both parties to an international conflict which might develop into a threat to international peace and security. The USSR delegation had also been guided by the practice of the Council which, in considering disputes likely to threaten international peace and security, had invited representatives of both sides, as in, for example, the consideration of the Indonesian, Palestine and Kashmir questions. Since three to five days would be required to enable a representative of the People's Republic of China to reach Lake Success, the representative of the USSR proposed that, as an exception, the Council should take a decision on the matter immediately.

287. The representative of the UNITED STATES OF AMERICA said that, without taking a position on the merits of the subject, he could not agree that the item should be given exceptional treatment. The next item on the agenda was "Complaint of aggression upon the Republic of Korea". The regular order of business had been obstructed for almost thirty days, and the Council should immediately take up the question of the invitation of the representative of the Republic of Korea.

288. The PRESIDENT considered that the matter could be put to the vote immediately.

289. The representative of CHINA opposed the USSR proposal. He considered that the Security Council was faced with another manoeuvre and that the President was attempting to achieve the objective which he had failed to achieve on 1 August.

**Decision:** *The President then put to the vote his ruling that the Council should vote on the USSR draft resolution. There were 5 votes in favour of the challenge to that ruling, 2 against (USSR, Yugoslavia), and 4 abstentions (Egypt, France, India, United Kingdom). The President's ruling was upheld, the challenge having failed to secure the affirmative votes of seven members.*



290. The representative of the UNITED KINGDOM proposed that the words "when the above-mentioned matter is under discussion" should be added at the end of the USSR draft resolution.

291. The representative of the UNITED STATES OF AMERICA pointed out that, for a whole month, the Council had been trying to have its will put into effect by inviting the representative of the Republic of Korea to the table, in accordance with an adopted resolution. The Council had been frustrated by the representative of the USSR, acting as President and attempting to secure the seating of representatives of North Korea and the Peking régime. The representative of the United States said that, in due course, the Council would be able to take up the question whether a commission or some body representing the Council should hear a representative of the Peking régime. However, the situation did not require immediate action. He considered that the Council should not vote without carefully considering all the possible consequences.

292. The PRESIDENT replied that the question of the United States armed invasion of Taiwan was being discussed separately from the Korean question. He noted that, in connexion with the latter question, the United States delegation had taken the position that the Council should give a hearing to the representative of South Korea, since it was the victim of aggression, and should not hear the representative of North Korea, since it was the aggressor. However, in the question of the complaint of armed invasion of Taiwan, the United States delegation took the position that the victim of aggression, the People's Republic of China, must not be invited, whereas the aggressor, the United States, was already seated at the Council's table.

293. Speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, he accepted the United Kingdom amendment to the USSR draft resolution.

294. The representative of ECUADOR said that his Government still maintained diplomatic relations with the Nationalist Government of China and, therefore, believed that China was represented in the Security Council. Nevertheless, it was common knowledge that, in connexion with Formosa, there was a situation which might lead to international friction under the terms of Article 34 of the Charter, and that there was a threat to the peace under the terms of Article 39. The Security Council could not fail to investigate it. It was for that reason that, without prejudging the merits of the case, he had supported inclusion of the complaint in the agenda. However, he could not vote in favour of admitting to the Council, as the representative of the Chinese Government, the representative of a government which Ecuador did not recognize. For the same reason, he could not accept the argument based on Article 32 of the Charter. He was not prejudging the final position which his delegation might take if it subsequently appeared necessary to take account of the greatest possible amount of information in considering the question. The Ecuadorian delegation was of the opinion that the question of an invitation should not be determined at that time, and that it would be useful for the Security Council, when considering the question of Formosa, to take into account what the more than six million inhabitants of Formosa thought about it all.

295. The representative of the UNITED KINGDOM said that a representative of the People's Republic of China should be present when the Council was considering the item. However, he would abstain from voting on the draft resolution, since it would be more appropriate to wait until the Council knew when the question would come up for discussion.

296. The representative of FRANCE said that he would abstain from voting in view of the exceptional character of the USSR proposal and in view of the exceptional position in which the Council had been placed during the month of August by the action of the delegation of the USSR in connexion with a similar case.

**Decision:** *At the 492nd meeting on 29 August 1950, the USSR draft resolution (S/1732), as amended by the representative of the United Kingdom, was rejected. There were 4 votes in favour, 4 against (China, Cuba, Ecuador, United States), and 3 abstentions (Egypt, France, United Kingdom).*

297. The representative of EGYPT said that the question of his Government's recognition of the so-called Central People's Government of the People's Republic of China was not affected by the mention of that title by some representatives in the Council and in one of the documents annexed to the agenda.

298. On 2 September, the representative of the Union of Soviet Socialist Republics submitted the following draft resolution (S/1757):

*"The Security Council,*

*"Considering the appeal of the Central People's Government of the People's Republic of China regarding the act of aggression committed by the Government of the United States of America in the form of the invasion by armed forces of the United States of America of the island of Taiwan, which is an inalienable part of the territory of China, as is admitted in the Cairo Agreement between the three Powers, viz., the United States of America, Great Britain and China, of 1 December 1943, and of the intervention thereby on the part of the Government of the United States of America in the internal affairs of China,*

*"Considering also the declaration of the representative of the United States of America to the United Nations, Mr. Austin, concerning the appeal of the Central People's Government of the People's Republic of China to the Security Council on the question of Taiwan,*

*"Condemns the said acts of the Government of the United States of America as an act of aggression and as an intervention in the internal affairs of China,*

*"And resolves, with the object of putting an end to such illegal acts, which violate the State sovereignty of the Chinese Republic, to propose to the Government of the United States of America that it immediately withdraw all its air, sea and land forces from the island of Taiwan and from other territories belonging to China."*

**Decision:** *After discussion at the 497th meeting, on 7 September, the Council decided, by 8 votes to 1 (USSR), with 2 abstentions (Egypt, India) to consider the item "Complaint of bombing by air forces of the territory of China" before the item "Complaint of armed invasion of Taiwan (Formosa)" (see chapter 3).*

299. In a cablegram dated 17 September (S/1795), the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China stated that his Government, as the sole legal government representing the Chinese people and as the accuser in the case, had the right and necessity to send its delegation to attend and join the Security Council. He demanded that, when the Security Council proceeded with the item concerning his Government's complaint of armed invasion of Taiwan, the representative of the People's Republic of China must be present to state his case and participate in the discussion. That must be settled first, as a question of procedure. He said that, if the Council should proceed with the agenda item without the attendance, and without the participation in the discussion, of the representative of the People's Republic of China, the Council's resolutions would be illegal, null and void.

300. At the 503rd meeting (26 September), the representative of CUBA noted that the General Assembly had included in its agenda an item entitled "Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States of America". He considered that the full discussion which would take place in the Assembly would shed light on the problem and facilitate its consideration by the Council at a subsequent stage. Accordingly, he felt that the Council should defer consideration of the complaint of armed invasion of Taiwan.

301. The representative of CHINA said that the explanatory memorandum (A/1382) submitted by the delegation of the USSR in support of the Assembly item showed that it included the so-called invasion of Taiwan by the United States. In view of the provisions of Articles 10 and 12 of the Charter relating to simultaneous proceedings in the Assembly and the Council, he moved that the Council should cease consideration of the present item during its consideration by the General Assembly.

302. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS replied that the item appeared on the agenda of the Assembly under another title. Furthermore, while Articles 10 and 12 of the Charter provided that the Assembly should not make recommendations while the Council was exercising its functions in respect of any dispute or situation, those Articles did not prevent consideration and discussion by the Assembly. He pointed out that the USSR delegation had made its proposal for an invitation to a representative of the People's Republic of China some time previously, and had made it again at that meeting. He insisted that the USSR draft resolution (S/1732) should be put to the vote first.

303. The representative of the UNITED STATES OF AMERICA said that it had been his Government's view that the Council would consider the complaint of aggression, and the Assembly would consider the entire general situation with respect to Formosa. It was true that the Assembly item and the Council item had different titles, but representatives were interested in the substance and the object rather than the title. The Soviet Union's explanatory memorandum and the statement by the representative of the USSR made it apparent that both organs would begin to consider the charges for the first time virtually simultaneously. Accordingly, the United States representative requested

the representative of the USSR to explain what he had in mind so that there might be an agreement on procedure. He inquired whether the USSR representative considered that the Assembly should discuss the subject without making recommendations.

304. At the 504th meeting (27 September), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS argued that, before considering in substance the question of armed invasion of Taiwan, the Security Council was bound by Article 32 of the Charter, the rules of procedure and its own practice, to invite representatives of the People's Republic of China. Unless those representatives were present, discussion of proposals submitted to the Council on that question would be out of order. The United States delegation should stop blocking, in the Security Council, the proposal to invite representatives of the People's Republic of China to attend the meetings devoted to discussion of the armed invasion of Taiwan. It was well known, he said, that the United States delegation and the representative of the Kuomintang group had formed a sort of United States-Kuomintang coalition in the Security Council and had been obstructing the discussion of the proposed invitation since the middle of August.

305. It was further stated that references to Articles 10 and 12 of the Charter, in order to justify the proposal to remove the question from the Security Council's agenda, were worthless. Neither of those Articles contained any provision forbidding the simultaneous discussion of one and the same question in the Security Council and the General Assembly. There were a number of precedents in the work of both the Security Council and the General Assembly which showed that the same question had been discussed in both those organs simultaneously.

306. The Security Council must, and in fact, was bound, under the Charter, to hear representatives of the People's Republic of China, both during the discussion of the substance of the question and of the methods to be used in dealing with it.

307. An attempt was being made to link the question of the armed invasion of Taiwan, discussed by the Council, with that of the United States aggression against China, the question submitted for consideration of the General Assembly, in order to conceal the intention to withdraw the former question from discussion in the Security Council. He considered that to withdraw the question from the Council would constitute a gross violation of the Charter, and he insisted upon immediate invitation of a representative of the People's Republic of China to a meeting of the Security Council. In supplementing those remarks at the following meeting, the representative of the USSR pointed out that paragraph 2 of part I of the Four-Power Declaration, made on 7 June 1945 by the Powers sponsoring the San Francisco Conference, provided that the Security Council would invite any State party to a dispute being considered by the Council to participate in the discussion relating to that dispute. Paragraph 3 provided that no individual member of the Council could alone prevent consideration and discussion by the Council of a dispute or situation brought to its attention under paragraph 2, Section A, Chapter VIII of the Dumbarton Oaks proposals; and that the parties to such dispute could not be prevented from being heard by the Council.

308. At the 504th meeting, the representative of ECUADOR recalled that, at the 492nd meeting (29 August), he had entirely reserved the position of his delegation in regard to the item under discussion and had stated that it entailed a question of principle, namely, whether the Council should or should not be an organ prepared to give an open hearing to complainants whenever the complaint was of the character or importance of the one submitted by the Peking Government, or a similar one. The Security Council should not refuse to examine complaints on subjects related to the maintenance of international peace and security, should hear the complainants even if they were *de facto* governments, and with this aim, it should give a broad and favourable interpretation to the Charter and the rules of procedure. Besides, such an interpretation adequately protected the interests of States which were not permanent members of the Security Council. He pointed out that the immediate question of an invitation to a representative of the Peking régime was linked with many other problems, such as those of the representation of China and the status of Formosa. Did Formosa belong to China, or to Japan, or should the people of Formosa decide their own fate? Were the other Members of the United Nations bound by the Cairo Declaration? Were its signatories bound, before any peace treaties with Japan had been signed? The seven million Formosans could not be disposed of without being heard. The fate of people should not be determined without giving them an opportunity to express their views freely. For the reasons he had given at a previous meeting and because China was a member of the Council, he considered that Article 32 was inapplicable and that a representative of the Peking Government should be heard under rule 39 of the rules of procedure. The invitation should refer to rule 39 and it should be clearly stated that there was no attempt to take a decision on the question of Chinese representation.

309. The representative of Ecuador believed that there was no need for the Council to discuss the charge of aggression against Formosa while it was being discussed in the General Assembly. He assumed that, by 1 December, the Committee of the Assembly which was considering the charge would have had time to submit its views. On the other hand, he could not agree that the matter should be withdrawn from the Council's agenda, or that it would be fair for the Council, when it came to consider the question of Formosa, to refuse to hear representatives of the Central People's Government of China. In accordance with those considerations, he submitted an amendment (S/1817) to the motion made by the representative of China at the 503rd meeting. After several revisions the text read as follows (S/1817/Rev.1):

*"The Security Council,*

*"Considering that it is its duty to investigate any situation likely to lead to international friction or to give rise to a dispute, in order to determine whether the continuance of such dispute or situation may endanger international peace and security, and likewise to determine the existence of any threat to peace,*

*"Considering that, in the event of a complaint regarding situations or facts similar to those mentioned above, the Council may hear the complainants,*

*"Considering that, in view of the divergency of opinion in the Council regarding the representation of China and without prejudice to this question, it may, in accordance with rule 39 of the rules of procedure, invite representatives of the Central People's Government of the People's Republic of China to provide it with information or assist it in the consideration of these matters,*

*"Having noted the declaration of the People's Republic of China regarding the armed invasion of the Island of Taiwan (Formosa), and*

*"Considering further that a complaint submitted by the Union of Soviet Socialist Republics regarding aggression against the territory of China by the United States of America has been placed on the agenda of the fifth session of the General Assembly and has been referred for consideration to the First Committee of the Assembly,*

*"Decides:*

*"(a) To defer consideration of this question until the first meeting of the Council held after 1 December 1950;*

*"(b) To invite a representative of the said Government to attend the meetings of the Security Council held after 1 December 1950 during the discussion of that Government's declaration regarding an armed invasion of the Island of Taiwan (Formosa)."*

310. The representative of CHINA suggested that, in order to express the thought more clearly, paragraph (a) of the Ecuadorian text might be amended to read "to defer consideration of this question until such time as the General Assembly shall have completed the consideration of item 70 on the agenda of the fifth session". He considered that rule 39 was not applicable. His own Government was in effective control of Taiwan and was the only authority in a position to supply the Council with information it might desire about Taiwan and to co-operate with the Council in the solution of the problem. He said that the United States Seventh Fleet was present with his Government's consent, and that there were no other military forces of the United States on Taiwan.

311. In reply to the representative of the USSR, the representative of China pointed out that Article 32 of the Charter could not apply because China was a permanent member of the Council. What was involved was a political question of the greatest substance, not a question of procedure. The intention of the representative of the USSR was to solve the problem of China's representation in a new way. Accordingly, and for the reasons he had stated at a previous meeting, he opposed paragraph (b) of the Ecuadorian text.

312. After an explanation by the representative of ECUADOR, the representative of CHINA withdrew his amendment.

313. The President, speaking as the representative of the UNITED KINGDOM, said that there had been a complaint of aggression and there was a possible threat to the peace. The Council would be failing in its duty if it decided not to deal with that threat to the peace, or deferred consideration for a long period. The Council's duty was not affected by the mere fact that a similar question had been placed on the Assembly's

agenda, since the Assembly could only make recommendations on such matters and not take decisions. Furthermore, the Council had the primary responsibility for the maintenance of international peace and security. He considered that it would be unreasonable if the Council did not decide to have a representative of the Peking Government present during the discussion. Any invitation should be based on rule 39 rather than on Article 32.

314. The representative of EGYPT recognized the wide competence of the Assembly, under Article 10 of the Charter, to deal with matters of peace and security. However, he did not consider that the Council should therefore relinquish its responsibility. He suggested to the representative of Ecuador that paragraph (b) of his text might be reconsidered so that a better approach might be found to serve the purpose of the Council in the discharge of its duties in connexion with world peace and security.

315. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that, in accordance with rule 32 of the provisional rules of procedure, the USSR draft resolution (S/1732) should be voted upon first.

316. The PRESIDENT pointed out that the USSR draft resolution had been rejected at the 492nd meeting and therefore had lapsed. The representative of the USSR had the right to reintroduce that draft resolution, and that was what had been done, he presumed, but after the submission of the Ecuadorian proposal.

317. At the 505th meeting (28 September), in reply to statements which had been made in the Council, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that his delegation saw no justification for the Council to delay consideration of the question of the armed invasion of Taiwan. That question constituted a situation capable of leading to international friction, and its continued existence might threaten the maintenance of international peace and security. Moreover, the Security Council was bound by Article 24 of the Charter to take prompt and effective action to deal with a situation of that kind.

318. He then explained the reasons why his delegation could not agree that there was any doubt whether a dispute existed on the question of Taiwan and whether there had been aggression against China. The action of the United States Government in relation to Taiwan fell wholly within the definition of aggression which was widely accepted in international relations and which had been, in its fundamentals, approved by the Committee on Security Questions of the League of Nations in 1933. The USSR delegation could not agree with the contention that the status of Taiwan had not been defined. The status of Taiwan was not open to discussion and, under Article 107 of the Charter, could not be the subject of consideration in the United Nations.

319. Although the Ecuadorian proposal contained some acceptable provisions, it proposed an unnecessary and unwarranted delay and the delegation of the USSR insisted that a vote be taken on its own draft resolution (S/1732). The delegation had submitted that draft resolution at the end of August and, after the Security Council had rejected it, had submitted it again three

times. In particular, the USSR delegation had presented the draft resolution again at the 503rd meeting, before the submission of the other proposals. Accordingly, the USSR draft resolution should be put to the vote first, in accordance with rule 32.

320. The representative of CUBA said that, in view of the proceedings in the General Assembly, the Council would not be failing to discharge its powers and responsibilities if it deferred consideration of the item. He felt that the question of postponement must be decided first. If the Council decided to postpone consideration of the item, he said, then the question of inviting a representative of the Peking régime would also be postponed. Therefore, the Cuban delegation was unable to accept paragraph (b) of the Ecuadorian text (S/1817/Rev.1).

321. The representative of the UNITED STATES OF AMERICA said that rule 33, paragraph 5, and the logic of the situation would call for a vote on the motions to defer before a vote could be taken on the motion to invite the Peking representatives. He recalled that his delegation had voted in favour of the inclusion of the present item in the agenda despite the fact that the complaint had been filed by a government which the Government of the United States did not recognize and obviously contained absurd falsehoods, and despite the further fact that the representative of China, whom the United States Government recognized as the only representative of China, had denied that there had been an invasion. The United States delegation had felt that the charges should be promptly investigated and objectively evaluated by the United Nations.

322. He noted that the representative of the USSR had not answered his questions concerning the intentions of the USSR in placing the same item on the agendas of the Council and the Assembly. Nevertheless, in the interest of an orderly and prompt hearing of the complaint, the United States delegation believed that the Council should consider the matter simultaneously with the Assembly, if it so desired. If the Council decided to proceed with the discussion, the delegation of the United States would answer any allegations made. Meanwhile, he wished to enter a most emphatic denial of the charges and to reserve his right to make full explanations subsequently.

323. The United States representative referred to the possibility of establishing a representative commission of the Council which would have broad powers of investigation and would hear all interested parties. In that connexion, he pointed out that the General Assembly normally gave a hearing to interested parties through one of its Main Committees or through a subcommittee of a Main Committee. After the facts had been ascertained, the question should then be considered whether the Peking régime should be heard in the Council under rule 39, before the Council took action. He added that the United States delegation opposed an immediate invitation to the Peking régime since a debate on the merits, with the Peking régime seated and without prior ascertainment of the facts, would lead to the use of the Council as a propaganda forum.

324. In conclusion, the United States representative said that nothing should be put in the way of a speedy

decision by the Council or the Assembly, or by both. For that reason, he would not support either the motion to defer the question indefinitely or that to defer it to a certain date.

**Decision:** *The President then asked the Council to vote on the question whether the Ecuadorian proposal should have priority over the USSR draft resolution. The Council answered in the negative. There were 4 votes in favour of according priority (China, Cuba, Ecuador, United States), 6 against and 1 abstention (France).*

325. The President, speaking as the representative of the UNITED KINGDOM, asked the representative of Ecuador whether he would agree to change the date specified in the operative part of his text (S/1817/Rev.1) from "1 December" to "1 November".

326. The representative of ECUADOR, in the course of a detailed reply to the observations which had been made on the Ecuadorian proposal, pointed out, *inter alia*, that he did not believe that it would be proper to establish the precedent that a hearing should be granted to a party engaged in an act of aggression, while such aggression was in progress; that his proposal did not imply that the Security Council was not the appropriate organ to consider the problem under discussion, nor that the Council should abandon its responsibilities and its powers; but that the Council could legitimately defer consideration of a question, as it actually did, in accordance with paragraph 5 of rule 33 of the rules of procedure, which was consistent with the Charter. He maintained that it should be proper for the Council to benefit by the investigation of the same facts which the First Committee of the Assembly would undertake, and that it was of particular interest to the Council to know what its mandatories, the fifty-nine Members of the United Nations, thought of the alleged question of aggression and of the question of Formosa itself. That would be especially useful because, in the Assembly, the proportion of countries that had recognized the Peking Government to those that maintained relations with the Nationalist Government, was different from that in the Security Council. After discussion, he agreed to change the date in the operative part of his proposal to "15 November".

327. Before the vote was taken, several representatives stated their views on the question whether the Ecuadorian proposal involved matters of substance or matters of procedure. The representative of the UNITED STATES OF AMERICA considered that the proposal was procedural, and said that he would vote in the negative on that understanding. At the request of the PRESIDENT, the debate on that question was deferred until after the vote. The entire discussion on the subject is summarized in section C below.

**Decisions:** *The Council rejected the Chinese proposal that it should cease consideration of the complaint of armed invasion of Taiwan (Formosa) during the consideration of this item by the General Assembly. There were 2 votes in favour of the proposal (China, Cuba), 6 against, and 3 abstentions (Ecuador, France, United States).*

*The USSR draft resolution (S/1732), as amended by the United Kingdom representative, i.e., with the addition of the words "when this question is under*

*consideration" at the end of the operative paragraph, was rejected. There were 6 votes in favour, 3 against (China, Cuba, United States), and 2 abstentions (Ecuador, Egypt).*

*Finally, the Ecuadorian proposal (S/1817/Rev.1) was put to the vote with the following results:*

*(a) The first paragraph of the preamble was adopted by 9 votes in favour, with 2 abstentions (China, United States).*

*(b) The second paragraph of the preamble was adopted by 8 votes in favour, with 3 abstentions (China, Cuba, United States).*

*(c) The third paragraph of the preamble was adopted by 7 votes to 2 (China, Cuba), with 2 abstentions (Egypt, United States).*

*(d) The fourth paragraph of the preamble was adopted by 7 votes in favour, with 4 abstentions (China, Cuba, Egypt, United States).*

*(e) The fifth paragraph of the preamble was rejected, with one vote in favour (Ecuador), 3 against (India, Norway, USSR) and 7 abstentions.*

*(f) The operative part of the draft resolution was rejected. There were 6 votes in favour, 4 against (China, Cuba, Egypt, United States) and one abstention (Yugoslavia).*

328. The representative of YUGOSLAVIA said that he had abstained from voting on the operative part of the Ecuadorian draft resolution because he was not convinced of the need to delay the invitation to the Government of the People's Republic of China for one and one-half months. However, in view of the result of the voting and since he did not see a better way of expressing his desire that that Government should be invited, he wished to change his vote to one in favour of the operative part.

329. The Council then discussed the question whether it was in order for the representative of Yugoslavia to change his vote and whether the Ecuadorian proposal, or part thereof, should be reintroduced. The 505th meeting was adjourned without any decision having been taken.

330. On 28 September, the representative of YUGOSLAVIA circulated a draft resolution (S/1822) based on the Ecuadorian text, but with the last paragraph of its preamble deleted and substituting the date "12 November 1950" for "1 December 1950" in the operative paragraphs.

331. At the 506th meeting (29 September), the representative of ECUADOR reintroduced his proposal as a new draft resolution (S/1823/Corr.1) substituting the date "15 November 1950" for "1 December 1950" in the operative part.

332. The representative of YUGOSLAVIA said that he would not press his draft resolution (S/1822) in view of the reintroduction of the Ecuadorian proposal.

**Decisions:** *At the 506th meeting on 29 September 1950, the new Ecuadorian proposal (S/1823/Corr.1) was put to the vote with the following results:*

*(a) The first paragraph of the preamble was adopted by 9 votes in favour, with 2 abstentions (China, United States).*

(b) *The second paragraph of the preamble was adopted by 8 votes in favour, with 3 abstentions (China, Cuba, United States).*

(c) *The third paragraph of the preamble was adopted by 7 votes to 2 (China, Cuba) with 2 abstentions (Egypt, United States).*

(d) *The fourth paragraph of the preamble was adopted by 7 votes to one (China) with 3 abstentions (Cuba, Egypt, United States).*

(e) *The fifth paragraph of the preamble was rejected. There were 2 votes in favour (Ecuador, Yugoslavia), 2 against (India, USSR) and 7 abstentions.*

(f) *The operative part was adopted by 7 votes to 4 (China, Cuba, Egypt, United States).*

(g) *The Council then voted on the draft resolution as a whole, as amended, i.e. with the omission of the last paragraph of the preamble. There were 7 votes in favour, 3 against (China, Cuba, United States), and one abstention (Egypt).*

333. The PRESIDENT stated that, in his opinion, the resolution had been adopted.

### **C. Discussion of the legal effect of the vote on the Ecuadorian draft resolution**

334. During the 505th and 506th meetings, the representative of CHINA maintained that, since he regarded paragraph (b) of the operative part as a question of substance, his vote against the draft resolution should be considered as a veto. He said that the situation was covered by the Declaration made on 7 June 1945 by the Four Powers which had sponsored the San Francisco Conference. Paragraph 2 of part I of the Declaration, which listed certain matters which were considered procedural including the invitation of a government which was not a member of the Council, did not apply to the invitation of a Peking representative, since China was a member of the Council. Part II of the Four-Power Declaration provided that, should a difference of opinion arise, the preliminary decision whether a matter was procedural must be taken with the concurring votes of the permanent members.

335. Furthermore, his interpretation of the San Francisco Declaration was confirmed by the practice of the Security Council. The representative of China recalled that, on several occasions, despite the fact that a large majority of the Council had considered a question to be procedural, the vote of the USSR representative alone had made it a question of substance, and it had been so treated on the second vote. In particular, he referred to the Council's voting on the Spanish question (49th meeting), the Greek question (202nd meeting) and the Czechoslovak question (303rd meeting). The representative of China also recalled that, at the 483rd meeting, the representative of the USSR had stated that the question of an invitation to representatives of North and South Korea was a question of substance and not of procedure.

336. The representative of INDIA said that it was clear from the preamble to the Ecuadorian draft resolution that the proposed invitation would be issued under rule 39. The rules of procedure had been drawn up under Article 30 in Chapter V of the Charter, under

the heading "Procedure". Thus, the matter was procedural by virtue of the Charter and the rules of procedure. Furthermore, the preamble stated that the invitation was without prejudice to the question of the representation of China. Accordingly, the Indian delegation considered that the matter was procedural and not subject to a veto.

337. The representative of FRANCE said that, at an earlier stage of the proceedings, a question of substance could have been raised in relation to the question whether the complaint was receivable. However, the question could not be raised at that meeting, since it resulted only from the inclusion of the complaint in the agenda. A decision on the substance of the question had been taken at the time of its inclusion in the agenda.

338. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the examples of the application of the Four-Power Declaration to which the representative of the Kuomintang group had referred, had no bearing on the question under consideration, and could not be taken into account. He considered that the question of inviting a representative of the People's Republic of China and of deferring consideration should be regarded as questions of procedure, if account was taken of the fact that a number of members of the Security Council considered that the presence of the Kuomintang representative in the Council was illegal and recognized the Government of the People's Republic of China; and if account was taken of the question of substance raised by the communication of the Government of the People's Republic of China on the subject of the invasion of Chinese territory by foreign armed forces. He analysed the proceedings of the Security Council in the Spanish, Greek, and Czechoslovak questions, to which the representative of China had referred, and concluded that the three cases all had a direct bearing on questions of substance and not on questions of procedure. As to the Chinese representative's reference to his remarks at the 483rd meeting, he said that the delegation of the USSR, in strict conformity with the Charter and the Council's practice, had demanded that both sides should be invited to attend the Council's meetings on the Korean question.

339. The representative of the USSR pointed out that the Council had taken the complaint of aggression against Taiwan under consideration, and had the duty of proceeding in strict conformity with the Charter, the rules of procedure and its own practice: i.e., its duty was to hear both parties. Those parties were the United States, against which a complaint had been made, and the Central People's Government of the People's Republic of China, which had made the complaint. In the existing circumstances, the decision taken by the majority of the Council (i.e., the decision to invite the representative of the Central People's Government to participate in the discussion of the item) was procedural. Accordingly, the decision was legal.

340. The representative of the UNITED STATES OF AMERICA said that, in spite of the fact that his delegation was opposed to the resolution, he believed that it would be a most undesirable precedent for the Council to accept the proposition that an invitation to an outside party to attend Council meetings was subject to the

veto. Rule 39, which provided for such an invitation, was procedural by its nature. Rule 39 was adopted under Article 30, which appeared under the Charter heading "Procedure". The United States representative referred to votes of the Council in connexion with the Czechoslovak question (268th and 300th meetings) and the Indonesian question (181st meeting) to support his view that the question must be regarded as procedural. He then drew attention to the explicit provisions of part I, paragraph 2, of the Four-Power Declaration and said that the United States had always taken the position that part II of that Declaration could not be taken as altering or rendering illusory part I. Finally, he pointed out that, in resolution 267 (III) adopted on 14 April 1949, the General Assembly had given its opinion that decisions in application of the rules of procedure of the Security Council, and, in particular, decisions under rule 39, were procedural in their nature. He believed that the majority of the Council had the right, under the Charter and the precedents, to adopt the Ecuadorian proposal as a procedural matter.

341. At the 507th meeting (29 September), the representative of YUGOSLAVIA agreed that the Ecuadorian proposal had been procedural in nature. He pointed out that the voting privilege under the Four-Power Declaration, on which the representative of China relied, was confined to questions the procedural nature of which was in doubt, whereas the question of inviting States parties to a dispute was expressly mentioned as a question of procedure.

342. The President, speaking as the representative of the UNITED KINGDOM, said that all the precedents pointed to the fact that the matter was a procedural one. He considered that part II of the Four-Power Declaration could not invalidate part I, which made it clear that this was, by its very nature, a procedural matter.

343. In reply to the representative of France, the representative of CHINA said that, when the item was about to be placed on the agenda, he had made the very point that the French representative thought he should have made. He also replied to the USSR representative on the procedural issues raised in the Czechoslovak, Greek, Spanish and Korean questions. In regard to the statement made by the representative of the United States, he asked whether the Council could count upon the Assembly's recommendations being acted upon by all permanent members. In any event, the recommendations did not cover the question of inviting a second representative from the same country. He remained convinced that he was entitled to veto paragraph (b) of the operative part of the resolution, and insisted that the Council should take a preliminary vote on that question.

344. In reply to the last remark of the representative of China, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out that the Charter did not provide for a case in which the representative of a political group overthrown by a State Member of the United Nations claimed to represent that people and country, preventing the lawful representative of the country from being heard during the discussion of a question which it had submitted to the Council. Therefore, he said, the actions of the repre-

sentative of the Kuomintang group were arbitrary and contrary to the Charter.

**Decision:** *The President asked the Council to vote on the question whether it regarded the vote taken on the Ecuadorian draft resolution at the 506th meeting as procedural. Nine votes were cast in the affirmative, one in the negative (China), and there was one abstention (Cuba).*

345. The PRESIDENT stated that the proposal had been adopted.

346. The representative of CHINA considered that the vote was regulated by the following provision of the Four-Power Declaration: "The decision regarding the preliminary question as to whether or not such a matter is procedural must be taken by a vote of seven members of the Security Council, including the concurring votes of the permanent members". Since he had voted in the negative, the proposal that the matter was procedural had not been adopted.

347. The PRESIDENT said that a vote which was regarded as procedural by nine members of the Security Council for patently valid reasons had been pronounced as substantive by one of the permanent members. If that situation was allowed to stand, a very grave precedent would have been created which might impede the whole functioning of the United Nations in the future. Therefore, he did not believe that, in the general interest, it should be allowed to stand. Consequently, he ruled that, notwithstanding the objection of the representative of China, the vote which the Council had taken on the Ecuadorian draft resolution was procedural.

348. The representative of CHINA considered that the President's ruling was *ultra vires*. He protested against the ruling and suggested that the following question should be put to the International Court of Justice: "In view of the statement of 7 June 1945 by delegations of four sponsoring Governments on voting procedure in the Security Council and in view of the precedents of the Council, is the claim of the representative of China to veto paragraph (b) of the operative part of the proposal of Ecuador of 29 September 1950 (S/1823/Corr.1) justified?"

349. The representative of CHINA promised the Council in advance that his Government would accept the Court's advisory opinion. He pointed out that, according to the Four-Power Declaration, the veto was not subject to judicial review and hoped that the Council would notice the great concession on the part of his Government.

350. The PRESIDENT said that, since his ruling had been challenged, he would put it to the vote.

351. The representative of CHINA said that it was well known that a matter of this kind was not subject to a presidential ruling. He thought that such a maneuver was unworthy of the great responsibility which rested in the Security Council.

**Decision:** *The President, interpreting the remarks of the representative of China as a challenge to his ruling, then put that challenge to the vote. No votes were cast in favour of the challenge, none were cast against and there were no abstentions.*

352. The PRESIDENT stated that, since there was no vote in favour of overruling his decision, it stood.



353. The representative of CHINA said that he had not chosen to participate in a vote which was in itself illegal. He wished to have it recorded that the President's action was arbitrary and that the decisions he had arrived at were illegal and therefore invalid.

354. The representative of the UNITED STATES OF AMERICA considered that the President's ruling had been properly upheld. After analysing the provisions of General Assembly resolution 267 (III), the Four-Power Declaration, and rule 39, he said that the United States Government believed that paragraph 1 of resolution 267 (III) prevented the attempted use of the "double veto" with respect to matters falling within the thirty-five procedural categories listed in the annex to that resolution. Part II, paragraph 2 of the Four-Power Declaration had never been intended to give, and could not properly be construed as giving, the permanent members the right to use the "double veto" to determine unilaterally as non-procedural, matters which, according to the Charter, or by the agreement contained in part I of the Four-Power Declaration, were procedural. Finally, the United States representative said that it was his Government's policy to extend, wherever possible, by example, by precedent or by agreement, the area of Security Council action in which the veto was not applicable.

355. The President, speaking as the representative of the UNITED KINGDOM, associated himself with the statement by the United States representative.

356. The representative of EGYPT said that, although he entertained some doubts that the matter was subject to a decision through a presidential ruling, he had not challenged the ruling, since his delegation regarded the matter as procedural and desired the greatest possible restriction of the exercise of the veto. He explained that, if separate votes had been possible, he would have voted against paragraph (a) of the operative part of the Ecuadorian draft resolution and would have abstained on paragraph (b). He had abstained on the resolution as a whole in view of conflicting considerations, in deference to the preponderant opinion and because the Council could not, even if it so desired, relinquish its responsibilities under the Charter. He maintained that the Council could take the matter up, even before 15 November, if it considered that to be proper.

357. The representative of FRANCE said that his Government had not taken part in drafting the Cairo Declaration, nor had it been represented at Potsdam. So far as it was concerned, the problem of the disposal

of Formosa remained to be decided solely by the future peace treaty. With regard to the title of the agenda item, the information at the disposal of the French Government led it to believe that there had not been any invasion of Formosa. Finally, that Government had not recognized the Government of the People's Republic of China. For those reasons, the delegation of France had entertained serious doubts regarding the competence of the complainant and the reality of the grounds for complaint. However, it had bowed to the wish of the United States that the United Nations should consider the Formosa case. The French delegation did not think that the fact that the Assembly was seized of a question required that the Council should not be seized of it. However, there appeared to be no reason to regard the matter as urgent, since there was no reason to declare that there had been an "armed invasion of Taiwan". Therefore, the French delegation had no views on the desirability of considering the complaint either at that time or later.

358. Since the Council had decided to consider not merely an item concerning Formosa and China, but a complaint regarding Formosa submitted by the Peking authorities, it was natural that a representative of those authorities should be permitted to explain the complaint to the Council. It was also natural that the complainant should be given a hearing regarding the conditions in which the inquiry should be carried out. The French delegation considered that rule 39 provided the necessary legal basis for such an invitation, which was subject to conditions laid down in Article 32 of the Charter.

359. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that after the USSR draft resolution (S/1732) had been twice rejected, the USSR delegation had thought it desirable to vote in favour of the Ecuadorian draft resolution. He considered that the last statement by the representative of the United States went far beyond the question under discussion. The USSR delegation reserved the right to express its views on that statement after an opportunity for further study.

360. The President, speaking as the representative of the UNITED KINGDOM, said that he would have preferred the USSR draft resolution, but when that had been defeated, he had decided to support the Ecuadorian draft resolution.

NOTE: The Security Council's subsequent discussion of the question is dealt with in chapter 4 of the present report.



## Chapter 3

### Complaint of bombing by air forces of the territory of China

361. By a cablegram dated 28 August 1950 (S/1722), addressed to the Secretary-General, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China charged that, on 27 August, military aircraft of the forces of the United States of America in Korea had flown over Chinese territory on the right bank of the Yalu River, had strafed buildings, railway stations and railway carriages and killed or wounded a number of persons. Those provocative acts were a serious encroachment on Chinese sovereignty and constituted an attempt to extend the war. The Central People's Government of the People's Republic of China proposed that, in the interest of the peace and security of Asia and the world, the Security Council should condemn the United States forces of aggression in Korea for those acts, and should take immediate measures to bring about the complete withdrawal of all United States forces from Korea, to prevent an aggravation of the situation and to facilitate the peaceful settlement of the Korean question by the United Nations.

362. By a letter dated 29 August (S/1727), the representative of the United States of America informed the Secretary-General that the instructions under which aircraft were operating under the Unified Command in Korea strictly prohibited them from crossing the Korean frontier into adjacent territory. No evidence had been received to indicate that those instructions had been violated. The United States would welcome an investigation on the spot by a commission appointed by the Security Council. Finally, the representative of the United States pointed out that the action being taken by the United States and other Members of the United Nations in Korea was being conducted in accordance with, and under the mandate of, the United Nations.

363. By a cablegram dated 30 August (S/1743), the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China charged that United States military aircraft had again flown over Chinese territory, on 29 August, and had killed or wounded a number of people.

#### A. Inclusion of the item in the agenda

364. The item was included in the provisional agenda of the Security Council's 493rd meeting (31 August 1950), under the title "Statement of the Central People's Government of the People's Republic of China concerning the invasion of the frontiers of the People's Republic of China by United States air forces and the bombing and shooting up by those forces of buildings, railway stations, rolling stock, people and aerodromes".

365. The representative of EGYPT pointed out that the Council still had to deal with many points which had been raised in connexion with the item "Complaint of aggression upon the Republic of Korea". He would vote against inclusion of the new item in the agenda of that meeting, reserving his delegation's position at some future meeting when more progress had been made with the important and urgent matters already on the agenda.

366. The representative of CHINA regarded the proposed new agenda item as a propaganda manoeuvre intended further to delay consideration of the complaint of aggression upon Korea. He feared that the Security Council would be put to improper use if it admitted to its agenda a complaint without a *prima facie* case as a basis, and made by a body not properly qualified to make a complaint to the Security Council.

367. The representative of CUBA also considered that the proposal for inclusion of the item in the agenda was a demagogic manoeuvre and a typical abuse of the generosity of democratic institutions.

368. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the two cablegrams from the Central People's Government had shown that the United States Air Force had invaded Chinese air space, dropped bombs and machine-gunned the peaceful population. Thus, they had committed a gross violation of the sovereignty and territorial integrity of China.

369. From the standpoint of international law, that was an act of aggression. According to the definition of aggression approved by the Committee on Security Questions of the League of Nations in May 1933, the attacking party, i.e., the aggressor in an international conflict, would be considered that State which was the first to commit one of the acts of aggression which were described in detail in the definition. Those acts included the following: "bombarding the territory of another State by (a State's) land, naval or air forces" and the "landing in, or introduction within the frontiers of, another State of land, naval or air forces without the permission of the government of such a State". The same definition of aggression further stated, "no consideration whatsoever of a political, strategical or economic nature . . . shall be accepted as justification of aggression".

370. The action of the air forces of the United States against the territory of China, fell entirely within that definition of aggression. Thus, the government which had permitted that act of aggression was the aggressor. The Government of the People's Republic of China, as a victim of that unprovoked aggression on the part of the United States Government, strongly protested against the attack and requested that the

Security Council take measures to protect the lawful interests and the territory of the People's Republic of China by putting an end to the United States aggression against China. As the main organ of the United Nations for the maintenance of peace and security, the Security Council must consider the matter without delay and adopt appropriate decisions thereon.

371. In reply to the representative of EGYPT, the USSR representative pointed out that, if the Security Council was willing to meet frequently enough, it would be able to take decisions on all urgent questions involving peace and security which were on its agenda.

372. The representative of the USSR submitted the following draft resolution (S/1745/Rev.1):

*"The Security Council,*

*"Having considered the communications dated 27 August 1950 (S/1722) and 29 August 1950 (S/1743), addressed to the Security Council by the Central People's Government of the People's Republic of China and relating to the violation by the air forces of the United States of America of the Chinese frontiers in the area of the Korean-Manchurian border and the bombing and strafing by United States aircraft of buildings, railway stations and an aerodrome on Chinese territory resulting in loss of life and damage to railway stations and aerodrome installations, railway rolling stock and motor vehicles, and*

*"Having heard the explanation of the representative of the United States of America to the United Nations,*

*"Condemning the above-mentioned illegal acts of the Government of the United States of America, and placing on the Government of the United States of America full responsibility for the above-mentioned acts and the whole of the damage caused to the People's Republic of China, and also for all the consequences that may arise as a result of such acts,*

*"Decides to call upon the Government of the United States of America to prohibit such illegal acts which violate Chinese sovereignty and cause damage to the People's Republic of China and to the peaceful Chinese population."*

373. The representative of the UNITED KINGDOM said that the statement by the representative of the USSR assumed that the grave charges against the United States Government were completely proved and came to no discussion, before any impartial inquiry had been instituted, and before the views of representatives on the Council had been heard. The USSR representative did not know that the charges were justified. He was merely trying to play up the incident in order to create the maximum of tension between the Central People's Government of China and the United States Government. In conclusion, the representative of the United Kingdom considered that the Security Council should examine the charges of the Government of the People's Republic of China and try to establish the facts.

374. The representative of the UNITED STATES OF AMERICA also supported the inclusion of the item in the agenda. He said that, as stated in his letter of 29 August, the Unified Command had issued strict instructions to confine the operations of aircraft to the territory of Korea. As soon as the complaint had been

received, United States military authorities had been instructed to make an investigation and late reports had indicated that, by mistake, one aircraft might have strafed a Chinese air-strip on 27 August.

375. The United States Government believed that the Security Council should send a commission to the area in order to make an objective investigation of the charges. The authorities in North Korea and Manchuria should provide it with the necessary freedom of movement and safe conduct. For their part, the United States military authorities would give the commission full co-operation, including access to pertinent records.

376. If it was found that an attack had in fact occurred, the United States Government was prepared to make payment to the Secretary-General, for transmission to the injured parties, of such damages as the commission should find to be fair and equitable. The United States Government would also see to it that appropriate disciplinary action was taken.

377. The United States representative requested the Secretary-General to transmit a copy of his statement to Mr. Chou En-lai.

378. The United States representative proposed that the agenda item should be reworded to read: "Complaint of bombing of Chinese territory by United Nations aircraft".

**Decision:** *After discussion, it was agreed that the agenda item should be amended to read: "Complaint of bombing by air forces of the territory of China". By 8 votes to 3 (China, Cuba, Egypt), the Security Council decided to include the item, as amended, in its agenda.*

## **B. Order of consideration of complaints of the People's Republic of China and the question of an invitation to a representative of the People's Republic of China**

379. At the 497th meeting (7 September), the representative of the UNITED STATES OF AMERICA suggested that the Council should consider the item entitled "Complaint of bombing by air forces of the territory of China" before taking up the "Complaint of armed invasion of Taiwan (Formosa)". He referred to the undertaking given on behalf of the United States Government at the 493rd meeting and pointed out that no issues of law seemed to be presented. The representative of the United States considered that it would be sensible for the Council to forego debate until it had received a report based upon investigations made on the spot. Accordingly, he submitted the following draft resolution (S/1752):

*"The Security Council,*

*"1. Decides to establish a Commission to investigate on the spot and report as soon as possible with regard to the allegations contained in documents S/1722 and S/1743. The Commission shall be composed of two representatives appointed, one by the Government of India, and one by the Government of Sweden;*

*"2. Requests all Governments and authorities to provide safe conduct and all facilities requested by the Commission;*

"3. *Requests* the Unified Command to provide to the Commission upon its request all facilities and information including access to all pertinent records;

"4. *Requests* the Secretary-General to provide the Commission with all assistance and facilities required by it."

380. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out that both items had been placed on the agenda at the request of the Government of the People's Republic of China. In the past, the Council had always taken a decision, in the first place, on the question of inviting the complainant to attend the meeting. Accordingly, he proposed that, before discussing the order in which the two items were to be considered, and before considering the substance of the questions, the Council should decide the question of inviting a representative of the People's Republic of China to attend its meetings.

381. After discussion, the PRESIDENT ruled that a decision on the question of the representation of the Central People's Government of the People's Republic of China should not be taken before the Security Council had decided which of the two items should have precedence.

382. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS objected to the ruling, since he considered it illegal and contrary to the rules of procedure and to established precedents.

**Decisions:** *Two votes (USSR, Yugoslavia) were cast to overrule the President's ruling. The challenge to the ruling was rejected.*

*The Council then decided, by 8 votes to one (USSR), with 2 abstentions (Egypt, India) to consider the "Complaint of bombing by air forces of the territory of China" before the "Complaint of armed invasion of Taiwan (Formosa)".*

383. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS suggested that, before considering the substance of the question, the Council should come to a decision on the matter of extending an invitation to a representative of the People's Republic of China. He drew attention to the following draft resolution (S/1759), which he had submitted at the 495th meeting (5 September):

*"The Security Council,*

*"In connexion with the discussion on the question of 'Complaint of bombing by air forces of the territory of China',*

*"Decides to invite a representative of the People's Republic of China to the meetings of the Security Council."*

**Decision:** *After discussion, the Council adopted the USSR proposal that the USSR draft resolution (S/1759) should be dealt with first, by 7 votes to 3 (China, Cuba, Ecuador), with one abstention (United States).*

384. In explaining his vote, the representative of ECUADOR said that it was clear that the States which recognized the Nationalist Government of China did not feel bound, under Article 32 of the Charter, to invite at that time the representatives of the authorities in control of the territory concerned. To compel those

governments to adopt a resolution in application of Article 32 would be tantamount to forcing them to take a decision on the question of the representation of China. After studying the report of the proposed commission, the Council would know whether it was necessary and right — without prejudging the question of the representation of China — to invite representatives of the Peking authorities to state their view in the Council.

385. In a cablegram dated 10 September 1950 (S/1776), the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China claimed that, as the sole legal government representing the Chinese people, and as the accuser in the case, his Government had the right and necessity to send its delegation to attend and join the Security Council. He demanded that, when the Security Council was proceeding with the complaint of bombing by air forces of the territory of China, a representative of his Government must be present to state his case and participate in the discussion. That question should be settled first as a matter of procedure. If the Security Council should proceed with the agenda item without the attendance and participation in the discussion of a representative of the People's Republic of China, its resolutions would be illegal, null and void.

386. At the 499th meeting (11 September), the representative of CHINA pointed out that Article 32 of the Charter referred to "any Member of the United Nations which is not a member of the Security Council or any State which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council". Obviously, that Article was inapplicable, since China was a member of the Security Council.

387. Furthermore, there was no dispute, since the party which had made the mistake had declared its readiness to make compensation. The mistake had been made while several Members of the United Nations were responding to its call, in its first attempt to suppress a breach of the peace; but the mistake was not deliberate, or an act of provocation, and should not be given the dignity in the Security Council of being called a dispute. If the Security Council should place unnecessary obstacles in the path of States performing duties entrusted to them by the Organization, the Charter would be made unworkable.

388. Finally, he considered that the Council should not give a hearing to a party which had proclaimed its sympathy with an aggressor and which would create difficulties for the United Nations in the execution of its duties.

389. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that any State which approached the Security Council with a communication about aggression should be heard by the Council during the consideration of that communication. He argued that the main sense of Article 32 was that both parties to a dispute must be represented in the Security Council and duly heard, irrespective of whether either of them was or was not a member of the Security Council or a Member of the United Nations. That was just and in accordance with the Charter, the rules of procedure and the Council's practice. If only one party was pres-

ent at the meeting of the Security Council, only one side of the story would be heard and the Council might make a serious error in adopting a decision on the question under discussion. Furthermore, the representative of the People's Republic of China would be able to supply the Council with information and give other assistance, as provided in rule 39 of the rules of procedure.

390. He maintained that absence of diplomatic relations between some members of the Security Council and the People's Republic of China had nothing to do with the matter. The relations of each separate member of the Security Council with a party to the dispute was an individual matter which concerned only the State member of the Security Council. Members of the Security Council should be guided by the interests of peace and security and not by individual preconceived considerations.

391. In those circumstances, it was the duty of the Security Council to invite the representative of the People's Republic of China, which had brought a complaint before the Council and asked for assistance against aggression. Those who objected to the invitation thereby openly and directly embraced the course of violating the Charter, violating the rules of procedure, violating previous practice and precedent—and all of that merely because the presence of the representative of the People's Republic of China was not to the liking of one member of the Security Council.

392. The representative of the UNITED STATES OF AMERICA said that Article 32 could not apply to China, which was a member of the Security Council. The wording of the cablegram of 10 September from Peking and, in particular, the claim of the right to "join the United Nations Security Council", showed that the Council was being called upon to determine the question of who represented China.

393. The United States had believed from the beginning that the representative of the USSR had placed the complaint on the agenda in an attempt to discredit the United Nations forces in Korea and to shift world attention from the real aggressors there. Debate on the merits of the complaint without prior fact-finding would lead to abuse of the Security Council for propaganda purposes.

394. The United States Government, he said, had no desire to prevent the Chinese communist group from presenting its point of view to the United Nations, and had taken the initiative in proposing the establishment of an impartial investigating commission to which the Chinese communists could present whatever evidence they cared to advance. The question of who represented China ought not to be decided on a collateral issue and such a decision was not required in order to give the complainant his day in court. After the commission had submitted its findings, the Council could decide whether it wished to invite the Peking representatives under rule 39.

395. The representative of NORWAY said that he would vote in favour of the USSR draft resolution, since the proposed invitation seemed reasonable and in conformity with the Council's practice. However, he could not agree that the invitation was obligatory under Article 32, since the situation had not yet crystallized into a dispute.

396. He considered that the proposed commission should be constituted and dispatched to the spot as soon as possible. The Norwegian delegation, while it felt that it would be an advantage for the Council to have a representative of the Central People's Government present during the discussion of the United States draft resolution, did not agree that it would be necessary or expedient to defer the establishment of the commission until after the arrival of that representative.

397. The representative of ECUADOR considered that Article 32 was inapplicable. He noted that the United States was prepared to pay indemnities if the facts and damage were impartially ascertained. The question of an invitation to a representative of Peking authorities could be examined if there was disagreement on the facts, or indemnities, after the Council had obtained accurate information through a commission, or in any other way. For the time being, such an invitation was premature and the delegation of Ecuador would therefore abstain from voting on it.

398. The representative of FRANCE said that, after having agreed to consider the complaint submitted by the Peking authorities, the Council could not very well refuse to admit a representative of those authorities. They were in control of the area in question, and it was difficult to see how any investigation could be carried out on the spot without their assistance. The French delegation considered that Article 32 applied to the case, and would vote in favour of the USSR draft resolution.

399. The representative of CUBA considered that Article 32 was inapplicable, since the United States did not deny the charges of the Peking Government and, accordingly, there was no dispute. The Council had to settle the preliminary question of the procedure for an inquiry into the facts, and it was inappropriate to argue that the accusing party should participate in those procedural deliberations.

400. The representative of YUGOSLAVIA said that he would vote in favour of the USSR draft resolution (S/1759), since the Yugoslav Government considered that the Peking Government was the only one qualified to represent the Chinese people in international relations. In this particular case, the Peking Government must be represented, even if only as a *de facto* government. If it were not invited, he would be unable to vote in favour of sending a commission into the territory of a sovereign State which had not been consulted about the matter. Similarly, he would not be able to vote in favour of the other USSR draft resolution (S/1745/Rev.1), which called upon the Council to take a decision on the substance.

401. The representative of INDIA stated that he would vote in favour of inviting a representative of the People's Republic of China since rule 39 could be applied, even if Article 32 were considered inapplicable. It was obvious that a representative of the new China could supply the Council with information and give it other assistance in connexion with the United States draft resolution. Since India had been proposed as a member of the Commission, and it might be alleged that the Government of India had an interest in the matter, he would abstain from voting on the United States draft resolution.

402. The President, speaking as the representative of the UNITED KINGDOM, said that he would vote in favour of the USSR draft resolution (S/1759). So long as the Security Council held the view that the Central People's Government should not represent China in the Council, he did not think that Article 32 could be invoked with full effect. Rule 39 did not oblige the Council to invite a representative of the Central People's Government, although it provided a good justification for inviting him if the Council so desired. He felt that, while there was no very practical reason why the Central People's Government should insist on sending a representative to the Council before the Council had decided to send a commission to the spot, in equity, the right of the Central People's Government to submit its views to the Council, if it so wished, was undoubted. That Government was admittedly in *de facto* control of a very large and populous area. It had made a formal complaint and wished to make its point of view known to the Security Council. It might be thought that the Central People's Government would be well advised not to insist on the point, in view of the fair and generous proposal which the United States had made. But if it did insist, the Council should not reject its request.

**Decision:** *At the 499th meeting, on 11 September 1950, the USSR draft resolution (S/1759) was put to the vote and rejected, having failed to secure the affirmative votes of seven members. There were 6 votes in favour, 3 against (China, Cuba, United States) and 2 abstentions (Ecuador, Egypt).*

#### **C. Order of consideration of United States and Union of Soviet Socialist Republics draft resolutions**

403. At the 501st meeting (12 September), the representative of the UNITED STATES OF AMERICA argued that the Council should vote on the United States draft resolution relating to fact-finding, before acting on the USSR draft resolution which prejudged the question and made a condemnation before the facts had been established.

404. The representative of the UNITED KINGDOM also considered that it would be logical to deal with the proposal for a fact-finding commission before voting upon a draft resolution of condemnation.

405. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS maintained that the USSR draft resolution should be put to the vote first, in conformity with rule 32, which provided that "principal motions and draft resolutions shall have precedence in the order of their submission". Furthermore, he maintained that it was not possible to send a commission into a country without first discussing the matter with a representative of that country, or asking for the consent of its legal government. It could not be argued that the Security Council did not have any facts about the bombing of Chinese territory by United States aircraft, since the facts had been clearly set forth in the cablegrams of 28 and 30 August, and the United States representative himself had admitted that United States aircraft had violated Chinese air space. If the United States representative had not stood in the way of inviting the representative of the People's Republic of China, the Council would have had the facts and would have proceeded long ago with the consideration of the substance of the question.

406. The representative of INDIA said that he would abstain on the question of giving priority to the United States draft resolution because, as he had previously explained, India might be considered to have an interest in its subject matter.

407. The representative of EGYPT considered that the Council should vote first on the United States draft resolution, since it could not peremptorily approve an accusation and condemnation levelled against a Member of the United Nations without any investigation.

408. The representative of FRANCE agreed that the United States draft resolution should be put to the vote first, since it was obvious that investigation must precede condemnation.

409. The representative of CHINA said that he would not participate in the voting since, in his opinion, it had been a mistake for the Security Council to put the present item on its agenda.

**Decision:** *By 7 votes to one (USSR) with 2 abstentions (India, Yugoslavia), and one member (China) not participating in the vote, the Council adopted the proposal that the United States draft resolution (S/1752) should be put to the vote before the USSR draft resolution (S/1745/Rev.1).*

#### **D. Discussion of the United States and Union of Soviet Socialist Republics draft resolutions**

410. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS quoted from the complaints of the Government of the People's Republic of China and noted that the United States representative had not denied that the United States Air Force had violated Chinese air space. It could be regarded as firmly established that there had been attacks on Chinese territory, causing loss of life and damage to property. The mere fact of United States military aircraft having appeared over Chinese territory was a flagrant violation of international law and the position had been aggravated by the bombing and strafing, which had resulted in loss of human life and material damage to the People's Republic of China. The Security Council must condemn those illegal actions and must put upon the United States Government the entire responsibility for all the damage sustained by the People's Republic of China and for any consequences which might result.

411. In view of the United States admission, there was no need to set up the special commission of investigation suggested by the United States. In refusing to hear the representative of the People's Republic of China and in insisting that a commission be sent to China, the United States Government was pursuing hidden and hostile objectives with regard to the People's Republic of China. It was seeking to side-track the Security Council from the detailed consideration of the question, to drag the question out and to bury it by referring it to a commission. The United States was also attempting, through the staff, if not the members of the commission, to send its own trusted representatives to conduct spying and reconnaissance of the situation in China.

412. The representative of the USSR said that, by subjecting Korea and China to barbarous bombing attacks, the United States was violating the elementary principles of international law. It was committing an act of aggression, causing material damage and deliber-

ately murdering civilians. He read from cables received by the Security Council from workers', students' and other organizations in China, to illustrate the indignation aroused in the Chinese people by those acts. In conclusion, he maintained that, if the Security Council refused the request of the Government of the People's Republic of China to send a representative, that Government would be justified in refusing to abide by the Council's decision.

413. The representative of the UNITED STATES OF AMERICA replied to the charges of the representative of the USSR and expressed his confidence that aggression in Korea would be suppressed and that the Members which had started the great work of the United Nations for peace and freedom would grow in strength and become more united with each achievement gained over obstruction, hindrance, delay and abuse.

414. The representative of INDIA said that, if the Security Council should adopt the United States draft resolution, the Government of India would nominate a suitable representative. However, it was obvious that the commission could not function usefully without the co-operation of the Government of the People's Republic of China. He would oppose the first part of the USSR draft resolution since it sought to condemn without investigation. The second part of the USSR draft resolution was unnecessary since the United States representative had stated that aircraft operating under the Unified Command in Korea had strict instructions not to cross the Korean frontiers.

415. The representative of ECUADOR opposed the USSR draft resolution, since he considered that no condemnation should be made before the facts were known. He said that the facts should be the subject, not of political controversy, but of genuine inquiry. The membership of the proposed commission was a guarantee that it would inspire confidence in each of the parties, owing to the high moral standing, the impartiality and the peaceful international policy characteristic of India and Sweden, and to the fact that both States maintained friendly relations with the Peking Government.

416. It was to be assumed that the Secretariat and the commission would ask the requisite permission of the Peking authorities to carry out the necessary investigation. The representative of Ecuador hoped that they would not refuse to facilitate an impartial investigation which was a consequence of their own complaint.

417. He considered that the establishment of such a commission by the Security Council would be a proof of good will and of the fact that the United Nations did not wish any people to suffer without cause from the consequences of the police action made necessary by the invasion of the Republic of Korea.

418. Replying to the representative of the USSR, the representative of CHINA said that the cablegrams referred to came from associations organized and controlled by the communists, and did not represent the opinion of the Chinese people. For the reasons he had previously explained, he would not participate in the voting on the two draft resolutions.

**Decisions:** At the 501st meeting, on 12 September 1950, the United States draft resolution (S/1752) was

*put to the vote and was not adopted. There were 7 votes in favour, one against (USSR), with 2 abstentions (India, Yugoslavia) and one member (China) not participating. The draft resolution was not adopted, the vote against being that of a permanent member of the Council.*

*The USSR draft resolution (S/1745/Rev.1) was rejected by 8 votes to one (USSR), with one abstention (Yugoslavia) and one member (China) not participating.*

#### **E. Further communications from the People's Republic of China and the United States of America**

419. In a cablegram dated 24 September 1950 (S/1808), the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China charged that, on 22 September, United States military aircraft had flown over Chinese territory and dropped bombs on the city of Antung, causing damage to property and wounding a number of persons. He noted that, although the majority of the members of the Security Council had agreed to include the accusation of the People's Republic of China in the agenda, they had refused to have the representative of China present in the Council to state his case and participate in the discussion. That action showed that the United States attempted to cover up its atrocities by making use of the majority it controlled in the United Nations and that it was afraid its infamous crimes would be disclosed by the representative of the Central People's Government. The Government of the People's Republic of China demanded that the General Assembly include in its agenda the complaint of the People's Republic of China against the flights of United States military aircraft over Chinese territory and their strafing and bombing, which caused casualties and property damage. In conclusion, the Minister for Foreign Affairs of the People's Republic of China stated that the General Assembly should recommend that the Security Council take effective measures to condemn the aggressive crimes of the United States, and bring about promptly the withdrawal of the United States aggressive forces in Korea so that peace in the Far East and the world might be restored.

420. In a letter dated 26 September (S/1813), the deputy representative of the United States of America informed the Security Council that a report from the United States Air Force indicated that one of its planes in the service of the United Nations might inadvertently have violated Chinese territory and dropped bombs in the vicinity of Antung on 22 September. The United States Government deeply regretted any violations of Chinese territory, and any damage which might have occurred. Every effort had been and would be taken to avoid unfortunate incidents of the nature charged. The United States Government remained willing, in the case of the present charges, as well as the past charges, to assume responsibility and pay compensation through the United Nations, for damages which an impartial on-the-spot investigation might show to have been caused by the United States planes. It considered such an investigation wholly reasonable and an essential prerequisite to ascertaining responsibility and assessing damages.

421. In a letter dated 2 October 1950 (S/1832), the representative of the United States of America said that a detailed investigation, undertaken at the request of the Commanding General of the United Nations Command, of the incidents alleged in the communications dated 28 and 30 August from the Chinese communist authorities, had disclosed that, on 27 August, two aircraft supplied by the United States to the United

Nations Command had, by mistake, flown over the territory of China and fired on an air-strip near Antung. The United States representative explained the circumstances in which this mistake had occurred and said that the investigation had disclosed nothing to corroborate the complaints set forth in the cables dated 28 and 30 August concerning further violations of Chinese territory.

## Chapter 4

### CONTINUATION OF THE CONSIDERATION OF THE ITEMS ON THE "COMPLAINT OF ARMED INVASION OF TAIWAN (FORMOSA)" AND THE "COMPLAINT OF AGGRESSION UPON THE REPUBLIC OF KOREA"<sup>1</sup>

#### A. Discussion of the provisional agenda of the Security Council

422. At the 525th meeting of the Security Council (27 November 1950), the PRESIDENT proposed that the Council should consider together the items entitled "Complaint of armed invasion of Taiwan (Formosa)", and "Complaint of aggression upon the Republic of Korea". His reasons for doing so, he explained, were first that the two problems were closely related, and secondly, that the Security Council had invited the representatives of the People's Republic of China, now present in New York, to take part in its discussion on both problems.

423. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS objected to combining the two questions under one agenda item because the item entitled "Complaint of aggression upon the Republic of Korea" had been included in the agenda on 25 June at the request of the United States delegation, without the USSR delegation associating itself with that formulation. Moreover, the invitation to the Central People's Government of the People's Republic of China, decided upon by the Council on 8 November, confined the participation of the representatives of that Government to the discussion of the special report (S/1884) of the so-called Unified Command which the Central People's Government did not recognize.

424. In the course of the procedural debate on the agenda, the PRESIDENT expressed the view that his proposal covered the whole problem of Korea and that any representative would be entitled to express his own particular view in that respect.

425. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, however, held the view that unless the resolution of 8 November (see chapter 1) was rescinded, the position would not be changed, irrespective of any statement made at the Council table.

**Decisions:** *At the 525th meeting on 27 November 1950, the Council rejected the objection of the representative of the USSR by 7 votes to one (USSR), with 3 abstentions (Ecuador, Egypt, India).*

*At the 526th meeting on 28 November, a USSR proposal that the floor be given first to the representative of the People's Republic of China, was rejected by 8 votes to one (USSR), with 2 abstentions (India, Yugoslavia).*

#### B. Statement of the representative of the United States of America

426. The representative of the UNITED STATES OF AMERICA stressed the fact that, while the complaint of aggression upon the Republic of Korea and the complaint of armed invasion of Taiwan (Formosa) were two distinct matters, they were closely related aspects of the gravest question then confronting the world. That question was whether there would be peace or war in the Far East.

427. The facts of the situation in Korea, he said, were that Chinese communist forces totalling more than 200,000 men were now engaged in North Korea. That situation justified the use of the word aggression, which he now employed by direction of the United States Government.

428. He reviewed the recent history of events in the Far East, describing in detail the consideration of the Korean problem in the United Nations, including the action taken by the Security Council when the Republic of Korea had been attacked and the support given to that State by a majority of United Nations Members. The resulting hopeful prospect of a peaceful settlement had now been beclouded by the entrance into Korea of Chinese communist forces. He asked the Chinese communist representatives whether that aggression was really in the interest of the Chinese people or on behalf of the great Russian Power which has already taken so many benefits away from Manchuria at the expense of the Chinese people. He considered that, when one looked into the charges levelled against the United States by the Peking authorities, it was obvious that there was a gaping void between the facts as seen by most of the world and the facts as claimed by those authorities. He hoped that, from the Security Council discussions, there would come some measure of agreement as to the facts and some understanding by the Chinese communist representatives of the aims and purposes of the United Nations.

429. He then reviewed Chinese-American relations, stressing aid and assistance given to China by the United States in the political, economic and cultural fields. He emphasized that the preservation of China's territorial and administrative integrity had been a major tenet of American policy since the establishment of diplomatic relations between the two countries. He pointed out that traditional American friendship for China had also been manifested on a non-governmental level through American-supported medical missions, schools and the like.

<sup>1</sup> The present chapter deals with the continuation of the discussion on the questions treated in chapters 1 and 2.



430. Regarding the Korean problem, the United States representative put some questions to the representative of the Central People's Government of China in order to clarify the question of the number of the Chinese communist troops which had entered Korea, their organization and composition; to find out the voluntary manner in which the supplies had been organized, dispatched across the frontier, and distributed; to elucidate the motives which had led the Peking Government to ignore the reiterated statements of the United Nations and of the United States Government that there were no designs on Chinese territory or legitimate interests; to determine the interests of the Peking Government with regard to Korea and ascertain whether it was ready to respond to the central paragraph of the six-Power draft resolution, calling upon all States and authorities to refrain from assisting or encouraging the North Korean authorities. That proposal represented the conscience of the world. Would the Peking authorities heed the judgment of the United Nations, or would they defy the Organization, thus further endangering peace and security? The answer to that question might determine, he stressed, whether the Korean conflict would be brought to a speedy end or be continued, thus heightening the danger that it might spread to other areas.

431. With regard to the complaint of violations of the Chinese territorial air by United Nations aircraft (see chapter 3), he recalled the proposals for a commission of investigation made by the United States Government in that connexion. He stressed that despite the vetoing of that proposal by the representative of the USSR and despite the subsequent intervention of the Chinese communists, the Unified Command had maintained its instructions strictly prohibiting United Nations aircraft from crossing the Korean frontier.

432. With regard to Formosa, he wished to emphasize that the Government of China that was recognized by the United States Government and by a majority of the Members of the United Nations, was in effective control of the island. The representative of that Government had clearly stated that there had been no United States aggression against the island of Taiwan (Formosa). The sole mission of the United States Seventh Fleet was to prevent any attack from the mainland upon Formosa or vice versa. He recalled the statements of the President of the United States on 27 August, and the letter dated 21 September from the Secretary of State of the United States to the Secretary-General on that subject. The United States representative asked what the intentions of the Peking régime were towards Formosa and whether that régime would pledge itself to accept a peaceful settlement of the Formosa question or intended to risk the grave disturbance of international peace and security by a warlike act.

433. The United Nations objectives in the Far East, as everywhere in the world, he concluded, were to maintain international peace and security. The United Nations method with regard to disputes was to seek every means of settling them peacefully. But the United Nations was not to be coerced. It had not hesitated in the past and did not hesitate now to give assurances of its peaceful intentions. But such assurances must be mutual.

434. He said that the Chinese communist régime, by its actions as well as by its statements, had caused grave doubts to arise in the minds of people all over the world. What the United Nations sought now was an assurance of the peaceful intent of that régime, and deeds which would demonstrate that such intent was genuine.

### **C. Statement of the representative of the Central People's Government of the People's Republic of China**

435. At the 527th meeting (28 November), the representative of the CENTRAL PEOPLE'S GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA stressed that, on the instructions of his Government, he was present at the Council table in the name of 475 million people of China to charge the Government of the United States with the unlawful and criminal act of armed aggression against the Chinese territory of Taiwan, including the Penghu islands. He then stated that, because of the fact that item 2 (b) of the agenda, "Complaint of aggression upon the Republic of Korea", was not in conformity with the wording proposed by his Government, he would not participate in the discussion of that item.

436. The charge of aggression against Taiwan by the United States Government, he went on, should have been lodged in the Council by the representative of the Central People's Government of the People's Republic of China as a permanent member of the Council. He wished in that connexion to protest to the United Nations for not having seated such a representative as the representative of China. So long as the United Nations persisted in denying admittance to a permanent member of the Council representing 475 million people, he said, it could not make lawful decisions on any major issues or solve any major problems, particularly those which concerned Asia. Without the participation of the lawful representatives of the People's Republic of China, the people of China had no reason to recognize any resolution or decision of the United Nations. Accordingly, he demanded the expulsion of the representatives of the "Kuomintang reactionary remnant clique" from the United Nations and the admission of the lawful representatives of the People's Republic of China.

437. The Central People's Government of the People's Republic of China, in a statement issued on 28 June 1950, he emphasized, had pointed out that President Truman's statement of 27 June, together with the actions of the United States armed forces, constituted armed aggression against Chinese territory and a gross violation of the Charter.

438. Taiwan was an integral part of China. That was clearly reflected in the Cairo Declaration, signed on 1 December 1943 by the Governments of the United States, the United Kingdom and China. As one of the principal provisions concerning the unconditional surrender of Japan, the solemn international commitment had again been laid down in the Potsdam Declaration, signed jointly on 26 July 1945 by China, the United States and the United Kingdom, and subsequently adhered to by the Soviet Union. On 2 September 1945, Japan had signed the Instrument of Surrender, the first article of which explicitly provided that Japan accepted the provisions set forth in the Potsdam Dec-

laration. When the Chinese Government had accepted the surrender of the Japanese armed forces in Taiwan and exercised sovereignty over the island, Taiwan had become, not only *de jure*, but also *de facto*, an inalienable part of Chinese territory. For that reason, during the five post-war years, until 27 June 1950, no one had ever questioned the fact that Taiwan was an inseparable part of Chinese territory, *de jure* and *de facto*. President Truman himself had admitted, on 5 January 1950, that Taiwan was Chinese territory. Yet, the United States Government had had the audacity to declare its decision to use armed force to prevent the liberation of Taiwan by the People's Republic of China, and to dispatch its armed forces on a large-scale open invasion of Taiwan.

439. The fact that the United States had used armed forces to invade Taiwan required no investigation because the United States Government itself had openly admitted that it had done so. In announcing the aforementioned decision, President Truman had first ordered the United States Seventh Fleet to invade China's territorial waters around Taiwan. Since then, the United States Government had never denied the fact that the United States Seventh Fleet had invaded Chinese territory, Taiwan. The United States armed forces had also violated China's territorial waters and territorial air along and within China's coast line, conducting active reconnaissance and patrol.

440. The United States Government, furthermore, had never denied the invasion of Taiwan by the United States Thirteenth Air Force. The United States naval and air units which had invaded Taiwan, simultaneously with the entry of United States aggression forces into Korea, had extended and were still extending their acts of aggression beyond Taiwan to the territorial waters and territorial air of China's mainland.

441. Later on, President Truman had sent General MacArthur, Commander-in-Chief of the United States Armed Forces in the Far East, to Taiwan to confer with Chiang Kai-shek on concrete measures for using Taiwan as a base from which to wage war against the Chinese people.

442. As to the attempt of the United States Government to justify its invasion and occupation of Taiwan by pretending that the status of the island had not yet been determined, the facts were that history itself and the situation during the last five years, following Japan's surrender, had long determined the status of Taiwan to be an integral part of China. The reality was that there was no such question as that of Taiwan's status. Moreover, under Article 107 of the Charter, the United Nations had no right whatsoever to alter that status, the less so since the question of status did not exist.

443. Nevertheless, the United States representative at the fifth session of the General Assembly had used its voting machine in the Assembly to include in the agenda the so-called question of Formosa. All those moves of the United States Government were aimed at using the name of the United Nations to legalize that Government's illegal acts of armed aggression against Taiwan and to consolidate its actual occupation of the island. Whatever decision the General Assembly might take on the so-called question of the status of

Taiwan, whether it would be to disguise United States administration there under the name of "trusteeship" or "neutralization" or to procrastinate the matter by way of "investigation", that decision would, in substance, constitute stealing China's legitimate territory and supporting United States aggression against Taiwan in opposition to the Chinese people. Any such decision would be unjustifiable and unlawful, and would in no way shake the resolve of the Chinese people to liberate Taiwan, nor would it prevent action by the Chinese people towards that aim.

444. As to the argument that United States aggression against Taiwan was aimed at safeguarding security in the Pacific, that it was a "temporary measure" arising from the Korean war, and was intended to "localize" the war, the fact was that the civil war in Korea had been created by the United States. The fact was, furthermore, that the United States Government's policy of armed aggression against Taiwan, no less than its policy of armed aggression against Korea, had been decided upon long before the United States had created the civil war in Korea. The creation of civil war in Korea by the United States Government had been designed solely to furnish a pretext for launching armed aggression against Korea and against China's territory, Taiwan, and for tightening its control in Vietnam and in the Philippines. Clearly, in carrying out aggression simultaneously against Korea and Taiwan under the pretext of the Korean civil war, which was of its own making, the United States Government had vastly extended the scale of the Korean war. It was United States armed aggression, launched under the pretext of "maintaining security in the Pacific", that had shattered the security of the Pacific.

445. Further, the United States Government had argued that the United States armed invasion and occupation of Taiwan had been designed to effect the military "neutralization" of Taiwan. But the peoples of the whole world clearly understood that the liberation of Taiwan, which the Chinese people were determined to carry out, was entirely China's domestic affair, and that no deceptive slogans could conceal the fact that that action on the part of the United States Government constituted armed intervention in China's domestic affairs.

446. The armed invasion of Taiwan, Chinese territory, by the United States Government was the inevitable consequence of its policy of intervention in China's internal affairs. In the entire history of China's foreign relations, the American imperialists had, in their relations with China, always been the cunning aggressor.

447. During the period following Japan's surrender, the United States Government and the Chiang Kai-shek Kuomintang régime, he said, had signed all kinds of unequal treaties and agreements which reduced China to the status of a colony and military base of the United States. However, all the efforts of the United States had failed.

448. After Japan's surrender and following the victory of the Chinese People's Liberation Army on the mainland, the United States Government had intensified its activities with regard to Taiwan with the aim of putting it under American control and converting it

into a military base. The United States had also intensified its support for the Chiang Kai-shek régime and continued through that régime to try to prevent the island's liberation so that it might remain under American domination. However, the growing might of the Chinese people and the imminent collapse of the Chiang Kai-shek régime had made it impossible to continue employing that covert and indirect form of aggression, and thus had forced the United States to open armed aggression.

449. That was not an isolated affair but an integral part of the over-all plan of the United States Government to intensify its aggression, control and enslavement of Asian countries which had been going on for the last five years.

450. From the very outset, United States armed aggression against Korea had gravely threatened China's security. From 27 August to 10 November 1950, the representative of the Central People's Government of the People's Republic of China charged, military aircraft of the United States in Korea had violated the air space of north-east China ninety times. They had bombed Chinese cities, towns and villages, killing and wounding peaceful Chinese inhabitants and damaging Chinese property. Those and other acts of direct aggression were a provocation which the Chinese people could not tolerate.

451. Now the United States forces of aggression in Korea were approaching China's north-eastern frontier. The flames of the war of aggression waged by the United States against Korea were swiftly sweeping towards China. Under such circumstances, the United States aggression against Korea could not be regarded as a matter which concerned the Korean people alone. The United States aggression against Korea gravely endangered the security of the People's Republic of China. Only a river separated the two countries geographically. The Chinese people could not afford to stand idly by in the face of the serious situation brought about by the United States Government's aggression against Korea and the dangerous tendency towards the extension of the war. They were volunteering in great numbers to go to the aid of the Korean people. Resistance to the United States aggression was based on the self-evident principles of justice and reason. The People's Government of China saw no reason whatever to prevent voluntary departure for Korea to participate, under the Command of the Government of the People's Democratic Republic of Korea, in the liberation struggle of the Korean people against United States aggression.

452. In making Japan its main war base in the Far East, launching armed aggression against Korea and Taiwan, carrying out active intervention against Vietnam and tightening its control over other countries in Asia, the United States Government was systematically building up a military encirclement of the People's Republic of China, in preparation for further attack on the People's Republic of China, and to stir up a third world war. The truth of the matter was that American imperialism regarded the victorious People's Republic of China as the most serious obstacle to its domination over Asia. The American imperialists claimed, continued the representative of the People's

Republic of China, that the United States "defence line" must be pushed to the Yalu River, to the Strait of Taiwan and to the border regions between China and Vietnam, or the United States would have no security. But in no sense whatever could it be said, he considered, that the Korean people's struggle for liberation, or the exercise of sovereignty by the People's Republic of China over its own territory, Taiwan, or the volunteering of the Chinese people to resist the United States and aid Korea, or the struggle for national independence of the Vietnam Democratic Republic, affected the security of the United States in North America, 5,000 miles away.

453. The armed aggression against Taiwan, territory of China, and the extension of the aggressive war in Korea by the United States Government had augmented a thousandfold the wrath of the Chinese people against American imperialism. The Chinese people loved peace; but it would be a grave mistake if the United States took that as an indication of weakness. The Chinese people were firmly determined to recover Taiwan and all other territories belonging to China from the grip of the United States aggressors.

454. In conclusion, the representative of the Central People's Government of the People's Republic of China submitted the following draft resolution (S/1921):

*"The Security Council,*

*"Recognizing that the invasion and occupation of Taiwan by the armed forces of the Government of the United States of America constitute open and direct aggression against Chinese territory,*

*"Recognizing that the armed aggression against Chinese territory and the armed intervention in Korea by the armed forces of the Government of the United States of America have shattered peace and security in Asia and violated the United Nations Charter and international agreements,*

*"Condemns the Government of the United States of America for its criminal acts of armed aggression against the Chinese territory of Taiwan, and armed intervention in Korea;*

*"Resolves to demand the complete withdrawal by the Government of the United States of America of its forces of armed aggression from Taiwan, in order that peace and security in the Pacific and in Asia may be ensured; and further*

*"Resolves to demand the withdrawal from Korea of the armed forces of the United States of America and all other countries and to leave the people of North and South Korea to settle the domestic affairs of Korea themselves, so that a peaceful solution of the Korean question may be achieved."*

#### **D. General discussion and decisions of 30 November 1950**

455. At the 528th meeting (29 November), the Council, at the request of the representative of the USSR, heard the contents of a cablegram dated 27 November (S/1918) from the Minister for Foreign Affairs of the People's Democratic Republic of Korea. It was charged in that communication that the American and Syngman Rhee forces, in the regions of North

and South Korea which they occupied, had taken cruel reprisals against members of the democratic parties and public organizations, and had perpetrated numerous atrocities against the civilian population. The cablegram further charged that, in order to conceal those atrocities, the American imperialists had forced the United Nations Commission on Korea to sign and submit a number of reports charging the Korean people's army with having perpetrated atrocities south of the 38th parallel. Those reports, it submitted, were entirely devoid of truth. In conclusion, the cablegram voiced the protest of the Government of the People's Democratic Republic of Korea against those acts and insisted that the United Nations should take the necessary measures to prevent their recurrence.

456. The representative of the REPUBLIC OF KOREA charged the Central People's Government of China with unprovoked aggression against his country and with endangering the peace of the world. He demanded that the Peking Government immediately withdraw its troops from Korea and release the military and civilian prisoners of war it was holding. In conclusion, he said that the Korean people would never molest any of their neighbours and would never yield one inch of their own territory.

457. The representative of CHINA rejected all assertions of American imperialist activities in China and emphasized that the United States Government had not requested any base or privilege on Taiwan. The United States Seventh Fleet had been sent to the Strait of Taiwan with the consent of his Government, which was the only legitimate Government of China. He pointed out that the United States Government had made no conditions before giving aid to China in its fight against Japan. However, before the Government of the Soviet Union had agreed to enter the war against Japan, China had been forced to yield Port Arthur for the use of the Soviet fleet, together with special privileges in the commercial port of Dairen and half control of the trunk railways of Manchuria. After the occupation of Manchuria, the Soviet army had taken away huge quantities of machinery and had demanded that the Chinese Government agree to form joint companies to exploit the natural resources of Manchuria. He said that the statement of the representative of the Peking régime had given a completely distorted account of American activities with regard to China and of the actions of the United Nations with regard to Korea. The resolutions of the Security Council showed, he said, that any idea of using Korea as a base of aggression against China was totally absent from the thought of the United Nations.

458. With regard to the claim of the Peking authorities to China's seat in the Council, the representative of China considered that the Charter provided for that seat to be given to a free and independent Chinese Government and not to a régime which served the aggressive purposes of others.

459. The representative of FRANCE urged the Council to adopt the six-Power draft resolution (S/1894) without delay. He repeated that the purpose of the draft resolution when submitted had been to allay the possible misgivings of the Peking authorities with regard to the political aims of the United Nations in Korea,

and with regard to the protection of Chinese interests in the frontier region. He considered that the intentions of the Peking Government, which had been obscure at the time the draft resolution was submitted, had now been expressed in unambiguous terms. They had not, however, changed the legal facts of the matter or the intentions of the United Nations. He said that the French delegation did not think that the draft resolution was out of date or that a condemnation should at that stage be substituted for what had been a warning. The fact that the situation had undoubtedly become worse made it only more desirable for the United Nations to tell the Peking authorities that their action in Korea was contrary to the Charter, to which they themselves intended to appeal, and that their fears, if they had any, were baseless.

460. The representative of the UNITED STATES OF AMERICA considered that the arguments presented by the Chinese communist representative misrepresented the entire history of the Korean question by attempting to depict the United States as an aggressor. That representative had, however, remained silent about the work of the United Nations Commission on Korea and its reports on the aggression from North Korea. On the other hand, he had asked what importance Korea could have to the security of the United States, 5,000 miles away. That question coming from a party who asserted a right to a seat in the Council was most illuminating. The United States representative went on to say that the Chinese communist representative, while declining to answer directly the questions put to him, had answered them either by his silence when he was bound by the circumstances to speak, or by statements revealing the attitude of an aggressor.

461. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS argued that the representatives of his Government at the United Nations had endeavoured, in the Council as well as in the General Assembly, to achieve a peaceful settlement of the Korean question and had adduced facts showing that South Korea had prepared and carried out aggression against North Korea under the leadership and guidance of American ruling circles and their civilian and military representatives in Korea.

462. The representative of the United States, he went on, had falsified the history of the origin and development of the Korean question. For the sake of establishing the truth, it was necessary to recall the decision of the Conference of Foreign Ministers held in Moscow in December 1945. That decision, the representative of the USSR charged, had later been sabotaged by the United States Government and the United States Command in South Korea. In violation of the agreements made during the war and of Article 107 of the Charter, the United States Government, counting on the support of the Anglo-American bloc in the United Nations, had, in 1947, dragged the Korean question into the United Nations, and thus had already begun to conceal its aggressive policy in Korea under the mantle of the United Nations. With the assistance of the Anglo-American bloc, the United States Government had forced the adoption of a number of illegal resolutions favourable to itself and its South Korean puppets; it sought to conceal the domination of the

American monopolies and the American militarists in Korea by those so-called United Nations resolutions.

463. With regard to the United Nations Commission on Korea, he considered that the United States did not need to be represented on that Commission in order to have its own way, since the majority in the Commission would always follow the directives of the United States Command.

464. As to the assertion that President Truman had been guided by a decision of the Security Council when he had ordered United States armed forces to invade Korea, every one knew, he considered, that the order had been given at 12 noon on 27 June, which was several hours before the Council had convened on that day. Thus, the United States Government had confronted the whole world with the *fait accompli* of its aggression in Korea, and then had forced the Security Council to adopt an illegal resolution for the purpose of concealing the aggression already committed. The representative of the USSR then recalled his arguments to the effect that the decisions taken by the Council on 25 and 27 June had been adopted by an illegally constituted Council, i.e., without the participation of two permanent members of the Council, the USSR and China. The attempt of the United States Government to convince public opinion that the war against the Korean people was being waged by "United Nations troops under United Nations Command", was thus, he contended, a falsification of the facts.

465. Referring to the cablegram dated 24 August (S/1715) from the Minister for Foreign Affairs of the People's Republic of China, and the statement made by the representative of the People's Republic of China at the 527th meeting, the representative of the USSR considered that they showed quite clearly that the United States Government had committed an act of aggression through the invasion, by the armed forces of the United States, of the island of Taiwan, an inalienable part of the territory of China. Those acts of the United States Government were illegal and contrary both to the basic principles of international law and to the established practice of international relations prohibiting intervention in the domestic affairs of States. It was generally admitted, he argued, that a State whose land, sea or air forces were landed or led beyond the frontiers of another State without the permission of its government was the attacker in an international conflict, that is, the aggressor. The action of the United States Government in respect of the Chinese island of Taiwan constituted an aggression. Consequently, the United States Government was the attacking party, the aggressor.

466. It was a matter of general knowledge that a State which established a naval blockade of the coasts or ports of another State was admitted to be the attacking party. The United States had established an armed naval blockade of the coasts and ports of the Chinese island of Taiwan with the obviously aggressive intention of using armed force to bar the legal Government of China and its armed forces from the island. That move of the United States Government constituted outright aggression against China. It furthermore constituted a gross violation of the Cairo and Potsdam international agreements establishing Formosa as part

of Chinese territory, agreements which the United States Government had signed, and was also a violation of the statement made by President Truman on 5 January 1950 to the effect that the United States would not intervene in the affairs of Formosa.

467. According to a widely recognized international definition of aggression, no considerations of a political, economic or strategic nature could serve as justification for an attack upon, or invasion of, the territory of another State. However, both from the text and intent of Mr. Truman's statements of 27 June and 19 July 1950 (S/1716) and from the contents of General MacArthur's famous message to the Veterans of Foreign Wars, it was clear that the ruling circles of the United States, having committed an act of aggression towards China, had seized Taiwan for political and strategic reasons, and that their chief reason for having done so had been their effort to extend the United States line of defence as far as possible from its own frontiers, for the alleged purpose of guaranteeing national security.

468. It was well known, the USSR representative went on to say, that neither on 27 June, when Mr. Truman had announced his order to the United States Seventh Fleet to occupy Taiwan, nor on later occasions, had there been any decision by the United Nations and the Security Council on that question. There was still no such decision.

469. It could not, of course, be considered normal that the Security Council had passed over that act of aggression by the United States in silence and had not risen up in defence of the legitimate interests of China and the Chinese people. On the other hand, the silence of some members of the Security Council in connexion with that aggression could not be considered to have been a "legal decision of the United Nations" behind which the aggressor could hide and cover up his aggression.

470. The United States representative had stated that the United States was not encroaching on the territory of China and had not taken any aggressive action against that country. The facts, however, clearly showed that such a statement was not in accordance with the facts, for the occupation and seizure of foreign territory by armed forces was the clearest possible form of encroachment.

471. The internal conflict in China, the USSR representative continued, did not represent any threat to the Pacific area or to the security of the United States. It was an internal affair of China and any interference in it, he asserted, was specifically forbidden by the Charter. References to the fact that the decision of the President of the United States regarding Taiwan constituted a neutralizing action addressed to both parties in the Korean civil war were, in his view, untenable.

472. No one, no international organ, had empowered the President of the United States to take such neutralizing action, or had given him the right to seize Taiwan. That arbitrary act of the United States Government was not a neutralizing action, but an aggressive act fraught with serious international consequence likely to worsen and aggravate the international situation, not to maintain and strengthen peace.

473. With regard to the status of the island of Taiwan, the representative of the USSR associated himself with the arguments submitted by the representative of the People's Republic of China to the effect that the question could not anew be made a subject of discussion since it had been fully decided by international agreements during the war, in particular by the Declarations of Cairo and Potsdam and the Japanese Instrument of Surrender. The attempts of the United States to bring the question before the United Nations were clearly aimed at changing the legal status of the island through the agency of the United Nations, thereby concealing United States aggression against China.

474. The representative of the United States, he considered, should be called upon by the Council to answer some fundamental questions such as, when the United States imperialists and warmongers would cease their predatory activities in Korea, China and the Far East; when they would withdraw their forces from the territories of other States; and when they would put an end to the war and allow the peoples of Korea, China and other countries of Asia to live in peace and friendship and be free and independent, as required by the United Nations Charter. The problem at issue was not that of the status of Taiwan, he said, but that of the armed aggression of the United States Government against China, the invasion of the Chinese island of Taiwan by United States armed forces. That was the crux of the question before the Security Council. The Council and the United Nations were in honour bound to protect the victim of aggression, China, and to take appropriate action against the aggressor, the United States of America, by requiring the United States Government to withdraw its armed forces immediately from both Taiwan and other Chinese territories and thereby to cease its intervention in the internal affairs of China.

475. Recalling the draft resolution (S/1757) introduced by his delegation on 2 September, during the discussion of the complaint of armed invasion of Taiwan (Formosa) (see chapter 2), the representative of the USSR urged its adoption by the Council. He also supported the draft resolution (S/1921) submitted by the representative of the People's Republic of China and proposed that it be put to the vote.

476. At the 530th meeting (30 November), the representative of the UNITED KINGDOM supported the United States and French view that the six-Power draft resolution (S/1894) should be put to the vote as soon as possible.

477. Commenting on the statement of the representative of the People's Republic of China, which, the United Kingdom representative considered, showed that the Peking Government associated itself indiscriminately with the views advocated by Moscow, he stressed that the old era of imperialism was now over and that a new relationship between the Asian and the Western Powers was in the making, as evidenced by the establishment of at least five independent Asian nations since the Second World War.

478. The popular leaders of those new States would not deny that the communist system could produce certain results, but they would assert that, if

the price to be paid was obedience to dictates issued in the interests of Soviet imperialism, then that price was too high. The representative of the United Kingdom said that events were disproving the predictions of the communist theoreticians. The colonial areas were gradually becoming self-governing and independent; the surplus products of the greatest industrial nation, the United States, were being distributed free in large quantities, in order to encourage world trade; the so-called imperialist Powers were devising schemes for improving the technical knowledge of what they were supposed to regard as subject peoples; and finally the so-called imperialist Powers, far from fighting one another, were banding together for the protection of the free world.

479. With regard to Taiwan, he considered that the representative of the People's Republic of China had completely failed to substantiate any accusation that the island was being converted into a United States base, or that the United States was in control of it. The disposal of the island, like that of other territories formerly belonging to Japan, he said, still remained a matter of international concern. Any attempt to settle the question by armed force and in the absence of some generally recognized legal decision must have international repercussions and was therefore unacceptable.

480. The President, speaking as the representative of YUGOSLAVIA, said that the responsibility for the grave situation in Korea could be determined by the conduct of the governments concerned during the first days following the outbreak of hostilities. He recalled that each party had accused the other of having opened fire, but the Government of South Korea had been the only one to appeal to the United Nations. On the same day, the Security Council had issued its order to cease fire and withdraw to the 38th parallel. The North Korean army, which had been in the territory of South Korea, had not accepted that order, and the North Korean Government had attacked the decision as illegal. The Government of the Soviet Union and the Central People's Government of the People's Republic of China had chosen, for their part, to ignore the Security Council recommendations, while at the same time heaping praise upon the North Korean armies for their victorious action in South Korea. The Press of Eastern Europe had attacked the Yugoslav Government for proposing in the Security Council on 27 June that the parties should be requested to cease fire and withdraw to the 38th parallel, and that representatives of the Government of North Korea should be invited to Lake Success in a last-minute attempt to achieve a peaceful settlement. Those facts showed who was responsible for the Korean war, which was endangering the peace of the world as a whole.

481. It was the profound conviction of the Yugoslav Government that, at the present time, no fundamental distinction could be made between one act of aggression and another on ideological, political, social or economic grounds. The very first thing to be done was to relieve mankind from all fear of war and aggression in order to enable it to go forward. In that spirit, the Yugoslav delegation, although it could not support every part of the six-Power draft resolution, would support the general idea of the proposal, since its purpose was to prevent the Korean conflict from spreading. In keeping



with his Government's general attitude on the Korean question, he would abstain from voting on the preamble.

482. The representative of INDIA indicated that he would be unable to participate in the voting if it took place at the present meeting, since he had not yet received final instructions from his Government.

483. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that neither the representative of the United Kingdom nor the representative of the United States had refuted a single fact or a single statement contained in the statement of the USSR delegation on United States aggression against Taiwan. A fair decision by the Council regarding that aggression, he said, was expected not only by the Central People's Government of the People's Republic of China, but also by the 475 million Chinese people.

**Decisions:** *At the 530th meeting on 30 November 1950, the draft resolution (S/1757) submitted by the delegation of the USSR on 2 September was rejected by 9 votes to one (USSR) with one member (India) not participating in the voting.*

*The draft resolution (S/1921) submitted by the representative of the Central People's Government of the People's Republic of China and sponsored by the representative of the USSR, was rejected by 9 votes to one (USSR), with one member (India) not participating in the voting.*

*The voting on the draft resolution (S/1894), submitted jointly by the representatives of Cuba, Ecuador, France, Norway, the United Kingdom and the United States, was as follows: on the first three paragraphs, there were 8 votes in favour, one against (USSR) and one abstention (Yugoslavia), with one member (India) not participating in the voting. On the remaining paragraphs, as well as on the six-Power draft resolution as a whole, there were 9 votes in favour and one against (USSR), with one member (India) not participating in the voting. Since the negative vote was in each case cast by a permanent member of the Council, the draft resolution was not adopted.*

**E. Decision of 31 January 1951 to remove the item "Complaint of aggression upon the Republic of Korea" from the list of matters of which the Council was seized**

484. In a letter dated 29 January 1951 (S/1922), addressed to the President of the Council, the representative of the United Kingdom pointed out that item 76 of the General Assembly's agenda entitled "Intervention of the Central People's Government of the People's Republic of China in Korea", which was being discussed by the First Committee of the General Assembly, had in fact figured in the discussion of the Council under the broader heading of "Complaint of aggression upon the Republic of Korea". Referring to the provisions of Article 12, paragraph 1 of the Charter, the letter stated that the United Kingdom delegation considered it desirable to remove any technical doubts which might be cast on the validity of any resolution adopted by the Assembly which contained recommendations to Members. The delegation therefore proposed that a meeting of the Council should be held with the object of removing from the Council's agenda the item "Complaint of

aggression upon the Republic of Korea". In its view, that would in no way prejudice the continuing validity of the resolutions already adopted by the Council on the subject, nor would it preclude the Council from taking the matter under its consideration again at some future date if the Council should so decide.

485. At the 531st meeting (31 January 1951) the representative of the UNITED KINGDOM submitted the following draft resolution:

*"The Security Council*

*"Resolves to remove the item 'Complaint of aggression upon the Republic of Korea' from the list of matters of which the Council is seized."*

486. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS expressed the view that the item had been included in the agenda illegally, and again stated that all decisions adopted by the Council in the matter were also illegal. For those reasons and not for those advanced by the representative of the United Kingdom, he would vote in favour of the United Kingdom draft resolution.

**Decision:** *The United Kingdom draft resolution was adopted unanimously.*

**F. Communications relating to the item "Complaint of aggression upon the Republic of Korea", received subsequent to its removal from the Council's agenda**

487. The representatives of Thailand (S/2000), Norway (S/2038), the Netherlands (S/2041, S/2050), Luxembourg (S/2056), the United Kingdom (S/2131) and Belgium (S/2140) indicated new offers or advised of reinforcements in connexion with previous offers of assistance under the Security Council resolutions of 25 and 27 June, and 7 July 1950.

488. The representative of the United States of America, in a letter dated 11 April 1951 (S/2082), advised of the designation of Lieutenant-General Matthew B. Ridgway as Commanding General, United Nations Command. By a note dated 2 May (S/2112), that representative transmitted a special report of the Commanding General, United Nations Command, with attached documentation, charging that North Korea had planned in advance to attack the Republic of Korea on 25 June 1950. Supplementary information in that connexion was received from the United States representative with a letter dated 31 May (S/2179). In addition to those communications, a number of *communiqués* issued by the headquarters of the United Nations Command, as well as reports on the course of action taken under that Command, were received from the representative of the United States.

489. The representative of the USSR, by a letter dated 9 March 1951 (S/2034), transmitted a report from the Commission of the Central Committee of the United Democratic National Front of Korea charging the United States troops with the perpetration of atrocities at Seoul and Inchon.

490. The Minister for Foreign Affairs of the People's Democratic Republic of Korea sent the following communications: two cablegrams dated 11 February 1951 (S/2012) and 15 April (S/2092), charging the

United Nations forces in Korea with the perpetration of atrocities; a cablegram dated 8 May (S/2142/-Rev. 2), charging United Nations Forces in Korea with the use of bacteriological weapons; a statement dated 18 May (S/2167/Rev. 1), denying the authenticity of the documentation contained in the special report of the Unified Command, transmitted by the representative of the United States on 2 May (S/2112), to the effect that the attack on the Republic of Korea on 25 June 1950, had been planned in advance by North Korea; a cablegram dated 29 June 1951 (S/2221), charging the Uni-

fied Command with the forcible deportation, to the south, of the civilian population of the districts of North Korea occupied by United Nations forces.

491. The representative of the USSR, in his capacity as President of the Council, submitted two letters dated 11 June 1951 (S/2203) and 21 June (S/2212) from the Women's International Democratic Federation, transmitting a "Report of the women's international commission for the investigation of atrocities committed by United States and Syngman Rhee troops in Korea".



## Chapter 5

### *The Palestine Question*

*Introductory note:* As stated in the last two annual reports (A/945 and A/1361), General Armistice Agreements were concluded in 1949 between Israel, on the one hand, and Egypt (S/1264/Rev.1), Lebanon (S/1296/Rev.1), Jordan (S/1302/Rev.1), and Syria (S/1353/Rev.1), on the other. The complaints referred to in the present chapter deal mainly with the alleged violations of those Agreements.

#### **A. Lebanese plane incident of 24 July 1950**

492. In a cablegram dated 26 July 1950 (S/1631), the Minister for Foreign Affairs of Lebanon informed the Secretary-General that a fighter aircraft of the Jewish air force had attacked, over Lebanese territory, a defenceless Lebanese civilian aeroplane, killing two passengers and wounding seven. The cablegram added that such an unwarranted and premeditated attack constituted a flagrant violation of the armistice conditions and showed a total disregard for United Nations principles. Accordingly, the Lebanese Foreign Minister asked the Security Council to investigate and to take the appropriate measures to ensure the maintenance of peace and the compensation due to the victims.

493. The protest lodged by the Lebanese Government was supported by the Foreign Ministers of the Hashemite Kingdom of Jordan (S/1650), Syria (S/1654), Iraq (S/1660) and Saudi Arabia (S/1671).

494. In reply, a copy of a letter dated 28 July 1950 (S/1648), addressed by the representative of Israel on the Mixed Armistice Commission to the United Nations Chief of Staff, was submitted to the Secretary-General for the information of the Security Council. It explained that on 24 July a civilian aeroplane had been observed flying over Israel territory and that an Israel aircraft had been instructed to intercept it and order it to land at an Israel airfield. The civilian aeroplane, signalled to land according to internationally accepted procedure, had disregarded the signals; and the pilot of Israel had fired a warning burst. Owing to the time taken by the pursuit and the warning signals, the Lebanese aeroplane had managed to cross into Lebanese territory; the Israel pilot had returned to his base.

#### **B. Charges of alleged violation of Egyptian territory by forces of Israel**

495. In a letter dated 21 July 1950 (S/1640), the Minister for Foreign Affairs of Egypt informed the Secretary-General, for the information of the Security Council, that on 30 June 1950 an armed Israel force, supported by aircraft, had crossed the armistice line east of Rafah, advanced into Egyptian territory and there killed three civilians and wounded several others. To repel that aggression on Egyptian territory,

Egyptian troops had been ordered to open fire, which the aggressors had returned before withdrawing. The United Nations observers had at once been informed of these incidents and their investigation had confirmed the circumstances outlined above. Such an act, the letter said, constituted a flagrant violation of the Armistice Agreement between Egypt and Israel. Participation of military aircraft in that daylight operation of an Israel unit compelled the conclusion that it had been premeditated aggression, organized by the responsible authorities of Israel themselves. The Foreign Minister concluded that, if such violations recurred, they might have serious consequences.

496. In another letter dated 9 September 1950 (S/1789), the Acting Minister for Foreign Affairs of Egypt informed the Secretary-General that, on 20 August 1950, Israel authorities had undertaken a large-scale military operation against the bedouins to drive them out of the demilitarized El-Auja area in the Negeb and had compelled them to cross the Egyptian frontier on 2 September. Such an act had not been the first attempt at mass expulsion of the Arabs from Palestine since the signing of the still valid Armistice Agreement. Between 26 June 1949 and 4 September 1950, more than 1,000 Arabs living in the areas of Haifa, Acre, Galilee, Jerusalem, Ramleh and Majdal, and in other districts under Jewish control, had been removed from their homes and constrained to take refuge in the narrow Egyptian-occupied Gaza-Rafah sector in southern Palestine. Documents in the possession of the Egyptian Government showed that those refugees had been required to file certificates to the effect that they had of their own free will asked to leave Israel without any intention of returning there, "voluntarily" renouncing any rights to their property or interests in Israel.

497. That most recent operation, the letter continued, was but the sequel to an uninterrupted series of expulsions from areas near the frontiers of Arab countries bordering on Palestine, all carried out with one and the same objective, which was to get rid of the entire Arab population of the territories now under the control of authorities of Israel, so as to create space for the new Jewish immigrants. That action, said the Acting Minister for Foreign Affairs of Egypt, violated the Egyptian-Israel General Armistice Agreement, constituted a challenge to the decisions of the General Assembly and was inconsistent with the statement made on 3 August 1949 by the Israel delegation to the United Nations Conciliation Commission for Palestine concerning the readiness of the Government of Israel, subject to certain conditions, to take in some 100,000 Arabs.

498. The Egyptian Government protested these violations, stating that the United Nations should:

(a) Intervene and investigate the events reported above and stop the expulsion of the remnants of the Arab population in Palestinian territory then under Jewish control;

(b) Assist the new refugees, to enable them to return to their homes and recover or receive compensation for their lost or damaged property;

(c) And that the United Nations Relief and Works Agency for Palestine Refugees in the Near East should at once accept responsibility for the new refugees.

499. The Egyptian Government, the letter concluded, was determined to raise that question in the competent organs of the United Nations and requested the Secretary-General to bring the foregoing promptly to the attention of the Security Council.

500. In a cablegram dated 8 October 1950 (S/1837), the Minister for Foreign Affairs of Iraq associated himself with the protest of the Egyptian Government.

### **C. Report of the Chief of Staff of the Truce Supervision Organization**

501. On 18 September 1950, the Chief of Staff of the United Nations Truce Supervision Organization in Palestine, Major General William E. Riley, reported (S/1797) that on 2 September 1950, Israel military forces had rounded up some 4,000 bedouins who had been living in the Negeb in and around the demilitarized zone of El-Auja and had driven them out of Israel-controlled territory across the Egyptian international boundary into Egyptian territory.

502. An investigation of the incident by the Chairman of the Egyptian-Israel Mixed Armistice Commission on 6 September had revealed that refugee Arabs representing five bedouin tribes concurred in statements that:

(a) They had lived in the Beersheba area under British Mandate but had moved to El-Auja about two years ago because of pressure of the Israelis;

(b) Since 20 August, the Israelis had conducted operations to clear the bedouins, employing army troops with armoured cars and guided by reconnaissance aircraft;

(c) After driving the bedouins across the border, the Israelis had burned their tents, crops and possessions;

(d) Thirteen bedouins had been killed by the Israelis during those operations.

### **D. Charges of alleged violation of Jordan territory by Israel forces**

503. In a cablegram dated 10 September 1950 (S/1780) to the Secretary-General, the Minister for Foreign Affairs of the Hashemite Kingdom of Jordan notified the Security Council that Jewish armed forces had penetrated and occupied territory of Jordan with the purpose of controlling the confluence of the Yarmuk and Jordan rivers. Jordan had ordered the reinforcement of its garrison in that area (as soon as it had been apprised of the incursion) with a view to meeting the aggression. The Jordan Government deeply regretted the resort by the Jewish side to forgery in the map annexed to the General Armistice Agreement, in

order to mislead the United Nations observers into believing that there had been no transgression against Jordan territory. The area in question had never been under Jewish occupation and was within Jordan's international frontiers as delineated ever since the initiation of the British Mandate over Palestine. The Jordan Government requested that urgent steps be taken to redress the Jewish aggression by instructing the Jewish side to withdraw to the line in Palestine territory originally occupied by its forces.

504. In another cablegram, dated 27 September 1950 (S/1818), the Minister for Foreign Affairs of the Hashemite Kingdom of Jordan requested the President of the Security Council to include the complaint of Jordan in the Council's agenda.

505. By an earlier communication, a letter dated 21 September 1950, the Minister for Foreign Affairs of the Hashemite Kingdom of Jordan had submitted to the Secretary-General (S/1824), for the information of the Security Council, detailed comments on the complaint of Jewish aggression against territory of Jordan, whose boundaries, it was said, were outside the stipulations of the General Armistice Agreement and Rhodes negotiations.

506. In another cablegram dated 27 September 1950 (S/1845) the President of the Security Council was requested to admit Mr. Yusuf Heikal as the Jordan Government's observer during all stages of the Security Council's consideration of Jordan's complaint.

### **E. Reply of the Government of Israel**

507. In a letter dated 15 September 1950 (S/1792), the representative of Israel informed the Secretary-General that the territory which the forces of either side were entitled to occupy under each Armistice Agreement was clearly defined in the Agreements themselves or in properly attested maps attached thereto. Realizing that the relevant map proved clearly that forces of Israel were nowhere in occupation of any territory where they were not entitled to be, the Jordan authorities were taking refuge in the absurd charge that the document had been forged. A serious view must be taken of that attempt by Jordan to repudiate an armistice document bearing its own signature.

508. The Government of Israel, the letter added, had noted a persistent tendency on the part of the Arab Governments to commit such violations of the Armistice Agreements as the Egyptian blockade practices, defined by the Acting Mediator on 4 August 1949 as "inconsistent with the spirit and letter of the Armistice Agreements"; the non-implementation for over eighteen months of article VIII of the Israel-Jordan Armistice Agreement; and unauthorized flights by Arab aircraft over Israel territory and countless infiltrations from Jordan territory. As a rule, the Israel Government had sought redress for those violations through appeal to the Mixed Armistice Commissions, in which it had full confidence and which had been established to investigate all problems arising under the Armistice Agreements. However, the Arab Governments' practice of making direct appeal to the Security Council might compel the Government of Israel to revise its own procedure and do likewise. It was of the utmost importance, the letter concluded, that the Armistice Agree-

ments be honoured, both by respect for their terms and the utilization of their procedures and machinery.

509. Subsequently, in a cablegram dated 16 September 1950 (S/1794) to the Secretary-General, the representative of Israel, on behalf of his Government, requested that additional items alleging the violation or non-observance of the Armistice Agreements by Egypt and Jordan be placed on the agenda of the Security Council.

#### **F. Resolution of 17 November 1950**

510. At the 511th meeting (16 October 1950), the Council invited both the representatives of Israel and the Hashemite Kingdom of Jordan to participate, without vote, in the debate on those charges of Egypt, Israel and Jordan detailed above.

511. The representative of EGYPT declared that while the Council was debating, many thousands of human beings in Palestine were being expelled from their homes. He quoted extensive excerpts from the letter dated 9 September 1950 (S/1789) from the Acting Minister for Foreign Affairs of Egypt to the Secretary-General, charging Israel with violations of Egyptian territory and expulsion of thousands of Palestinian Arabs. This action was a continuation and an intensification of premeditated, systematic and ruthless aggression by world political Zionism against the rights of the lawful Arab inhabitants of Palestine.

512. Nothing could better illustrate the objectives of this policy than the declaration which had been made by Mr. Walter Eytan, representative of Israel before the United Nations Conciliation Commission for Palestine, that it was not realistic to speak of the return of the refugees to their homes and farms because in many cases the farms had been destroyed and the homes were occupied by others.

513. The report dated 18 September 1950 (S/1797) of the Chief of Staff of the Truce Supervision Organization, the representative of Egypt said, gave ample testimony of Israel aggression. He quoted an excerpt stating that the expelled Arabs had been required to sign a statement agreeing to go to Gaza, never to return to Israel, and abandoning all property rights.

514. The representative of Egypt also charged that Israel had violated its obligations under the Egyptian-Israel Armistice Agreement, wherein it had been recognized that no military advantage should accrue to either side by the advance of the military forces of either side beyond positions held at the time the Armistice Agreement had been signed. In complete disregard of those stipulations, the Israelis had committed a series of violations, such as in the Bir Qattar and Umm Rashrash areas. The Mixed Armistice Commission had found that the occupation of Bir Qattar was a violation of article IV, paragraphs 1 and 2 of the Egyptian-Israel General Armistice Agreement. Upon appeal by Israel, the Special Committee of the Mixed Armistice Commission, whose decisions were final, had confirmed the decision. But forces of Israel continued to occupy the area, not paying the slightest attention to the decision.

515. The representative of Egypt then went on to specify various other charges of violations by Israel, giving dates and names of places.

516. The representative of ISRAEL said that the complaints contained in the letter of 9 September 1950 from the Egyptian Government alleging the expulsion of Palestinian Arabs from Israel and so-called violations of the General Armistice Agreement were completely false and had been directed to the Security Council with careful evasion of any submission to the Mixed Armistice Commission, as stipulated in article X, paragraph 7 of that Agreement.

517. The first two complaints to the effect that forces of Israel had violated Egypt's international frontier and the immunity of the demilitarized zone at El-Auja were, he said, completely without foundation.

518. As to the allegation that some 4,000 bedouins had been expelled, the representative of Israel explained that when the fighting had come to an end in February 1949, there had been some 5,000 bedouins in the northern Negeb whose status as residents had been fully and immediately recognized. Others, after having fled to the border country in the southern Negeb, had wandered seasonally on both sides of the frontier, and then had come forward to seek protection, identification cards and rights of residence. Under article V, paragraph 4 of the Armistice Agreement, it had been entirely within Israel's authority and discretion to admit or not to admit those bedouins who had not been clearly established to have been on the Israel side of the armistice frontier in February 1949.

519. Some 12,500 peaceful bedouins had been admitted, but the Government of Israel had and would still apply the full rigour of article V to all but two sections of the Azazmeh tribe which, after having fought against Israel during 1948, had fled to the Sinai peninsula in Egypt and had been situated there when the Armistice Agreement had been signed. The crucial fact that that tribe had been on Egyptian territory when the armistice was concluded had been vainly obscured in the Egyptian statement, which asserted that the tribe had lived in Beersheba before the hostilities began.

520. Concerning the alleged banishment of Arabs from Majdal against their will, the representative of Israel explained that, when the hostilities had ended, many residents of Majdal had applied for permission to cross with their dependants into Gaza. The signatures they had left behind referred mainly to financial transactions involving sale of their movable property.

521. The representative of Israel then drew attention to the Egyptian blockade, which had held up legitimate commerce passing through Suez for the last seventeen months and continued uninterrupted. In that connexion, he quoted the former Acting Mediator on Palestine as saying that the maintenance of blockade practices was incompatible with the letter and the spirit of the Armistice Agreement. Despite the protests of many countries involved in that commerce, the Egyptian Government still persisted in carrying out its unlawful practices.

522. At the 514th meeting (20 October 1950), the representative of the HASHEMITE KINGDOM OF JORDAN declared that on 28 August 1950 the Israelis had occupied an area, at the confluence of the Yarmuk and Jordan rivers, within the internationally recognized frontiers of the State of Jordan and that such action constituted a definite act of aggression and endangered

the stability of the whole area. The argument advanced by the Israelis to justify their aggression was that the map attached to the General Armistice Agreement between the Hashemite Kingdom of Jordan and Israel entitled them to occupy that area.

523. However, neither that map nor the text of the Armistice Agreement gave the Israel Government the right to occupy the area in question, for the following reasons:

(a) The object of the armistice defined in the Security Council resolution of 16 November 1948 had been to establish demarcation lines between the opposing forces in Palestine, not to modify the international frontiers of the States bordering upon Palestine;

(b) The preamble and articles I and II of the Armistice Agreement signed at Rhodes placed the same limitations on the armistice;

(c) Article II, paragraph 1, of that Agreement laid down the principle that neither party should gain any political or military advantage under the Armistice Agreements ordered by the Security Council;

(d) The Jordanian negotiators at Rhodes had never been empowered to discuss any matter affecting either Jordanian territory or the original maps authenticated by the two contracting parties at Shuneh;

(e) Under the terms of their credentials, any map which did not bear the signature of two of the Jordanian negotiators was not binding on the Government of Jordan; and

(f) The map annexed to the Armistice Agreement was not the original map and did not bear the signature of the two Jordanian delegates required to establish its authenticity. In conclusion, the representatives of Jordan requested the Council to adopt a resolution ordering the Israelis to withdraw from the territory concerned, and to take the necessary action to implement that resolution.

524. The representative of EGYPT amplified his Government's charges, quoting reports of United Nations observers as documented proof of the forced expulsion of the bedouins and stating that no satisfactory proof had been given that they had infiltrated into Palestine.

525. The representative of Israel had wrongly alleged that the Egyptian Government had not the right to complain directly to the Security Council. The conclusion of the General Armistice Agreement between Egypt and Israel had taken place under the auspices of the Security Council, thus obviously making the Council the arbiter in all matters relating to that Agreement. Indeed, the Security Council was competent to deal with all matters relating to world peace and security and no agreement could, in the slightest degree, limit its competence. Besides, the complaints of Egypt ranged over a wider field than that covered by the Armistice Agreement.

526. The representative of Egypt referred to certain inadequacies which experience had revealed in the structure of the armistice machinery which the United Nations had set up in Palestine. The Government of Egypt, while fully maintaining its right to come to the Council when the need arose, felt that those inadequa-

cies should be remedied and the efficacy of the armistice machinery should be revitalized so as to cope appropriately with any future violations. The machinery of the armistice supervision bodies could investigate cases, report on them and give decisions; it could not, however, restore rights or stop aggression and violations.

527. Before adjourning, the Council agreed to invite Major General William E. Riley, Chief of Staff of the Truce Supervision Organization in Palestine, to attend the next meeting of the Council on the Palestine question, and to give oral statements and advice on the bilateral Armistice Agreements.

528. At the 517th meeting (30 October 1950), the representative of ISRAEL said that the Egyptian representative had attempted to disparage the statement of the Chairman of the Mixed Armistice Commission of 26 September, but that efforts of the former to prove that any expulsion of legitimate residents had taken place fell back helplessly in the face of the Chairman's authoritative ruling and of the hard fact that any bedouins legally entitled to be regarded as residents of Israel would have possessed certificates to that effect. Reports of United Nations observers on Egyptian complaints had been often described as though they had been authoritative judgments that the events alleged had actually taken place. But the substantive statements contained in those reports had been nothing but summaries of individual statements made by one of the parties.

529. Turning to Jordan's complaint, he said that all the relevant maps which had been uninterruptedly in the possession of the United Nations Chief of Staff since the demarcation had been made showed the disputed area to be on Israel's side of the armistice line. The fact that the disputed area was in Israel territory was attested to by the original Rhodes map, bearing the signatures of Colonel Dayan for Israel and Colonel El-Jundi for Jordan, and also by the revised map, which was now the master map, as certified on 22 June 1949, which bore the signatures of Colonel Dayan and General Glubb Pasha. The Jordanian plea that the demarcation at the point in question marked a change in the original Transjordan-Palestine frontier at Jordan's expense was not relative to the issue since the armistice frontiers had no essential relation to the previous international frontiers.

530. The representative of Israel stated that the most serious of all complaints concerned the action of the Egyptian Government in maintaining a process of warlike blockade against ships and vessels destined for Israel ports. Despite the opinion expressed by the Acting Mediator that such action was inconsistent with both the letter and the spirit of the Armistice Agreements, and despite official protests submitted at various times by the United Kingdom, the United States, Australia and Norway, whose shipping had been molested on the illegitimate grounds that certain commodities had been destined for Israel, the Egyptian Government was still maintaining its blockade.

531. A similar violation was still being committed by the Hashemite Kingdom of Jordan through a constant refusal to implement article VIII of the Armistice Agreement involving accessibility to Jerusalem's cultural and humanitarian institutions and to some of its shrines.

532. In conclusion, the representative of Israel declared that the system of armistices brought about by patient mediation and in a spirit of general compromise had, with all its imperfections, proved itself capable of solving the vast majority of contentious problems which had arisen in the relations among the States of the Near East and could, if genuinely operated, ensure settlement of the few questions still outstanding.

533. At the 517th, 518th and 522nd meetings (30 October, 6 November and 13 November 1950), Major General William E. Riley, Chief of Staff of the Truce Supervision Organization, replied to various questions concerning the complaints of Egypt, Jordan and Israel. Those questions were put to him by the representatives of the United States of America, Egypt, the United Kingdom, Jordan and Israel. The Chief of Staff was of the opinion that all the complaints with which the Council was dealing could, in the main, be handled within the framework of the Mixed Armistice Commissions.

534. At the 518th meeting also, Mr. Ralph Bunche, former United Nations Acting Mediator on Palestine, was invited to the Council table and answered questions addressed to him by the representatives of Jordan and Israel. In the course of the same meeting, the representative of the United Kingdom requested a more detailed account of the Mixed Armistice Commission's decision regarding the question of the Suez Canal. Major General Riley gave a brief history of the case and stated in conclusion that both parties had been perfectly willing to allow the case to lie dormant; that the question might be brought up upon his return to Israel; and that a decision might be taken on it by the Special Committee established under the General Armistice Agreement between Egypt and Israel. Subsequently, the representative of Israel made a statement on the subject and he and the representative of the United Kingdom reserved the right to make subsequent statements.

535. At the 522nd meeting, in answer to the representative of Egypt, Major General Riley stated that the decision of the Special Committee with regard to Bir Qattar was final and that Israel had not carried it out.

536. The representative of EGYPT stated that it was evident from the clarifications given by the Chief of Staff of the Truce Supervision Organization and the former Acting Mediator on Palestine that the Armistice Agreement between Egypt and Israel had been violated by Israel. He believed that the Council should, among other things, do the following:

(1) Order the withdrawal of forces of Israel from the Bir Qattar area in accordance with the Special Committee's decision of 20 March 1950;

(2) Order Israel to cease expelling Palestinian Arabs from Israel-controlled territory;

(3) Order Israel to allow the return of the expelled Palestinian Arabs, to assure their safety, to safeguard their rights and to give them the compensation to which they were entitled; and

(4) Make provisions for reinforcing the machinery of United Nations armistice supervision in Palestine. On this last point, the representative of Egypt was ready to submit to the Council concrete suggestions for the reinforcement of the armistice machinery.

537. The representative of ISRAEL summarized the position of his Government with regard to all the items on the agenda.

538. As regards the complaint of Jordan, he contended that the fact that Israel had not entered any area where it was not fully entitled to be under the Hashemite Jordan Kingdom-Israel General Armistice Agreement had emerged with complete and final clarity from the answers given by the Chief of Staff and the former Acting Mediator.

539. With reference to the Egyptian-Jordanian threat of aggressive action against Israel, his delegation remained convinced that it was a violation of the Armistice Agreements not merely to resort to aggressive action but even to threaten to do so as a means of securing revision of the Agreements themselves or, indeed, for any other purpose at all.

540. As to the Egyptian charges concerning the expulsion of Palestinian Arabs, the replies of the Chief of Staff of the Truce Supervision Organization had revealed that those charges, along with that of the violation of the international frontier and of the demilitarized zone, were frivolous and irresponsible. It further emerged from Major General Riley's answers that a majority of the Mixed Armistice Commission had rejected the Egyptian claim that any expulsion of bedouins had taken place in violation of the provisions of the Egyptian-Israel Armistice Agreement.

541. The representative of ISRAEL, after having given a detailed account of the history of the Bir Qattar question, stated that his Government, although disagreeing with the decision of the Mixed Armistice Commission, remained faithful to its policy of securing the precise implementation of the Armistice Agreement. Israel was therefore prepared to acknowledge the validity of the Mixed Armistice Commission's interpretation of the Armistice Agreement and to comply with its decision.

542. As to the blockade practices in the Suez Canal, his Government regarded them as an offence of international dimensions committed by the Government of Egypt over a protracted period.

543. As regards the violation by Jordan of article VIII of the Armistice Agreement, the matter had been brought to the Security Council only after Israel had endeavoured without success to secure a settlement through the Mixed Armistice Commission and the Special Committee.

544. Finally, concerning the reference of the representative of Egypt to the need of reinforcing the machinery of the Armistice Agreement, he declared that, under the provisions of article XII of that Agreement, there could be no changes in such machinery except with the consent of the two parties themselves.

545. The representative of the UNITED STATES OF AMERICA said that his Government firmly believed that the Council, by its past actions, had made it abundantly clear to the parties in Palestine that it was incumbent upon them to reach final agreement on all the outstanding issues so that permanent peace might be established.

546. It was the opinion of his Government that all but one of the complaints before the Council should have been handled by the mixed armistice commissions or by such special committees as might be available to the parties under the provisions of the Armistice Agreements. His Government also believed that the remedies available to the parties had not been exhausted, and that they should make every reasonable effort to exhaust those remedies before confronting the Council with their complaints. The Council should not intervene until it had been clearly established that complaints existed which could not be handled by the established machinery.

547. With regard to one of the complaints, however, his delegation considered that the remedies had been exhausted. Accordingly, the Government of the United States was gratified to note that Israel had agreed to abide by the decision of the Egyptian-Israel Special Committee and to withdraw its armed forces from Bir Qattar.

548. He then submitted, on behalf of France, the United Kingdom and the United States of America, the following draft resolution (S/1899):

*"The Security Council,*

*"Recalling its resolution of 11 August 1949 (S/1376 (II)) 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 the 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 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);*

*"Reminds Israel, Egypt and the Hashemite Kingdom of Jordan that the provisions of the Armistice Agreements are binding upon them and calls upon them to consent to the handling of the present complaints according to the procedures established in the Agreements for the handling of complaints and the settlement of points at issue;*

*"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;*

*"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;

*"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 nations 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."*

549. The representative of the UNITED KINGDOM agreed with the views of the United States representative regarding the action which the Council might take on the various complaints before it. Turning to Israel's complaint concerning the blockade practices in the Suez Canal, he said that since the matter was *sub judice*, his delegation felt that the proper course was to let the machinery provided for by the Armistice Agreement take its course before the Council entered into the substance of the question. The views of his Government upon blockade practices in the Suez Canal had been made clear on a number of occasions, in particular through diplomatic notes exchanged between it and the Egyptian Government.

550. The representative of the United Kingdom explained that, ever since 15 May 1948, the Egyptian Government had been visiting and searching vessels of all nationalities in the Suez Canal for the purpose of finding out whether they carried contraband material destined for Israel. Though the definition of contraband by the Egyptian Government had been limited, many categories of goods, including petroleum, had still remained subject to condemnation as contraband. Moreover, such material had been seized whenever found and vessels carrying it had been detained for longer or shorter periods for it to be unloaded. These restrictions on the passage of material through the Suez Canal continued, although it was now more than eighteen months since the armistice had been concluded.

551. The importance of the question was threefold. In the first place, the legal question of freedom of passage through the Suez Canal was involved. Secondly,



the blockade made it impossible to carry oil by tankers through the Suez Canal to the Haifa refinery. Thirdly, continuance of the restrictions contributed to the state of tension and uneasiness in the Middle East.

552. The United Kingdom delegation hoped that the Special Committee would take speedy steps to consider the appeal which had been referred to it by the Mixed Armistice Commission and that Major General Riley would be able shortly to report the result. If the report revealed that a large majority in the Special Committee recommended some course of action which was not accepted by the minority, then it would be for the Security Council to decide what should be done in order to uphold that majority opinion.

553. The representative of EGYPT said that the remarks of the representative of the United Kingdom concerned a subject not on the agenda. The Egyptian delegation might not have the slightest objection to the inclusion of such an item in the agenda, but such an inclusion should be effected openly. It had already been established that not a single final decision had been taken against Egypt concerning navigation in the Suez Canal. On the contrary, a final decision on 8 June 1949 had clearly shown that the Egyptian action did not, as alleged by Israel, violate article I, paragraph 2 of the General Armistice Agreement, since there had been no aggressive action by any armed force.

554. The representative of ISRAEL submitted, in accordance with rule 38 of the Security Council's provisional rules of procedure, a draft resolution (S/1900) calling upon the Government of Egypt to remove its restrictions, to abandon blockade practices and to restore the free movement of shipping through the Suez Canal. He added that, since the joint draft resolution (S/1899) envisaged another attempt to deal with this question in the Security Council, he would not, at that stage, press for either discussion or vote on the draft he was presenting.

555. The representative of NORWAY said that his Government had, for a considerable time, been concerned about the particular problem relating to the restriction of shipping in the Suez Canal. In that connexion, he associated himself with the views expressed by the representative of the United Kingdom.

556. At the 524th meeting (17 November 1950), the representative of the HASHEMITE KINGDOM OF JORDAN declared that his Government had not failed in the past to bring its complaints to the Mixed Armistice Commission, nor had it any intention of neglecting to do so in the future.

557. The representative of FRANCE said that his delegation considered that questions relating to the implementation of the various Armistice Agreements between Israel and its neighbouring States were essentially within the competence of the Commissions and special committees set up under those Agreements. The Council must be careful not to impede the work of those bodies and not to act in their place. It could, however, legitimately endorse their action and support their authority. In view of all those considerations, his delegation had joined the United States and the United Kingdom delegations in sponsoring the draft resolution (S/1899) before the Council.

558. As to the question of navigation in the Suez Canal, his Government, as a signatory to the Constantinople Convention, attached the greatest importance to the matter and was trying to have it settled through normal diplomatic channels. In the meantime, during the last few months his Government had repeatedly made its views clear to the Egyptian Government and only recently had made a strong protest in Cairo. However, his delegation felt that it would be well for the Council to suspend any consideration of the question until it had seen the report of the Chairman of the Special Committee on any action contemplated regarding the complaint of Israel. The French Government, for the reasons already given by the United Kingdom delegation, believed that there should be no delay in settling the matter. The situation which had arisen as a result of the Egyptian Government's interference with the traffic in the Suez Canal must be ended as soon as possible. His delegation hoped that, in view of the representations made by the different parties concerned, the Egyptian Government would see its way to lifting all the restrictions which had given rise to the present debate.

559. The representative of ISRAEL said that the discussion in the Council on the complaint lodged by Jordan had conclusively proved the legitimacy of Israel's claim. Since Jordan had refused to submit its complaint to the Mixed Armistice Commission, the Israel Government would not withdraw from its position on the demarcation line.

560. The representative of EGYPT made a detailed analysis of the joint draft resolution and suggested some drafting modifications. The most important of these related to the insertion of a paragraph calling upon Israel to allow the return of the expelled Arabs, to assure their safety, to compensate them for their losses and to cease expelling Arabs from Israel-controlled territory.

561. In conclusion, he stated that he would abstain from voting on the joint draft resolution by virtue of Article 27, paragraph 3 of the Charter, on the understanding that his abstention would in no way indicate the position of his delegation on the question before the Council.

562. After a short recess to consider the modifications suggested, the representative of the UNITED KINGDOM introduced, in the name of the sponsors, a revised joint draft resolution. The revised text contained, *inter alia*, a new paragraph requesting the Egyptian-Israel Mixed Armistice Commission to give urgent attention to the Egyptian complaint on expulsion of Arabs, and called upon both parties to give effect to any finding of the Commission regarding the repatriation of the Arabs whom it considered were entitled to return.

563. The representative of ISRAEL declared that, since his Government had denied the substance of the Egyptian complaint on expulsion, the revised draft would, in its opinion, show a special solicitude for the Egyptian complaint. Indeed, he could not see why equivalent procedure was not applied in the case of Israel's complaints, which had come before the Council in identical circumstances.

564. As to the paragraph requiring prior consultation with the Mixed Armistice Commission before any transfer of persons across international frontiers, he pointed out that while the Israel Government had not expelled, and did not intend to expel, any legitimate Arab residents in Israel, it must be allowed to reserve its right to exclude those who would seek to enter unlawfully or those who had succeeded in entering unlawfully.

565. In the circumstances, his Government reserved its position on the propriety of any special treatment on this subject and on the revised draft resolution.

566. The representative of the UNITED STATES OF AMERICA, speaking in the name of the sponsors of the revised joint draft resolution, said that the paragraph on expulsion was without prejudice to the validity or invalidity of the complaint. Rather, it was intended to refer to a problem which had been raised specifically and which would, in accordance with the terms of the resolution, properly call for compliance on the part of both parties with any findings which might be made by the Commission.

567. The representative of EGYPT said that he understood the revised draft to mean that those Palestinian Arabs who would be found entitled to return to Palestine would have their safety assured, their rights safeguarded and would be given the compensation to which they might be entitled.

**Decision:** *At the 524th meeting on 17 November 1950, the joint draft resolution (S/1899), as revised during the meeting, was adopted by 9 votes to none, with 2 abstentions (Egypt, USSR). The text of the adopted resolution follows (S/1907 and Corr. 1):*

*"The Security Council,*

*"Recalling its resolution of 11 August 1949 (S/1376 (II)) 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 those Agreements;*

*"Taking into consideration the views expressed and the data given by the representatives of Egypt, Israel, 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 Governments 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."*

#### **G. Reports of the Chief of Staff of the Truce Supervision Organization on the activities, decisions and status of operations of the Mixed Armistice Commissions**

568. In a series of letters dated 12 March 1951, Major General William E. Riley, Chief of Staff of the Truce Supervision Organization, submitted three re-



ports dealing, respectively, with the activities of the Special Committee provided for under the Egyptian-Israel General Armistice Agreement; with decisions taken by the Hashemite Jordan Kingdom-Israel Mixed Armistice Commission; and with the status of operations of the Mixed Armistice Commissions.

569. Supplementing the first report (S/2047), a cablegram dated 12 June 1951 (S/2194) stated that the Special Committee had decided that the Egyptian-Israel Mixed Armistice Commission did not possess the right to request the Egyptian Government not to interfere with the passage of goods destined for Israel through the Suez Canal.

570. As to the second report (S/2048), the Hashemite Jordan Kingdom-Israel Mixed Armistice Commission agreed, *inter alia*, on 14 February 1951, to consider that about 1,600 meters of the disputed stretch of Wadi Araba in the Negeb sector, was to be considered to be Jordan-controlled territory, whereas the remainder of the stretch should be considered to be in Israel territory, it being understood that those two decisions should not in any way prejudice the rights, claims and positions of either party in the ultimate peace settlement between them.

571. In his third report (S/2049), dealing with the status of operations of the Mixed Armistice Commissions. Major General Riley said that the Israel project for straightening and deepening the bed of the Jordan River at the southern end of Lake Huleh had led to complaints to the Israel-Syrian Mixed Armistice Commission by the Syrian delegation. The Syrian delegation had contended that the carrying out of the project would remove a natural military obstacle, in contravention of article II, paragraph 1 of the Israel-Syrian General Armistice Agreement. Following a request by the Mixed Armistice Commission for an opinion on whether or not the work undertaken by Israel constituted a contravention of that article, the United Nations Chief of Staff had on 7 March 1951 submitted a memorandum which concluded that:

(1) In draining Lake Huleh, the Israelis would not enjoy any military advantages not equally applicable to the Syrians;

(2) Neither party to the Armistice Agreement enjoyed rights of sovereignty within the demilitarized zone and that, therefore, any laws, regulations or ordinances in force prior to the Armistice Agreement which affected areas in the demilitarized zone should be held in abeyance;

(3) Until such time as a mutual agreement was reached between Israel and Syria, the Palestine Land Development Company was not justified in continuing such work and should be instructed forthwith to cease all operations within the demilitarized zone.

572. The Israel delegation, however, contended that the Chief of Staff had been asked to express an opinion on whether or not the work being done by Israel was a contravention of the General Armistice Agreement; it had not been in order for him to go beyond the scope of that request, as he had done in his memorandum. On 10 March, the Chairman of the Israel-Syrian Mixed Armistice Commission had requested the delegation of Israel to ensure that instructions were issued in order

that Israel's work on Arab-owned lands in the demilitarized zone be stopped until action had been taken by the Commission. The request had been ignored by the authorities of Israel.

#### **H. Charges of alleged violations of the Israel-Syrian General Armistice Agreement**

573. In a letter dated 29 March 1951 (S/2061), the Chairman of the Syrian delegation to the United Nations protested to the President of the Security Council against construction work by Israel on both sides of the Jordan River near Lake Huleh within the demilitarized zone in violation of the Israel-Syrian General Armistice Agreement. The letter recalled that the requests of the Chairman of the Israel-Syrian Mixed Armistice Commission that the Israelis should not start work until an agreement had been reached, had been disregarded. Moreover, the letter alleged, the Israelis had fired small arms and mortars from the demilitarized zone upon the Arab inhabitants of that zone and the front lines of the Syrian Army; the Syrian Army had not returned the fire. In a subsequent letter, dated 2 April 1951 (S/2065), the Chairman of the Syrian delegation protested to the President of the Security Council against the forcible evacuation, by police officers of Israel, of the Arab inhabitants of the village of Baqqara, situated within the demilitarized zone. He contended that such an act constituted a flagrant violation of article V, paragraph 2 of the Armistice Agreement.

574. The Acting Chief of Staff of the Truce Supervision Organization in Palestine had already informed the Security Council, in an interim report dated 27 March (S/2067), that the Chairman of the Israel-Syrian Mixed Armistice Commission had repeatedly requested the Israel Government to instruct the Palestine Land Development Company to cease all its drainage work in the Huleh area, pending the completion by the Chairman of his investigation into the matter. The Israel delegation did not consider the Chairman competent to make such a request and had stated that it would not continue sitting at the meetings of the Commission if there were further discussion of the stoppage of work.

575. In a letter dated 5 April 1951 (S/2072), the permanent representative of Israel to the United Nations requested the President of the Security Council to draw the Council's attention to recent deliberate and flagrant violations of the Armistice Agreement committed by Syrian armed forces. The letter added that the Syrian campaign of armistice violations had reached its climax on 4 April, when Syrian armed forces had attacked an Israel police patrol in the El Hamma district, situated in the demilitarized zone, killing seven and seriously wounding three others. Moreover, though the drainage work on the Huleh marshes had proceeded unhampered with the full knowledge of Syria and the United Nations during the preceding four months, attempts had then been launched by the Syrians to bring it to a standstill by aggressive violence. Finally, the letter contended that the Syrian Government had no right whatever to intervene with the Huleh drainage project, a matter entirely within the jurisdiction of the Government of Israel.

576. On 6 April 1951, the Chairman of the Syrian delegation protested to the President of the Security

Council (S/2074) the bombing of Syrian territory by the Israel Air Force on 5 April 1951. He added that the bombing had been preceded by an attack of fifteen Israel policemen against the Arab police station in the demilitarized zone of El Hamma, an attack which had been repulsed by the Syrian Army.

577. On the same day, the representative of Syria requested (S/2075) a meeting of the Council to examine his Government's charges. Later, in a letter dated 9 April (S/2078), he submitted the following items, to be included in the Council's agenda:

- (1) Violation of the Armistice Agreement;
- (2) Military occupation by Israel of demilitarized zones;
- (3) Firing on Syrian outposts;
- (4) Evacuation of Arab inhabitants; and
- (5) Bombing and demolition incidents.

578. Meanwhile, the representative of Israel had communicated (S/2077) to the President of the Council a request that the following items be included in the Council's agenda:

579. Complaint of Syrian violation of the General Armistice Agreement by

- (1) Persistent firing on civilian workers in the demilitarized zone in Israel territory near Banat Yakub;
- (2) The entry of Syrian armed forces into the demilitarized zone, in Israel territory, between El Hamma and Kirbeth Tewfig;
- (3) The action of Syrian armed forces in opening fire on Israel civilian policemen near El Hamma, in Israel territory, killing seven policemen and wounding three.

580. As regards those complaints, the Acting Chief of Staff reported (S/2084) that on 4 April, when both parties had been trying to reach agreement at an informal meeting of the Mixed Armistice Commission, news had reached both delegations of the fighting at El Hamma, which had resulted in the killing of seven policemen and the wounding of three others. Later, the Israel delegation had informed the Chairman of the Mixed Armistice Commission, Colonel Georges Bos-savy, that, as a result of a *crise de confiance*, it would be unable to attend any meetings under his chairmanship, or to have any further official contact with him. The delegation had charged that the killing of the seven policemen had been done by Syrians. The next day, following a Syrian complaint, United Nations observers had found evidence of bomb explosions on and strafing of Syrian territory. They also reported that almost all houses between two Arab villages, in the demilitarized zone, had been either blown up or burned down; that three observers had been stopped, within the demilitarized zone, by a group of armed Israelis who had surrounded them, threatened them with death and told them that the next time they were found there they would be shot. Finally, they had confirmed the absence of Syrian troops within the demilitarized zone.

581. The Acting Chief of Staff added that, following these incidents, he had requested that before

any further meeting of the Armistice Commission was contemplated, both delegations should agree to the following points:

- (1) All military and para-military forces be withdrawn from the demilitarized zone;
- (2) Fire not be opened under any circumstances across demarcation lines or in the demilitarized zone;
- (3) United Nations observers be given all facilities to carry out their assigned tasks;
- (4) The authority of the United Nations Chairman in the demilitarized zone be confirmed in accordance with article V of the General Armistice Agreement.

582. After a few days of negotiations, both parties were reported to have accepted those points.

### **I. Resolution of 8 May 1951**

583. At the 541st meeting (17 April 1951), the representative of SYRIA declared that the conflict stemmed from the fact that Arab landowners inhabiting the demilitarized zone were protecting their lands against expropriation by Israel. He denied Israel's claim of sovereignty over the demilitarized zone and that Syrian military or para-military forces had ever entered that zone. He finally gave six reasons why his Government was opposed to the drainage work:

- (1) Israel would eventually enjoy a military advantage;
- (2) The project would add new refugees to those already overloading Syria;
- (3) Syria would be obliged to establish new military outposts in the drained area;
- (4) Deepening of the bed of the Jordan would render impossible the irrigation of Arab lands watered by the river;
- (5) Syria, as a signatory to the Armistice Agreement, could not permit such a great enterprise to be effected in the demilitarized zone without being consulted; and
- (6) Syria, which would certainly insist in the future, since most of the demilitarized zone area had been under Syrian occupation, that the area be returned to it, could not in the circumstances allow a foreign company to start a project on territory Syria claimed without its consent.

584. The representative of ISRAEL explained that his Government was prepared to make a full statement of its case before the appropriate organ. If the Council wished to circumvent the procedures laid down in the Armistice Agreement and itself enter into the details of those complaints, it was for the Council to decide.

585. Before the meeting adjourned, the representative of the United Kingdom suggested, and the Council agreed, to invite Major General William E. Riley, Chief of Staff of the Truce Supervision Organization, to give evidence on the dispute.

586. At the 542nd meeting (25 April), the representative of ISRAEL made a detailed statement covering the background of the dispute and explaining the position and claims of his Government. He asserted Israel's sovereignty over the demilitarized zone.

587. Israel regretted that it had felt constrained to take the aerial action on 5 April, following the killing of seven Israel policemen. The representative of Israel asked the Council to accept the sincere expression of his Government's regret and its assurance that it was only the extreme provocation and the feeling that there was need for energetic self-defence that had originally moved it to that decision. He concluded that in draining the Huleh swamps, both within and outside the demilitarized zone, Israel was well founded in international law and that the drainage offered no violation of the military advantage clause of the Armistice Agreement, did not depend in any degree on the agreement of Syria, and was not an operation which could be legitimately suspended under the terms of the Agreement.

588. The CHIEF OF STAFF OF THE UNITED NATIONS TRUCE SUPERVISION ORGANIZATION believed that the underlying issue of the whole dispute concerned the extent to which either party was or was not free to undertake civilian activities in the demilitarized zone. The General Armistice Agreement did not in any way deal with the question of territorial sovereignty in that zone; consequently, the matter would have to rest in abeyance while the Agreement was in effect, unless the parties mutually agreed to the contrary. After quoting from a statement which the former Acting Mediator on Palestine had authorized him to make on the subject, the Chief of Staff asserted that neither Israel nor Syria could validly claim to have a free hand in the demilitarized zone over civilian activity. He concluded that the entire dispute could have been avoided had there been more patience and restraint and less determination to undertake unilateral decisions concerning the exercise of administrative authority and civilian activity in the demilitarized zone. The machinery provided by the Armistice Agreement was entirely adequate to deal with the matter, had it been properly used.

589. At the 544th meeting (2 May), the representative of ISRAEL informed the Council of an alleged attack by Syrian irregulars on Tel el Mutilla, within Israel territory, and declared that such an action constituted a violation of the Armistice Agreement and an act of aggression within the meaning of Chapter VII of the Charter. His Government earnestly hoped that the Council would order the withdrawal of Syrian forces from the demilitarized zone and from all areas west of the Syrian frontier.

590. Later reports (S/2118, S/2120, S/2123, S/2124) received from the Acting Chief of Staff covered the work of the Israel-Syrian Mixed Armistice Commission, the alleged provocations by both parties, the negotiations between the Acting Chief of Staff and the two Governments concerned, and various investigations made by United Nations observers into incidents both in and outside the demilitarized zone. These reports noted that United Nations observers had found that armed Arabs, in civilian clothes, had been occupying Israel-controlled territory at Tel el Mutilla and that fighting between civilian Arabs and Israelis had been taking place in the Shamalneh sector, in the demilitarized zone; that observers in the Shamalneh area had seen no evidence of Syrian intervention and that observers in Israel-occupied territory who had arrived where shells were alleged to have fallen had

seen no sign of shell impacts; finally, that Israelis had occupied all positions held by the Arabs in the Shamalneh area, including one position in the demilitarized zone. However, both parties had agreed to observe a cease-fire.

591. Subsequently, in a letter dated 4 May (S/2125), the representative of Syria charged that on 2 May Israeli forces had tried to drive cattle belonging to the Shamalneh Arabs into Israel territory and that the Israelis had succeeded in stealing some of the cattle after an exchange of heavy fire with the Arab villagers. The next day a new attack, supported by heavy artillery and mortars, had been launched against the Shamalneh Arabs. Finally, he gave his Government's assurances that Syrian forces had neither taken part in nor made retort to the provocative and hostile acts of Israel.

592. At the same meeting, the Chief of Staff answered questions of the representatives of the United States of America, the United Kingdom, Ecuador, France, the Netherlands, Israel and Syria. There was considerable overlapping in those questions which dealt, mainly, with two subjects: civilian control in the demilitarized zone and the Huleh project.

593. At the 545th meeting (8 May) a joint draft resolution sponsored by France, Turkey, the United Kingdom and the United States of America was submitted by the representative of the United States as follows (S/2130):

*"The Security Council,*

"1. *Recalling* its resolutions of 15 July 1948 (S/902), 11 August 1949 (S/1376), 17 November 1950 (S/1907 and Corr.1),

"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."

594. The representative of the UNITED STATES OF AMERICA explained that the information on the fighting was too conflicting for the Council to attempt an assessment of the details. The important thing was that the fighting must stop; otherwise, the peace of the entire area would be jeopardized. The fighting had to be ended by prompt, open compliance on the part of all concerned. Only then could the matter be investigated properly.

595. The representative of the UNITED KINGDOM said that the fighting was contrary to the Armistice Agreement and the principles of the United Nations. He hoped that Israel, Syria and the local communities in the demilitarized zone would ensure not only strict observance of the cease-fire, but would also lend their full assistance and co-operation to the Chairman of the

Mixed Armistice Commission and to the United Nations observers.

596. The representative of FRANCE felt that the state of affairs then was not fundamentally different from that with which the resolution of 15 July 1948 had been concerned. The present incidents were all the more regrettable because the two parties involved were subject to an armistice régime. Before any settlement of the current incidents, the parties must be induced to respect their obligations, and an effective end must be put to hostilities. He hoped that the draft resolution before the Council would be adopted at once.

597. The President, speaking as the representative of TURKEY, declared that, although his delegation had regarded developments in the Syrian-Israel Armistice area as local incidents, the recent reports had been so alarming that his delegation could not remain silent. Acceptance of the joint draft resolution would permit the study of the outstanding questions with due care, and would eventually help to bring about the return of normal conditions and lasting peace to the Middle East.

598. The representatives of BRAZIL and the NETHERLANDS strongly supported the joint draft resolution.

599. The representative of ISRAEL declared that armed forces of the Syrian Republic under the responsibility and direction of the Syrian Government had established themselves in Shamalneh, at the southern triangle of the demilitarized zone; had organized the inhabitants of that village to supplement their own active operations; had themselves made twenty assaults by classic and skillful military methods on strategic heights in Israel territory; had successfully captured, entrenched themselves upon, and been repulsed from those heights; had cancelled and violated a cease-fire agreement concluded between the parties; had inflicted and suffered considerable casualties; and had left behind in known demilitarized Israel territory unmistakable evidence of Syrian military occupation, including the bodies of four fully uniformed and fully equipped Syrian soldiers. If that did not constitute aggression, or a flagrant violation of the Armistice Agreement, then there was no such thing as aggression or that Agreement was not capable of violation. Israel could not give the slightest credence to the fantastic theories that the forces attacking its territory were civilians.

600. The representative of Israel drew the Council's attention to the fact that the disjointed reports of the Acting Chief of Staff merely recited the complaints and neither investigated or sifted nor combined them in any articulated pattern of narrative.

601. Finally, he said that his Government was in full accord with the central theme of the joint draft resolution. While it did not oppose anything actually said in the joint draft, and while it most ardently urged the recognition by all parties of the exact and specific text of the Armistice Agreement, his delegation must reserve its rights to pursue all efforts to secure not merely a cease-fire, but also a determination and condemnation of Syrian aggression.

602. The representative of SYRIA denied that he had ever said, or intended it to be understood, that Syria had any desire, at the present time, to occupy any part of the demilitarized zone. Syria considered that, during the armistice period, all claims to any sector in that zone were held in abeyance; the destiny of that area was to be established in the provisions of an eventual peace treaty.

603. As regards the alleged aggression in the Shamalneh sector, the Syrian representative denied the allegation that Syrian soldiers had actually invaded territory of Israel. He asserted that Israel's claim of casualties was also false. After summarizing the stand of his Government on the question under discussion, he listed the following Syrian demands:

(1) Stoppage of work on the drainage project pending an understanding between the signatories and the free consent of the owners of the land;

(2) Immediate return of the Arab inhabitants to their homes;

(3) Payment of adequate indemnity to them by Israel;

(4) Withdrawal of all military or para-military forces from the zone, together with policemen not locally recruited;

(5) Restriction of the policing of the villages in the zone to locally recruited policemen; and

(6) Confirmation by the Security Council, as well as by the parties, of the powers of the Chief of Staff and the Mixed Armistice Commission in accordance with the General Armistice Agreement.

604. Finally, the representative of Syria read to the Council a statement that, in the event that the Security Council did not take a firm stand in bringing to a halt the aggressive moves of Israel, the Syrian Government would feel bound to resort to the last means at its disposal.

605. In the course of the meeting, both the representatives of Israel and Syria had submitted amendments (S/2135 and S/2137) to the joint draft resolution requesting the withdrawal of all military and para-military forces from the demilitarized zone. After a brief recess, the President announced that both delegations had withdrawn their amendments.

**Decision:** *At the 545th meeting on 8 May 1951, the draft resolution submitted jointly by France, Turkey, the United Kingdom and the United States of America (S/2130) was adopted by 10 votes to none, with one abstention (USSR).*

606. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS explained that his delegation had abstained from voting on the joint draft resolution because it contained important references to previous Council resolutions on which his delegation had also abstained.

## **J. Resolution of 18 May 1951**

607. In a cablegram dated 7 May 1951 (S/2126), addressed to the President of the Council, the Foreign Minister of Israel alleged that his Government held irrefutable proof that regular detachments of the Syrian

Army had taken part in aggression against the territory of Israel.

608. The next day, the Acting Chief of Staff cabled the Council (S/2127) that United Nations observers who, on 6 May, had visited positions taken by the Israelis at Tel el Mutilla, reported that they had seen a number of arms and large quantities of ammunition for automatic weapons. Two tags from empty boxes had Arabic inscriptions denoting two different units of the Syrian Army. The observers also reported that, as of 7 May, the whole area had been quiet and that no incidents had been reported.

609. At the 546th meeting (16 May), the representative of the UNITED STATES OF AMERICA introduced a draft resolution co-sponsored by France, Turkey and the United Kingdom as follows (S/2152/Rev.1):

*"The Security Council,*

*"Recalling its past resolutions of 15 July 1948 (S/902), 11 August 1949 (S/1376), 17 November 1950 (S/1907 and Corr.1) and 8 May 1951 (S/2130) relating to the General Armistice Agreements between Israel and the neighbouring Arab States and to the provisions contained therein concerning methods for maintaining the armistice and resolving disputes through the Mixed Armistice Commissions 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;*

*"Noting that the Chief of Staff of the Truce Supervision Organization in a memorandum of 7 March 1951 (S/2049, Section IV, paragraph 3), 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;*

*"Noting further that article V of the General Armistice Agreement 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 Syrian-Israel Armistice Agreement;*

*"The questions 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 Israel civilians return to or remain in an Israel village or settlement, the civil administration 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."*

610. In presenting the joint draft resolution, the representative of the UNITED STATES emphasized the urgency of resolving the dispute and providing means to prevent further ones. He felt that a number of complaints should be returned to the Mixed Armistice Commission for prompt decision and implementation but that the Council could be of assistance in giving general guidance and should be prepared to pass judgment on matters with implications beyond the Commission's jurisdiction.

611. He argued that article V of the Armistice Agreement formally established that the Chairman of the Mixed Armistice Commission, not Israel or Syria, was responsible for general supervision of the administration of the demilitarized zone. Both parties had agreed that that was to be the position unless it was modified by agreement between them. In the individual

villages and settlements, it seemed clear that the local authority lay with the local officials, whether Israelis or Arabs. Outside their immediate jurisdiction, however, those officials should not take action contrary to the requests or recommendations of the Chairman. In the present case, one of the parties claimed to interpret article V correctly in deciding what constituted normal civilian life in the zone, whereas the Agreement itself provided for an interpretation by the Commission. In those circumstances, the joint draft resolution would clarify and strengthen the responsibilities and duties of the Chairman.

612. The representative of the UNITED KINGDOM expressed views similar to those of the United States representative and added that, if Israel considered that the Agreement was defective in so far as it enabled landowners to hold up the Huleh operation indefinitely, the right course would be to submit amendments to a conference convoked under article VIII of the Agreement and, if necessary, to bring the proposals to the Security Council. If, instead, the Palestine Land Development Company proceeded with its operations and expropriated the land, which it had no authority to do, both the Company and the Israel authorities who controlled it would be in the wrong. While the United Kingdom Government fully recognized the general benefit that would result from the completion of the drainage work, it believed that the scheme should not be proceeded with in violation of the Armistice Agreement.

613. The representative of FRANCE said that all States ought to hasten, by every possible means, a final stabilization of relations between Israel and its neighbours. The Security Council had first of all to call on the parties to end hostilities; that was the object of the resolution of 8 May. The Council had also — and that was the object of the draft resolution submitted that day — to call on the parties to respect their obligations under the Armistice Agreement. That draft resolution did not deal only with the settlement of past incidents; it also looked to the future and was intended to ensure the most effective possible operation of the truce machinery and of the armistice régime. The representative of France expressed the hope that no new violence would take place owing either to acts of war or to the deportation of the civilian population from the demilitarized zone.

614. The President, speaking as the representative of TURKEY, expressed special concern at the aerial bombing of El Hamma and the repeated disregard for the authority and orders of the United Nations observers. He said that there was no legal ground to determine with finality the question of sovereignty over the demilitarized zone which, as set forth in the Armistice Agreement, must be left open for a final territorial settlement. In the meantime, the zone had a special status under the Armistice Agreement, with military activity totally excluded and normal civilian life to be gradually restored under the supervision of the Chairman of the Commission.

615. At the 547th meeting (18 May), the representative of ECUADOR remarked in the course of a general analysis of the joint draft resolution that it might, with advantage, have urged more forcefully the parties to begin negotiations for a peaceful settlement, or at least,



conversations with a view to seeking, in agreement and with the assistance of the United Nations or its representatives, such peaceful methods as they deemed most suitable for discussing or achieving such a settlement. He supported the joint draft.

616. The representative of the NETHERLANDS declared that the Council should appeal to the parties to settle their dispute through the system which had been specially designed to solve such matters. The Chief of Staff had clearly indicated, as the joint draft resolution confirmed, that the remedies available to the parties had by no means been exhausted. As to the exercise of sovereignty over the demilitarized zone, he thought that neither party could exercise sovereign rights in the area during the armistice period.

617. In conclusion, he said that his Government felt that the Council was fully justified in appealing to the parties to submit their case to the proper machinery. He earnestly hoped that local settlements might finally lead to an ultimate peace and harmonious relations between Israel and its neighbouring Arab States. However, it remained the Council's duty to act when the local disputes appeared to reach beyond the capacity of the local peace machinery.

618. The representative of BRAZIL said that it was imperative that the Mixed Armistice Commission should be provided with all effective means for the accomplishment of its duties, and that full guarantees should be assured to its officials when they exercised their functions in the area. He wished to express not only the hope but also the certainty that both Syria and Israel would live up to their commitments and forego any action that might impair the possibility of ultimate conciliation of their divergent positions.

619. The representative of INDIA associated himself with the views expressed by the representative of Turkey.

620. The representative of ISRAEL believed that the joint draft resolution would not solve a problem, but recreate one. The central point was the proposed recommendation to Israel to cease the drainage operations which had been in progress since October 1950, but, as he had persistently contended before, there was nothing in the Armistice Agreement to limit or forbid such a project.

621. The Armistice Agreement was the source of the Chairman's functions. The Agreement would therefore cease to be an accord under a resolution which would ascribe to the Chairman, in a matter not even covered by the Agreement, the power of arbitrary direction over the very Governments which had defined his functions.

622. Irrespective of the intentions of the sponsors of the joint draft resolution, that draft conferred a veto power on the very interests which were implacably opposed to the drainage, for it was clear that neither Syria nor the landowners would ever agree to it. The worst feature of the recommended stoppage was that it seemed to come in direct response to armed force and to a threat of renewed violence.

623. The representative of Israel objected to the paragraph providing for the repatriation of Arab civilians inhabiting the demilitarized zone. That, he said,

was in complete conflict with the General Armistice Agreement, which laid down procedures whereby all complaints, including the present one, should be investigated and judged by the Commission.

624. In conclusion, he said that appeasement of the threat of the Arab States, whether past or potential, could not be a short-cut to peace. The draft resolution, which weighted the scales against the threatened and aggrieved party, implied a serious misinterpretation and showed a visible tendency to encroach on the Armistice Agreement itself.

625. The representative of SYRIA said that the conflict did not derive only from the dispute over the seven acres, for the results of the drainage would be dangerous to the interests of Syria. The effectiveness of the buffer zone between Syria and Israel would be weakened, and a conflict between the two belligerents might easily occur.

626. His Government had not only accepted the cease-fire resolution but had also condemned the fighting from the very beginning. The Syrian Army had never participated in the conflict; it was Israel which wished to create provocations in order to influence the Council and was trying to cause disturbances in order to prove that the Syrians were firing on Israelis. Syria had never contested the interpretation of the Armistice Agreement by the Commission, whereas the Israelis, on many occasions, had insisted on their own understanding of the articles of the Agreement.

627. In conclusion, the representative of Syria said that he did not wish to criticize the draft resolution, although it contained many points which his Government did not consider to be justifiable, or to maintain the rights of Syria. If there was good faith on the part of the Israelis, and if the United Nations representatives on the spot would act correctly and in a spirit of good will, one could entertain the hope of an improvement in the present situation.

628. In response to a query by the representative of the Netherlands, the representatives of the UNITED KINGDOM, FRANCE and the UNITED STATES OF AMERICA explained that it was not the purpose of the joint draft resolution to suspend indefinitely the drainage operations in the demilitarized zone, but to enable the Chief of Staff to use his good offices in an effort to bring about a negotiated settlement between the owners of the affected lands and the Palestine Land Development Company. However, if a settlement proved to be impossible, then the procedures and the machinery provided by the General Armistice Agreement should be used, in order to make a final settlement possible.

**Decision:** *At the 547th meeting, on 18 May 1951, the joint draft resolution (S/2152/Rev.1) was adopted by 10 votes to none with one abstention (USSR). The text of the resolution as adopted (S/2157) did not differ from that of the revised joint draft.*

#### **K. Communications received subsequent to the resolution of 18 May**

629. The representative of Syria to the Security Council, in communications dated 21 and 24 May 1951 (S/2161, S/2168), drew the Council's attention to the fact that, though its resolution of 18 May 1951



(S/2157) had unequivocally called for a complete stoppage of all operations in the demilitarized zone, irrespective of ownership of land, until such time as an agreement had been arranged through the Chairman of the Mixed Armistice Commission, the Israel authorities had declared that their compliance with the resolution called for a stoppage of work only on Arab lands. Such a distorted interpretation, aside from being alien to the letter and spirit of the resolution, was prejudicial to a fair settlement of the problem and might engender grave consequences.

630. Another communication, dated 28 May 1951 (S/2172), noted that the authorities of Israel had thus far taken no measures to implement the clear injunction in the Council's resolution that Arab civilians who had been removed from the demilitarized zone should be permitted to return forthwith under the supervision of the Mixed Armistice Commission.

631. Later, the Syrian representative complained (S/2191 and S/2193) that on 9 June 1951 the Chief of Staff of the United Nations Truce Supervision Organization had agreed that the Palestine Land Development Company be authorized to resume work on non-Arab lands in the demilitarized zone. The Syrian Government was unable to concur with such an interpretation of the 18 May resolution and believed it incumbent upon the Chief of Staff to seek an agreement between the parties on the implementation of the Council's resolution as a whole. Finally, the Syrian Government protested that such a move was beyond the authority of the Chief of Staff and might lead to very grave consequences.

632. The Chief of Staff sent several communications dealing with the progress of negotiations to implement the Council's resolution. He reported on 26 June (S/2213) that the Government of Israel had, at his request, stopped work in the demilitarized zone, pending an investigation by the Chairman of the status of the land upon which work had been in progress. On 11 June, he had authorized the Palestine Land Development Company to resume work on lands not belonging to Arabs in the zone. Later, the Chairman of the Israel-Syrian Mixed Armistice Commission had personally interviewed twenty-eight Arabs believed to own 90 per cent of the area at issue. That group had unanimously rejected any proposal relative to rental, sale or exchange of their lands. The Chief of Staff believed that, due to the adamant stand of both parties, it was quite apparent that a dangerous situation might develop if the Palestine Land Development Company should decide to resume work on Arab-owned lands in the demilitarized zone before agreement was reached. He also reported (S/2213/Add.1) that there had been no implementation of the provision of the Council's decision of 18 May 1951 concerning the withdrawal of Israel police units, which continued to exercise general control over the demilitarized zone.

633. Finally, on 8 July, the Chief of Staff reported (S/2234) that the Chairman of the Israel-Syrian Mixed Armistice Commission had interviewed 632 civilians out of 785 evacuated from the zone and that approximately 260 persons had elected to return to the demilitarized zone.

## Chapter 6

### The India-Pakistan Question

#### A. Report of the United Nations Representative for India and Pakistan

634. By letter dated 15 September 1950 (S/1791), addressed to the President of the Security Council, the United Nations Representative for India and Pakistan transmitted his report to the Council and requested formal termination of his position as United Nations Representative.

635. Sir Owen Dixon's report, after summarizing his initial movements and investigations, stated that it had seemed obvious to him that, in attempting to settle the dispute between the Governments of India and Pakistan about the State of Jammu and Kashmir, he must be governed by the course that had been followed by the Council and the United Nations Commission for India and Pakistan, and agreed upon by the parties. He had conceived his duty as being primarily to bring about agreement upon measures which would make it possible for the Plebiscite Administrator to begin his work of organizing an over-all plebiscite.

636. While providing for the necessity and difficulty of securing the freedom and fairness of the projected plebiscite and in preparing plans to that end, the United Nations representative had endeavoured to meet Indian allegations and objections to the effect that Pakistan was an aggressor who had no *locus standi* in the State; that the territory to the west of the cease-fire line should not be under the immediate governmental authority of Pakistan or be administered by the *Azad* Kashmir Government; and that there must be no impairment of or prejudice to the recognition of the sovereignty of the State over the northern areas. There was also the assertion by India that any great reduction of troops on India's side of the cease-fire line would expose the State to the danger of further incursions from the other side. The plans he had had in mind for the Pakistan side of the cease-fire line had seemed likely to remove any difficulty there. However, if Indian forces remained in populous areas, and if all the powers of the State administration remained in effect, it had appeared that the gravest dangers to a free expression of the will of the inhabitants might result. He had felt that he could not put forward or consent to conditions of settlement which would expose a plebiscite to be conducted under the authority of the Security Council to reasonable suspicion on the ground that, because of intimidation or apprehension of the voters or for other reasons, it had not been free and fair.

637. Following their return to their respective capitals on 24 June and 13 July 1950, the Prime Ministers of India and Pakistan had agreed to meet the United Nations Representative on 20 July in New Delhi for the purpose of attempting to settle the Kashmir question together. At an early stage of the meeting, the

Prime Minister of India had reiterated his Government's contention that Pakistan was an aggressor and that this should be declared.

638. The United Nations Representative had taken the following positions: first, that the Security Council had not made such a declaration; secondly, that he had neither been commissioned to make nor had he made any judicial investigation of the issue; and thirdly, that without going into the causes or reasons which presumably formed part of the history of the sub-continent, he was prepared to adopt the view that when the frontier of the State of Jammu and Kashmir had been crossed by hostile elements in October 1947, it had been contrary to international law, and that when, in May 1948, as he believed, units of the regular Pakistan forces had moved into the territory of the State, that too had been inconsistent with international law. He had therefore proposed that the first step in demilitarization should consist in the withdrawal of Pakistan's regular forces, commencing on a named day. A significant number of days later, other operations on each side of the cease-fire line should take place and, as far as practicable, concurrently. While dissenting from the third position above, the Prime Minister of Pakistan had expressed readiness to accept that proposal.

639. The disarming and disbandment of the *Azad* Kashmir forces and the Northern Scouts were to follow the withdrawal of the Pakistan forces, as were also the withdrawal of the regular Indian Army forces, the withdrawal or disarming and disbandment of the Jammu and Kashmir State forces and the disarming and disbandment of its militia. Pakistan's plans were to be settled first and were to be furnished to the Indian Chief of Staff for his information. The purposes for which armed forces might be retained on either side had been outlined as follows by the United Nations Representative: (1) on the Pakistan side, to ensure fulfilment of its obligation to exclude tribesmen or raiders from entering the Valley of Kashmir, to disarm and disband the *Azad* forces, to quieten fears which might possibly arise among Muslims, and perhaps to aid the civil power to maintain order; (2) on the Indian side, to be available in aid of the civil power in maintaining order where the population was mixed in the south or south-west of the State, and to guard the northern approaches to the Valley against possible incursions through various specified areas.

640. The Prime Minister of India had rejected that plan on grounds which included the following points: the possibility of a Pakistan attack must be taken into account; the need for protecting the area against the incursions of marauders or more serious dangers could not be limited to the specified approaches; India could not ask the State to disarm and disband the militia, since such an operation could not be carried out with-

out prejudicing the sovereignty of the State; and finally, India was being asked to limit the forces it would use in discharging responsibilities in the defence of the State because there had been an invasion, while Pakistan and *Azad* forces remained within the boundaries of the State.

641. The Prime Minister of Pakistan had replied that his Government would commit no such breach of faith as an attack, which would in any case be complete folly from Pakistan's point of view, and that to retain forces in order to protect the area against such a possible attack would mean that there was to be no demilitarization.

642. With reference to the militia, the United Nations Representative had pointed out that there were various ways of ensuring that they were not present as a body of armed men in the area while the vote was about to be taken. He had emphasized, however, that it would be inconsistent with the fairness or freedom of a plebiscite to have any such exhibition of force as would be involved in the presence of the militia, more especially since the State Government was so vitally interested in the result of the plebiscite. The reason for the proposal to restrict forces in the area was to ensure the freedom and fairness of voting during a plebiscite, and not because of the events referred to by the Prime Minister of India. The Prime Minister of India emphasized that the purpose of the forces on the Pakistan side of the cease-fire line must be civil and that they should have a civil character.

643. After the rejection of proposals for the supervision and replacement of local officials in the western and northern portions of the State by United Nations officers during the period of the plebiscite, the United Nations Representative had inquired into the possibility of acceptance of three alternative plans to provide for the plebiscite period a single government for the whole State. The first was that of bringing into existence a coalition government; the second for formation of an administration for the entire State composed of trusted persons outside politics; and the third for an administration to be constituted altogether of United Nations representatives.

644. None of the suggestions put forward had commended themselves to the Prime Minister of India. In the end, the United Nations Representative had become convinced that India's agreement would not be obtained to demilitarization in any such form, or to provisions governing the period of the plebiscite of any such character as would, in his opinion, permit the plebiscite to be conducted in conditions sufficiently guarding against intimidation and other forms of influence and abuse. He had ascertained from the Prime Ministers that they considered that, with a plebiscite to settle the future of the whole State in view, there was no longer any hope of agreement upon demilitarization or upon the conditions which would follow demilitarization or upon any course that would advance the position towards a settlement.

645. Pursuant to the Security Council resolution of 14 March 1950, which required the United Nations Representative to place before the two Governments any suggestion likely in his opinion to lead to the solution of the dispute, he had asked the Prime Min-

ister of India the attitude of his Government toward a plan for taking a plebiscite by sections or areas and the allocation of each section or area according to the result of the vote therein, or to a plan for allocation of those areas certain to vote for accession to one side or another, with a plebiscite being confined only to the uncertain areas. The Prime Minister of Pakistan had protested that such a course would mean a breach, on India's part, of the agreement that the destination of the State of Jammu and Kashmir as a whole should be decided by a single plebiscite taken over the entire State. The Prime Minister of India had undertaken to inform the United Nations Representative of his Government's views on the matter. The Prime Ministers had thereupon agreed to adjourn the conference.

646. The Government of India had subsequently communicated a set of principles and certain tentative conclusions, providing for the direct allocation of certain areas to India or to Pakistan and for a plebiscite in the Valley of Kashmir. The Prime Minister of India had indicated his willingness to attend another conference to discuss the possibility of a settlement of such principles.

647. The territorial demands disclosed by the Indian reply had appeared to the United Nations Representative to go much beyond what was reasonable. He had informed the Indian and Pakistan authorities of his view.

648. The Government of Pakistan had declined to attend a conference to discuss, in the light of the position taken by India, the possibility of settling the dispute, primarily because of Pakistan's unwillingness to depart from the stand that the fate of the State should be decided by an over-all plebiscite, and also on the ground that such discussions would have to be based upon more definite proposals by India. The United Nations Representative had been unable to convince the Government of Pakistan that the proposed conference could not be held to mean abandonment of the main contention of the Pakistan Government, but he had ascertained that Pakistan would consider the matter provided that the Kashmir Valley went to Pakistan. However, the Prime Minister of India had declined to consider at all an over-all partition involving such a concession.

649. As a last possibility of saving the situation which had resulted from the stand adopted by the Prime Minister of Pakistan, the United Nations Representative had suggested that he might prepare a plan complete except for details for consideration by the parties. The Prime Minister of India had agreed to consider the plan provided that the fact that it was based on partial plebiscite and partition would not in itself necessarily prove fatal to its consideration by Pakistan. The Government of Pakistan, after having been assured that neither the United Nations Representative nor any other authority of the United Nations would consider Pakistan's position on an over-all plebiscite prejudiced as a result, had agreed to comply with the request to attend the conference to consider the plan. However, that acceptance had been made conditional upon Indian acceptance of specific practical measures to ensure the freedom and fairness of the plebiscite.

650. The United Nations Representative had already decided to use for the limited plebiscite area one of the measures which he had proposed for the entire State, namely the setting up of an administrative body consisting of United Nations officers to carry on the functions of government in the area until the poll was declared. He had intended that the administrative body should have power, if it deemed fit, to exclude troops of every description. Troops deemed necessary for any purpose could be requested from the parties. In so far as the views of the two sides were to be laid before the people of the limited area, that body would have power to secure equality to India and Pakistan in any such right, as well as in other respects.

651. The United Nations Representative had informed the Prime Minister of India of the assurances given Pakistan and of the provision proposed, and had asked the latter whether such a provision made it possible for the Government of India to accept the plan as a whole. The Prime Minister of India had answered expressing an emphatic refusal to agree to any such provision. The report summarized the objections set forth by the Prime Minister of India as follows:

(1) Pakistan was an aggressor and for that reason, as well as because of the danger involved, its troops could never be allowed to enter the plebiscite area; (2) the proposed provision, which would mean that the Government of the State would be superseded, went far beyond what was necessary for the purpose in view; (3) only those people belonging to the State of Jammu and Kashmir should be allowed any part in the "campaign" over the plebiscite, and there could be no equality of any right between India and Pakistan in that or other relevant respects; and (4) the security of the State would be endangered.

652. The United Nations Representative had considered that those arguments appeared to overlook the real nature of a proposal for partition and a partial plebiscite, or else to make it completely impossible. Partition in itself implied agreement that Pakistan had an interest in the matter, and the question whether Pakistan had or had not been an aggressor had nothing to do with the results of the partition and the fairness and freedom of a partial plebiscite. Given the conditions in the State, the United Nations Representative had come to the conclusion, concurred in by the two Prime Ministers, that no hope existed of an agreement for a plebiscite by which the fate of the Valley could be decided and that no other acceptable expedient for disposing of the Valley could be suggested.

653. In conclusion, the United Nations Representative stated that, in his opinion, if there was any chance of settling the dispute over Kashmir by agreement between India and Pakistan, it now lay in partition and in some means of allocating the Valley, rather than in an over-all plebiscite. For himself, he doubted whether it might not be better to leave the parties to themselves in negotiating terms for the settlement of the problem. At all events, he was not prepared to recommend any further course of action on the part of the Security Council for the purpose of assisting the parties to settle the question of the disposal of the State. He noted that

he had recommended to the parties that efforts should be made to reduce the forces on each side of the cease-fire line, and recommended that the Security Council should press the parties to limit those forces to the normal strength for protection of a peace-time frontier; in the meantime, he recommended that the party of United Nations military observers should be retained on the cease-fire line.

## **B. Consideration of the report by the Security Council**

654. The India-Pakistan question was placed on the provisional agenda of the 503rd meeting of the Security Council (26 September 1950) but was not included in the agenda adopted by the Council.

655. The PRESIDENT expressed the Council's gratitude to the United Nations Representative for India and Pakistan, and stated its wish to liberate him, as he had requested, from the mission with which he had been charged.

656. In a letter dated 14 December 1950 (S/1942), the Minister for Foreign Affairs of Pakistan expressed concern over the serious delay in dealing with the report of the United Nations Representative. In the meantime, the Government of India and the Maharaja's Government in Kashmir were taking steps to prejudice the holding of the free and impartial plebiscite that the Security Council had concluded should decide the question of the accession of the State. In that connexion, attention was drawn to the proposed convening of a constituent assembly by the Maharaja's Government, to determine "the future shape and affiliations of the State". That move, which was reportedly welcomed by the Prime Minister of India, and which sought to nullify the international agreement between India and Pakistan embodied in the resolutions adopted on 13 August 1948 and 5 January 1949 by the United Nations Commission for India and Pakistan and endorsed by the Security Council, was a challenge to the authority of the Council. He requested that the Security Council give urgent consideration to the Kashmir question and take measures to implement, as soon as possible, the above-mentioned agreement. The Council was also requested to call upon India to refrain from proceeding with the proposal for a constituent assembly and from taking any other action that might prejudice the holding of a free and impartial plebiscite.

657. At the 532nd meeting (21 February 1951), the Security Council considered the report of the United Nations Representative and the letter from the Minister for Foreign Affairs of Pakistan.

658. The representatives of the UNITED KINGDOM and the UNITED STATES submitted the following joint draft resolution (S/2017):

*"Having received and noted the report of Sir Owen Dixon, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution of 14 March 1950:*

*"Observing that the Governments of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 and of the Security Council resolution of 14 March 1950, and have*

re-affirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

*"Observing* that on 27 October 1950 the General Council of the 'All Jammu and Kashmir National Conference' adopted a resolution recommending the convening of a Constituent Assembly for the purpose of determining the 'future shape and affiliations of the State of Jammu and Kashmir'; observing further from statements of responsible authorities that action is proposed to convene such a Constituent Assembly and that the area from which such a Constituent Assembly would be elected is only a part of the whole territory of Jammu and Kashmir;

*"Reminding* the Governments and Authorities concerned of the principle embodied in the Security Council resolutions of 21 April 1948, 3 June 1948 and 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

*"Affirming* that the convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference', and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle;

*"Declaring* its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance of international peace and security to aid the parties to reach an amicable solution of the Kashmir dispute and that a prompt settlement of this dispute is of vital importance to the maintenance of international peace and security;

*"Observing* from Sir Owen Dixon's report that the main points of difference preventing agreement between the parties were:

*"(a)* The procedure for and the extent of demilitarization of the State preparatory to the holding of a plebiscite, and

*"(b)* The degree of control over the exercise of the functions of government in the State necessary to ensure a free and fair plebiscite;

#### *"The Security Council*

*"1. Accepts*, in compliance with his request, Sir Owen Dixon's resignation and *expresses* its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission;

*"2. Decides* to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon;

*"3. Instructs* the United Nations Representative, after consultation with the Governments of India and Pakistan with regard to their differences referred to in the preamble to this resolution:

*"(i)* To effect the demilitarization of the State of Jammu and Kashmir on the basis of the demilitarization proposals made by Sir Owen Dixon as described in his report, with any modifications which the United Nations Representative deems advisable;

*"(ii)* To present to the Governments of India and Pakistan detailed plans for carrying out a plebiscite in the State of Jammu and Kashmir, and to obtain agreement of those Governments to such plans in order to give effect to their existing commitment that the future of the State shall be decided through the democratic method of a free and impartial plebiscite conducted under United Nations auspices;

*"and to proceed to the sub-continent for these purposes;*

*"4. Authorizes* the United Nations Representative to take into account in his discussions with the two Governments and in considering arrangements for demilitarization and for the holding of the plebiscite:

*"(i)* The report of Sir Owen Dixon;

*"(ii)* The possibility that any forces required for the purpose of facilitating demilitarization and the holding of the plebiscite might be provided from Member States of the United Nations or raised locally;

*"(iii)* The possibility that, although the future accession of the State should be decided by the majority of votes cast in a State-wide plebiscite, this should not preclude, provided that due account is taken of geographical and economic considerations, subsequent boundary adjustments in areas contiguous to the frontier of India or Pakistan in which the vote is overwhelmingly in favour of the party with a minority of the votes in the State-wide plebiscite;

*"(iv)* The possibility that, while supervision will be required over the exercise of the functions of government in the State of Jammu and Kashmir, different degrees of such supervision may be appropriate for different areas;

*"5. Calls upon* the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarization of the State of Jammu and Kashmir and in agreeing upon a plan for a plebiscite therein;

*"6. Instructs* the United Nations Representative to report to the Security Council with such findings and recommendations as he deems necessary when he considers that detailed arrangements for the holding of a plebiscite may be put into effect, or in any case within three months from the date of his appointment;

*"7. Calls upon* the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference, such arbitration to be carried out by an arbitrator, or a panel of arbitrators, to be appointed by the International Court of Justice in consultation with the parties;

*"8. Decides* that the Military Observer Group shall continue to supervise the cease-fire in the State;

*"9. Requests* the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and *calls upon* them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable

to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement;

"10. *Requests* the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be necessary in carrying out the terms of this resolution."

659. The representative of the UNITED KINGDOM stated that on only one major recommendation had his Government differed from Sir Owen Dixon. While the conclusion that it would be best to leave the problem of the disposal of Jammu and Kashmir to the parties themselves to settle would certainly place his country in a less immediately embarrassing position, the United Kingdom Government had not been able to agree to such a course. The fundamental consideration that the accession of the State was to be decided by a plebiscite under the auspices of the United Nations had been accepted by both Governments and endorsed by the Security Council since the early stages of the dispute. Moreover, thanks to the work of the United Nations Commission for India and Pakistan and the wise statesmanship shown by the leaders of the two Governments, a cease-fire has been achieved and maintained without serious incidents. Unfortunately, the Commission had not been able to achieve a solution of the problem of demilitarization, but nevertheless it had secured acceptance of its resolution of 5 January 1949, providing for the appointment of a United Nations Plebiscite Administrator and defining in some detail the form which United Nations supervision over a plebiscite should take. In spite of subsequent difficulties, his Government was not without hope that a further determined effort by the Council, with the assistance of the two Governments, would discover a way of effecting a settlement of the whole Kashmir problem.

660. The joint draft resolution (S/1717) had been prepared in the light of various discussions at the recent meeting of Commonwealth Prime Ministers in London as well as of consultations between the United Kingdom and the United States Governments. While taking into full account many discussions with the two parties, the draft resolution had not in any sense been prepared in consultation with them and still less in agreement with them.

661. Turning to the terms of the draft resolution, the United Kingdom representative stated that he found it difficult to reconcile the report of the "All Jammu and Kashmir National Conference" resolution, referred to in the letter of the Pakistan Foreign Minister (S/1942), with the agreed form of settlement. He expressed confidence, nevertheless, that the representative of India would reassure the Council that there was no intention on the part either of his Government or of the Kashmir State Government to adopt measures which would in any way prejudice the agreements already reached by the Governments of India and Pakistan, or which would conflict with the measures already adopted by the Security Council. The third and fifth paragraphs of the preamble of the joint draft resolution, read with such a statement, would place on record categorically that no reference to the wishes of Kashmir regarding the future accession of the State made otherwise than under the auspices and with the full consent of the United Nations could be regarded

as constituting a settlement acceptable to the Security Council.

662. Paragraph 4 of the joint draft resolution set out several elements intended to contribute towards a solution of the problems of demilitarization of the State and the degree of United Nations supervision over the conduct of the plebiscite. He hoped that the representatives of the parties would be able to give the Council assurances that a neutral force to safeguard the security of the State during the plebiscite would not be rejected by their Governments if the United Nations Representative should decide that it offered the only solution to the problem of demilitarization. The principle that the best guarantee of a fair expression of the wishes of the people of Kashmir was the removal or disbandment of the military forces of all interested parties, and their replacement by United Nations forces which would have no interest to sway the vote either way, seemed axiomatic. If it was not accepted it could only mean that the contestant denied the whole conception of settlement by plebiscite, which after all had already been accepted without reservation.

663. The provision for boundary adjustments to effect the transfer in certain circumstances of minority areas to whichever of the two parties lost the plebiscite, contained in sub-paragraph (iii) of paragraph 4 of the joint draft resolution, was new. He wished to emphasize that the sponsors did not intend such an adjustment to be made if this would create an enclave, or result in the economic interests of the State as a whole or of the territory to which it acceded under the plebiscite being materially damaged or threatened. The principle that the future of the State as a whole would be decided by the majority of the inhabitants of the State eligible to vote was not of course affected and any adjustments made under this sub-paragraph would be subsequent to the determination of the accession of the State as a whole. The co-sponsors hoped that the Plebiscite Administrator would prepare a detailed plan acceptable to both Governments to give effect to that sub-paragraph.

664. The provision, made in paragraph 7 of the joint draft resolution, for reference of outstanding points of difficulty to an arbitrator or panel of arbitrators appointed by the International Court of Justice, had been made to give some assurance that a means of obtaining an authoritative decision would be available to the United Nations Representative.

665. The representative of the UNITED STATES OF AMERICA stated that the tone for the Security Council's deliberations should be set by the fact, noted by the United Nations Representative, that the Prime Ministers of Pakistan and India had indicated in the clearest terms the existence of the will to settle the Kashmir case peacefully and to examine solutions carefully. It was clear that the Security Council could best exercise its functions by narrowing further the area of disagreement between the parties.

666. Two main questions, in the opinion of his Government, were the primary business of the Council at that stage of its consideration of the Kashmir problem. The first was the action, already referred to by the United Kingdom representative, which the authorities in the Indian-controlled area of Kashmir were undertaking to determine the future shape and affiliation of the State. The second was the matter of bringing about

a final solution of the case in accordance with the principle of peaceful settlement. Those two questions were presented respectively in the preamble and in the operative clauses of the draft resolution jointly submitted by the United Kingdom and the United States of America.

667. With regard to the resolution adopted on 28 October by the "All Jammu and Kashmir National Conference", he stated that the Governments of India and Pakistan, by accepting in writing the resolution adopted on 5 January 1949 by the United Nations Commission for India and Pakistan, had agreed that the question of accession of the State would be decided through the democratic method of a free and impartial plebiscite under United Nations auspices. The United States Government shared the view, expressed by the United Kingdom representative, that the action proposed by the "All Jammu and Kashmir National Conference" would not bring about a fair and impartial plebiscite as well as the view that the Council could not accept or approve of a plebiscite conducted without the approval or supervision of the Council or its representative.

668. Reviewing the efforts made by the Security Council and its representatives to secure a solution of the problem of Kashmir, the United States representative recalled that the Council's resolution of 14 March 1950 had placed the burden of preparing and executing the demilitarization programme upon the parties themselves, assisted by the United Nations Representative. Finally, he emphasized that it was the duty of the Council to call to the attention of both Governments their obligation under the Charter to seek a solution by all peaceful means including arbitration.

669. At the 533rd meeting (1 March 1951), the representative of INDIA, reviewing the salient facts of the question under discussion, pointed out that the execution of the instrument of accession by the Ruler of the State, coupled with its acceptance by the Governor-General of India, completed the legal requirements of accession. However, India voluntarily imposed upon itself the obligation, when normal conditions were restored, to give the people the right to decide whether they would remain in India or not. He emphasized that India was the complainant and that its complaint had been proved to be true in an aggravated form. Pakistan, not content with assisting the invading tribesmen, had itself become an invader and its army was still occupying a large portion of Kashmir, thus committing a continuing breach of international law, as the report of Sir Owen Dixon noted. Pakistan had also built up subversive local forces and authorities in those areas.

670. The question of Kashmir was not a Hindu-Muslim question. Apart from the fact that India still had the third largest Muslim population of any State in the world, it was a secular State with every reasonable safeguard which could be devised for the protection of racial or religious minorities embodied in its Constitution. He cited numerous instances to show that minorities were well represented in government at all levels.

671. References to the rejection of various proposals by India might have created the impression of intransigence on India's part. Such so-called intransi-

gence would be found on analysis to be no more than an insistence on pledges already given to India, particularly on questions relating to the security of Kashmir. The United Nations Commission for India and Pakistan, by its resolutions of August 1948 and January 1949, which were agreed to by all the parties, had made adequate provisions for a free and impartial plebiscite under United Nations auspices, and the Government of India could not make any further concessions.

672. The present legal position was that the State of Jammu and Kashmir was a unit of the Indian Federation, subject to federal jurisdiction in respect of the broad categories of defence, external affairs and communications, but completely autonomous in nearly all other matters. The State was entitled to frame its own constitution and, for that purpose, to convene a constituent assembly of its own people. The main purpose of a constituent assembly would be to provide a proper elected legislature for the State to which the executive could be made responsible. So far as the Government of India was concerned, the constituent assembly was not intended to prejudice the issues before the Security Council, or to come in its way.

673. Summarizing conditions and developments in Kashmir, the representative of India concluded that the people of the State, who were gradually settling down to some measure of peace and order, must decide their own future in accordance with their interests and desires. In the circumstances, the Security Council might do worse than to follow the United Nations Representative's advice, and let the initiative pass back to the parties. He noted that the Governments of India and Pakistan had recently signed a trade agreement in spite of great difficulties, and might be expected in due course to reach agreement on other matters as well if left to themselves.

674. In connexion with Sir Owen Dixon's recommendation that the military strength of the parties on the cease-fire line should be reduced, the representative of India stated that his Government had already reduced its forces by 20 to 25 per cent, without waiting for any corresponding reduction by Pakistan despite the fact that, under the resolutions of the Commission, Pakistan was to have begun withdrawing its army first. India was prepared to continue the process of reduction if Pakistan, on its side, would withdraw its army from the State.

675. Turning to the joint draft resolution, he stated that the Government of India was wholly unable to accept it, because in many respects it ran counter to the decisions previously taken by the United Nations Commission with the agreement of the parties. The United Nations Representative had somehow been led to make proposals for demilitarization which had seriously departed from the agreed scheme set up by the Commission's resolutions of August 1948 and January 1949. The joint proposal, since it would instruct the new United Nations Representative to effect demilitarization on the basis of Sir Owen Dixon's proposals, went back on the agreed resolutions of the Commission, all changes being in favour of the Pakistan Army, which had entered the State in contravention of international law, and against the Indian Army, which had lawfully entered the State to repel invasion.



676. India could not accept any entry of foreign troops in the State of Jammu and Kashmir, or in any other part of India. In view of the provisions made under the Commission's resolutions, there was no occasion for the use of foreign troops or of special local levies recruited by any outside agency. Nor, in view of the detailed provisions contained in the Commission's resolution of January 1949 to ensure a fair and impartial plebiscite, could any supersession of the lawful Government of the State or any interference with its normal functions be accepted. In that connexion, he cited the provisions of that resolution, in which those principles had been recognized. While the draft resolution referred to the convening of the constituent assembly, it made no mention of the persistent and increasing propaganda in Pakistan for jihad, or holy war. This constant incitement to war was bound to vitiate the atmosphere for negotiations. While the Government of India stood by all its commitments, it insisted that all the commitments made to India contained in the Commission's resolutions and the connected assurances must also be honoured. Adoption of the joint draft resolution would amount to a repudiation by the Security Council of the decisions which had been made by the United Nations Commission with the agreement of the parties and of the Commission's assurances to India.

677. At the 534th and 535th meetings (6 and 7 March 1951), the representative of PAKISTAN stated that the whole argument of the representative of India rested on the untenable assumption that India was in lawful occupation of Kashmir. The fact was that that occupation had been brought about as the result of a conspiracy between the Hindu ruler of Kashmir and the Hindu leaders of India. Reviewing the period prior to the Maharaja's accession to India, he stated that shortly after the massacres which had accompanied partition in India in 1947, the Maharaja's forces had systematically exterminated large numbers of Muslims in Kashmir. When it had become clear that the same course was to be followed in Kashmir as in various parts of India, agitation had started in the State and large-scale repression had been undertaken. The Maharaja's forces had soon been defeated once the liberation movement had started and the Maharaja had been compelled to leave Srinagar. It was then that the Maharaja had written the letter to the then Viceroy of India which was claimed as India's legal title to the occupation of Kashmir.

678. Citing the many visits paid to Kashmir by prominent leaders of the Indian National Congress prior to the accession, the representative of Pakistan stated that the sequel of events equally demonstrated that there had been a conspiracy. Thus, the Maharaja had written from Jammu on 26 October 1947 requesting military assistance from the Government of India, and the following morning portions of the State had been occupied by Indian armed forces as a result of air-borne operations over high ranges of mountains. It was obvious that considerable preparation must have preceded an operation of that kind. Another significant factor was the position of Sheikh Abdullah, who had long acted as the agent of the Indian National Congress in Kashmir. In gaol at the time, owing to his agitation against the rule of the Maharaja, Sheikh Abdullah had

been released and encouraged to hold public meetings and processions. Meetings of all other political parties which refused to support the Maharaja's new policy had been banned. Sheikh Abdullah's Government was in power because of one factor only: the occupation of the State by huge forces of the Indian Army.

679. India maintained that the Kashmir question was not a Hindu-Muslim one because it preferred not to apply, in that case, the principle it had invoked with respect to Junagadh and Hyderabad, and on which the partition of the sub-continent had been based—the principle that contiguous non-Muslim majority areas would constitute India, and that contiguous Muslim majority areas would constitute Pakistan.

680. Reviewing the efforts made by the Government of Pakistan to reach a settlement with the Government of India, he stated that all the efforts made by Pakistan, the Security Council and its representatives, and recently by some of the Prime Ministers of Commonwealth countries, to persuade India to carry out what it had agreed to do under the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949, had remained without any appreciable result.

681. Despite the Security Council resolution of 17 January 1948, India had made a determined effort to conquer the rest of the State. The Security Council resolution of 21 April 1948 had also been rejected while the military campaign in Kashmir continued. It had been at that time that the Commander-in-Chief of the Pakistan forces, describing the dangers to Pakistan involved in permitting complete occupation of the State by the Indian Army had recommended that those troops should not be allowed to advance beyond a certain defensive line. Pakistan had decided to send its troops in to hold this line, and had not attempted any more at any stage. That was what had been described as Pakistan's aggression.

682. The main provisions of the Commission's two resolutions of 13 August 1948 and 5 January 1949 envisaged the carrying out of the demilitarization of the State in two stages. After a cease-fire had been achieved and a cease-fire line demarcated, a truce agreement was to have been concluded. The principal features of that agreement were to have been (1) the withdrawal of the tribesmen and Pakistan nationals who had entered the State for the purpose of fighting; and (2) the withdrawal of the Pakistan troops on the one side, and the bulk of the Indian troops on the other side, from the State. Those measures were to have been taken during a truce stage, to be followed by a plebiscite stage in which the Plebiscite Administrator would have the power of final disposal of the remaining forces of both sides, having due regard to the security of the State and the freedom and impartiality of the plebiscite. The international agreement which the Commission's resolutions represented had been designed to bring about one thing: a free and impartial plebiscite to determine the question of the accession of the State to India or Pakistan. Two factors were essential to secure the freedom of the poll. One was the complete demilitarization of the State. The second was the neutralization of the Administration so that it could not exercise any undue influence or exert any pressure in favour of either side.

683. The implementation of the agreement had so far included only a cease-fire and the demarcation of a cease-fire line. Though the withdrawal of the tribesmen and the Pakistan volunteers was to have taken place during the truce stage, they had been persuaded to withdraw from the *Asad* Kashmir areas. A deadlock had ensued over the provision relating to the withdrawal of Pakistan troops and the bulk of Indian forces, owing to the repeated refusal of the Government of India to withdraw the bulk of its troops.

684. The Commission, after repeated efforts, had reached the conclusion that India was not prepared to withdraw the bulk of its forces unless agreement was reached with Pakistan on the large-scale disbanding and disarming of the *Asad* forces. Inasmuch as the parties had already accepted United States Fleet Admiral Chester W. Nimitz as the Plebiscite Administrator, it had been suggested that they should accept him to arbitrate the difference. Pakistan had accepted the suggestion, but India had rejected it.

685. Having contended that it could not accept any scheme of demilitarization which did not deal with the *Asad* forces, India had then, when the matter had been reported back to the Security Council, opposed the scheme put forward in December 1949 by General A. G. L. McNaughton (S/1453), then President of the Security Council. That scheme called for the disarmament or withdrawal of all forces in the State in one operation.

686. Another argument put forward by the Government of India was that Pakistan had committed aggression in moving its forces into the State. However, quite apart from the fact that that movement had been the plain duty of his Government and had amounted to carrying out the object of the Security Council resolution of 17 January 1948, the Security Council, the United Nations Commission and the Government of India had all known of the situation before the acceptance of the Commission's resolutions of 13 August 1948 and 5 January 1949. The representative of Pakistan noted that Sir Owen Dixon had found it necessary to deal with India's charge of aggression in order to proceed to the question of demilitarization. Thus, the Prime Minister of Pakistan, though he had objected to Sir Owen Dixon's assumption that the movement of regular Pakistan forces entering the territory of the State had been inconsistent with international law, had been prepared to accept what had been proposed on the basis of that assumption.

687. Still another excuse with which India tried to cover its failure to carry out its obligations was its professed fear for the security of the State. Pakistan had repeatedly given assurances that it would stop any incursion of tribesmen into the State. As for an attack by Pakistan forces, a guarantee and an assurance to the United Nations should be enough. Moreover, it was obvious that an attack by Pakistan would destroy every possibility of what it was eager to obtain: a fair and impartial plebiscite. Apart from such considerations, the question of the security of the State had been dealt with in the Commission's resolutions, which had invested the Plebiscite Administrator with power to carry out the final disposal of forces remaining in the State with due regard to the security of the latter.

688. In view of the failure of many previous attempts to reach a settlement, it was wholly unrealistic to suggest that the parties ought to be left to settle the matter by negotiation between themselves. Such a course would enable India to consolidate its hold on Kashmir and to continue systematical' to alter the composition of the population of the State by expelling Muslims and settling non-Muslims in their place.

689. India's refusal to submit the matter to impartial arbitration was a clear indication of India's own estimation of where it stood. The utmost that its representative could contend was that the fault was wholly Pakistan's. If so, what more could be required of Pakistan than to accept such arbitration?

690. The representative of Pakistan submitted that the Security Council should depute an outstanding personality to bring about, and carry out the implementation of the international agreement, with power to effect demilitarization, to exercise effective supervision over the functions of government in the State and to decide any points of difference which might arise between the parties in the carrying out of those duties. The Council should also call upon the parties to withdraw their forces and to extend full co-operation to the United Nations Representative in the discharge of his duties. India should be asked not to proceed with the convocation of a constituent assembly in Kashmir and not to make any attempt to determine unilaterally the future of the State. The representative of Pakistan also called for omission from the joint draft resolution of the provisions envisaging the possibility of partition, which was opposed by both sides.

691. Pakistan accepted the principle, laid down by the representative of the United Kingdom, that the best guarantee of a fair expression of the wishes of the people of Kashmir would be the removal or disbandment of the military forces of all interested parties and their replacement by United Nations forces which could have no interest to sway the vote either way.

692. Stressing the urgency of the need for action by the Security Council, the representative of Pakistan emphasized that the argument relating to Pakistan's supposed guilt should not deprive the people of Kashmir of the right of self-determination.

693. At the 536th meeting (9 March), the representative of INDIA quoted a statement by the Prime Minister of India to the effect that, had the Indian Government desired a pretext either for Kashmir's accession or for sending its troops there, it would not have waited until half of the Valley of Kashmir and parts of Jammu had been devastated. With regard to the allegation that Sheikh Abdullah had been a tool in the supposed conspiracy, the Indian representative cited Press reports to the effect that, prior to the invasion, Sheikh Abdullah had been in New Delhi, where he had declared that he would not brook dictation from Pakistan or coercion from India, and had pleaded for time to consider which Dominion the State should join. Sheikh Abdullah had later termed the invasion an attempt to coerce Kashmir into acceding to Pakistan. He had been chosen to form an interim government because he had been able to command the confidence of the citizens of the State.

694. Noting that India had been repeatedly accused of not fulfilling or wishing to fulfil its obligations under the Commission's resolutions of 13 August 1948 and 5 January 1949, the representative of India asked what Pakistan had done towards the fulfilment of its primary obligation under part II of the 1948 resolution dealing with the truce agreement, namely, to withdraw its troops from the State. He recalled that, under Article 51 of the Charter, the right of self-defence began only when there was an armed attack against a Member, and that the Security Council must be informed immediately of measures taken in self-defence. Not only had there been no armed attack against Pakistan, but the Security Council had not been informed until the United Nations Commission had arrived on the sub-continent and the presence in the State of regular Pakistan troops could no longer be concealed. Moreover, according to the Charter, the right of self-defence continued only until the Security Council had taken measures necessary to maintain international peace and security. Measures had been taken, and none of the alleged grounds on which the Pakistan Army had marched into Kashmir in May 1948 retained any validity. Nevertheless, though the withdrawal of the bulk of the Indian forces from the State was to follow the withdrawal of Pakistan forces, India had already taken steps to reduce its forces.

695. Turning to Sir Owen Dixon's report (S/1791), the representative of India pointed out that India had not objected to a reduction of forces, or to their disposal within the State during the plebiscite period in such a way as to prevent their interference with the freedom of the vote, but that India had objected to a reduction of forces on a scale that would endanger the State, and also to measures that would unnecessarily infringe the sovereignty of the State. While striving to eliminate undue influence, the United Nations Representative had forgotten to take into account the psychological effect that was bound to result from the removal of the lawful forces and authorities in the State and the recognition, directly or indirectly, of the unlawful forces and local authorities in various parts of the State.

696. Sir Owen Dixon's view concerning Pakistan's violation of international law could not be explained away as intended merely to justify the proposal for the withdrawal of Pakistan's forces as the first stage in demilitarization, for that proposal was part of the Commission's resolution of 13 August 1948.

697. There was a fundamental difference between the cases of Hyderabad and Junagadh, on the one hand, and Kashmir, on the other. In Kashmir, a large section of the majority community itself — namely Muslim — was in favour of remaining in India, whereas in the case of Hyderabad and Junagadh, no section of the population that forms the majority had ever been in favour of acceding to Pakistan.

698. The machinery of a constituent assembly was the recognized one for the framing of a constitution in most parts of the world, and had been devised for other units of the Indian Federation as well as Kashmir. The view of the Indian Government was that, while a constituent assembly might, if it so desired, express an opinion on the question of accession, it could take no decision on it.

699. The representative of PAKISTAN pointed out that Sheikh Abdullah had proceeded directly to New Delhi upon being released from gaol in September 1947. The fact that he had pleaded for time to consider which Dominion the State should join indicated that the authorities in Delhi had been exerting pressure for accession to India. It was obvious that Sheikh Abdullah had served as a go-between. The facts also spoke for themselves with regard to the sending of troops, which had arrived early on 27 October, while the direction to send them had allegedly not emanated from the civilian government until sometime during the night of 26 October.

700. As regards the withdrawal of Pakistan troops from Kashmir, the representative of Pakistan recalled that that operation was to have followed formulation of a truce agreement and to have been synchronized with the withdrawal of the Indian forces. India had proved unwilling to formulate a truce agreement unless Pakistan met the additional condition, not included in part II of the Commission's resolution of 13 August 1948, that agreement be reached on the large-scale disbanding and disarming of the *Asad* forces. Pakistan had succeeded, nevertheless, in persuading the tribesmen to withdraw and had withdrawn the Pakistan volunteers who had entered the State for the purpose of fighting. Pakistan had also reduced the number of its troops, but that was not the central question. The obligation of the parties was to formulate a truce agreement, and it was India that had refused to do so. Pakistan had repeatedly stated its readiness to proceed with the formulation of a truce agreement and with the implementation of the agreement once reached.

701. India's arguments with respect to Junagadh and Hyderabad, on the one hand, and Kashmir, on the other, were contradictory. It was to determine what were the views of the majority of the population of Kashmir that a plebiscite was to be held. Again, in the cases of Junagadh and Hyderabad, India had maintained that the issue of accession should be decided by the people, who had assumed sovereignty upon the departure of the British. That argument disposed of India's contention that Kashmir had lawfully acceded to it. The Indian Government had admitted as much in undertaking to withdraw its forces once the tribesmen had withdrawn and law and order were re-established. The withdrawal of Indian forces would indeed have a psychological effect, as the representative of India had stated; the effect would be one of assuring the people that, whichever way they voted, they would not subsequently be persecuted.

702. The representative of Pakistan emphasized that all factors indicated that Kashmir's natural relationship was to Pakistan, and that Kashmir could help India only to encircle Pakistan and to destroy its economy. Nevertheless, Pakistan accepted the risk that the result of the plebiscite might be adverse to it.

703. India had no right to have made Kashmir a unit of its Federation or to have convoked a constituent assembly while the question was pending before the Security Council.

### C. Resolution of 30 March 1951

704. At the 537th meeting (21 March), a revised text of the joint United Kingdom and United States

draft resolution was introduced. Except for the deletion, from the second paragraph of the preamble, of the reference to the resolution of 14 March 1950, all of the revisions affected the operative part of the original draft resolution (S/2017). The text of the operative part was revised as follows (S/2017/Rev.1):

*"The Security Council,*

"1. *Accepts*, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission;

"2. *Decides* to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon;

"3. *Instructs* the United Nations Representative to proceed to the sub-continent and, after consultation with the Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949;

"4. *Calls upon* the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarization of the State of Jammu and Kashmir;

"5. *Instructs* the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent. If, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out;

"6. *Calls upon* the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations Representative in accordance with paragraph 5 above; such arbitration to be carried out by an Arbitrator, or a panel of Arbitrators, to be appointed by the President of the International Court of Justice after consultation with the parties;

"7. *Decides* that the Military Observer group shall continue to supervise the cease-fire in the State;

"8. *Requests* the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and *calls upon* them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement;

"9. *Requests* the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be necessary in carrying out the terms of this resolution."

705. The representative of the UNITED KINGDOM, analysing the revised text, stated that the authors of the joint draft had been unable to see how arbitration in the form proposed could in any way act to the detriment of the rights and responsibilities of the Government of India. Indeed, since an international agreement existed between the two Governments, the only right course seemed to be to accept arbitration concerning its interpretation and application.

706. In order to meet the view of the parties that the two agreed Commission resolutions should be followed as closely as possible, the reference to the Security Council's resolution of 14 March 1950 had been deleted from the second paragraph of the preamble. The same considerations had led to the revisions in the operative part of the joint draft resolution as originally submitted. Although the ideas of a neutral force, of the possibility of certain limited boundary adjustments, and of the degree of supervision over the plebiscite being suitably varied from area to area in the State had been omitted from the revised text, he hoped that the parties and the Council would continue to have them in mind. In particular, the proposal for a neutral force, which certain Member States were prepared to provide, still seemed an especially valuable one. With regard to arbitration, he noted that the wording of the joint draft had been altered to emphasize that the appointment of arbitrators was to be made after consultation with the parties and that, while full account would be taken of their views, objection by either of them to the arbitrators nominated by the President of the International Court of Justice would not be a bar to the appointments.

707. In view of the failure of the various attempts at mediation, the United Kingdom Government felt very strongly that the time had passed when the disagreement between the parties could be dealt with by such means. It must be hoped that, if the Council expressed its conviction on arbitration, the Government of India would find itself able to waive the objections which had recently been expressed by its representative.

708. Noting that the paragraphs dealing with the question of a Kashmir constituent assembly had been retained in the preamble, he said that, had it not been for a series of disturbing pronouncements by Sheikh Abdullah and by Ministers of the Government of India and of the Kashmir State Government, the Council would probably have felt that what the representative of India had told it was a sufficient guarantee that nothing would be done by a constituent assembly which would in any way prejudice the settlement of the future accession of Kashmir in the manner to which the two Governments and the Security Council were committed. He appealed to the representative of India to make it clear beyond all doubt that the Government of India would do everything in its power to prevent action which would damage the work of the Council.

709. The assumption apparent behind the statements of the representative of India, namely that the accession of Kashmir had already been settled and that no more remained except to give the inhabitants of the State an opportunity to decide whether they should remain in India or not, cut across the very principles on which the Council and, his Government had always understood, the parties also, had been striving to effect

a settlement. He asked the representative of India to set any doubts at rest by reaffirming explicitly and categorically that the Government of India did intend to adhere to its undertaking to settle the future accession of the State by a free and impartial plebiscite conducted under the auspices of the United Nations.

710. By adopting the revised draft resolution, the Security Council would make it clear that wild talk of war at one stage or the other must stop, and that the solution of this admittedly difficult problem must be achieved by the means laid down in the Charter.

711. The representative of the UNITED STATES OF AMERICA noted that the revised text of the joint draft resolution charged the United Nations Representative with the duty of effecting demilitarization of the State on the basis of the two Commission resolutions. That did not mean, however, that the efforts of more than two years in attempting to implement those two resolutions could or should be ignored. He could not agree with the Indian representative's statement that the Government of India could not make what had been described as further "concessions". The matter was one of giving effect to a commitment rather than one of making concessions. Moreover, the commitment to permit the people of Kashmir to decide the question of accession of the State was not a matter of giving the people the right to decide whether they would remain in India or not, as the Indian representative had put it. Analysing the provision relating to arbitration, the representative of the United States emphasized that his Government viewed the arbitration proposal as one of the key elements of the draft resolution. He trusted that, if it became necessary to give effect to that provision, the Government of India would find itself able to accept it.

712. Regarding the Indian representative's statement of the Government of India's limited control over the Government of the State of Kashmir, as well as several recent statements by leaders of the Governments of India and Kashmir concerning the constituent assembly and its purpose, the United States representative observed that the matter of the final disposition of the State was an international question and clearly fell within the field of external affairs. The Security Council should therefore be entitled to assume that the Government of India would prevent the Government of Kashmir from taking action which would interfere with the responsibilities of the Council.

713. At the 538th meeting (29 March), the representative of INDIA explained that under the Constitution in force in India between 15 August 1947 and 26 January 1950, an Indian State must be deemed to have acceded to either of the Dominions if the Governor-General had signified his acceptance of an instrument of accession executed by the ruler. On 26 October 1947, the ruler of Kashmir had actually executed such an instrument of accession in favour of India; on 27 October the Governor-General had signified his acceptance of the instrument in the usual formula. The instrument of accession, which had taken effect from the moment of acceptance, contained no conditions or reservations of any kind. The Governor-General, however, had subsequently expressed the wish of the Government of India that the question of the State's accession should be settled by reference to the

people once law and order had been restored in Kashmir and its soil had been cleared of the invader. The soil of Kashmir, however, had not yet been cleared of the invader—the Pakistan Army which had joined the invader was still there and thus the fulfilment of the Government of India's wish had been delayed by Pakistan's own act. Having delayed the plebiscite by an act of invasion, Pakistan could not take advantage of its own wrong to hold up or suspend the legal consequences of the accession, which would inevitably continue to be effective unless and until the people of Kashmir settled the question otherwise.

714. That interpretation had been confirmed by the view taken by the United Nations Commission. In its resolution of 13 August 1948, accepted by Pakistan as well as India, the Commission had provided that Pakistan withdraw all its troops from the State while India was to withdraw only the bulk of its troops. The Commission thereby recognized that, while Pakistan had no right to station troops in the State, India by virtue of its responsibilities resulting from the accession, had the right and duty to retain some troops in the State to ensure its security. The argument to the contrary was only another attempt to reopen settled issues. He reiterated that, while a constituent assembly could not be physically prevented from expressing its opinion on the question of accession if it so chose, that opinion would not bind his Government or prejudice the position of the Council. He regretted that the reference to that assembly should have been retained in the joint draft resolution notwithstanding the statements he had made.

715. With regard to paragraph 6 of the revised joint draft resolution, the representative of India cited the Commission's resolution of 13 August 1948 and correspondence between the Prime Minister of India and the Commission which made it clear that, under that resolution, Pakistan had no right to be consulted in the matter of the stages in which the bulk of the Indian forces were to be withdrawn and of the strength of the forces to be retained in the State, those being matters for agreement solely between the Commission and the Government of India. Paragraphs 3 and 6 of the revised text seemed to provide that Pakistan would have a right to be consulted even in those vital matters affecting the security of the State. Furthermore, if Pakistan was not in full agreement with India, the point would have to be decided by arbitrators in whose selection Pakistan would again have the right to be consulted. Those were the new concessions to Pakistan to which he had referred. Besides, the draft resolution sought to transfer to arbitrators the right to make vital decisions which under the previous resolutions required India's agreement. In particular paragraph 6 of the draft resolution was a violation of the agreed resolution of August 1948.

716. In the circumstances obtaining in Kashmir, where the so-called *Azad* Kashmir forces had been built up to formidable strength in violation of the resolution of 13 August 1948, in view of the recent developments in Pakistan and the persistent propaganda there for *jihad* (holy war), the Indian Government could not be expected to leave to a third party, however chosen, the decision as to how the State should be protected against a recurrence of the horrors of October

1947. Subject to its views regarding arbitration, his Government had no objection to a new United Nations Representative visiting India and Pakistan to make a fresh attempt to assist in determining how the proposal regarding demilitarization under the resolutions of August 1948 and January 1949 could be implemented, of course with due regard to the assurances given to his Government in that connexion.

717. The representative of India stated, in conclusion, that the revised joint draft continued to ignore the basic facts of the situation in Kashmir, and included provisions which his Government had constantly made clear that it could not accept.

718. The representative of BRAZIL, reviewing the conciliatory efforts which he had made in an attempt to bridge the differences between the two parties, stated that he had acted on the conclusion that the disputed points relating to the interpretation and application of the Commission's resolutions were of a juridical nature and, as such, justiciable under the terms of the Hague Convention of 1889 and 1907. He had therefore submitted to the parties a formula which to his mind would offer the best safeguard of impartiality and fairness for the adjudication of the points in dispute. The formula had provided that, in the event of the failure, in the opinion of the United Nations Representative, of the parties to reach full agreement, the parties agreed to accept arbitration on all outstanding differences arising from the interpretation of the Commission's resolutions, such arbitration to be carried out by a panel of arbitrators consisting of the United Nations Representative, and one arbitrator nominated by India and Pakistan respectively.

719. The representative of Pakistan had given the full support of his Government to that suggestion. Although the representative of India had not objected to arbitration, he had felt that issues already settled by the Commission's resolutions should be excluded from the subject-matter of arbitration. Among those issues, the representative of India had included the question of demilitarization. The representative of India had nevertheless submitted the question to his Government, which had not found it possible to acquiesce, not only because it could not agree to reopen issues closed by the two resolutions, but also because those issues affected national security, which the Indian Government could not agree to submit to arbitration. The Brazilian representative hoped that the Indian Government would reconsider its decision, since arbitration was the only way of resolving the existing *impasse* between the parties. His delegation therefore supported the revised joint draft resolution.

720. The representative of TURKEY supported the revised joint draft resolution, which was a further attempt in the direction of a lasting solution of the dispute between India and Pakistan. Expressing the conviction that a just and satisfactory solution to the problem could be found, in view of the agreement of the parties on the basic principles involved, he emphasized that the provision for arbitration only covered minor points of disagreement which might arise during the negotiations. It must be admitted that the only way of deciding such minor issues would be to submit them to impartial arbitration.

721. The President, speaking as the representative of the NETHERLANDS, pointed out that there was, as the joint draft resolution recorded, substantial agreement on the fundamental principle that the accession of the State was to be decided through the democratic method of a free and impartial plebiscite, conducted under the auspices of the United Nations, after the cease-fire and truce arrangements had been carried out. Once the right to self-determination for the people of Jammu and Kashmir, and the fact that the parties had no right to impose anything upon that people against their wishes—wishes which must prevail over the wishes and claims of the bordering States—had been recognized and accepted by the parties, as was the case, it must be possible to find a procedure which would create the most favourable conditions for a fair expression of the will of the people. Emphasizing the necessity for that decision to be made freely, he stated that no prearranged political organization in part of the State set up under the auspices of authorities which had already made their choice should interfere. He therefore supported the joint draft resolution.

722. At the 539th meeting (30 March), the representative of ECUADOR stated that the joint draft resolution was one more proof of the impartiality which had marked the Security Council's work with regard to the problem of Kashmir. If there was any criticism to be made, it would be that, in its efforts not to leave the ground already agreed upon by the parties, the operative part was not explicit enough in its statement of the requirements which seemed to be just and essential to the holding of a truly free and impartial plebiscite representing the will of the people of Jammu and Kashmir. If, after the resolution had been adopted, fresh difficulties should arise in respect of its implementation, they would not be an effect of the Council's action and would serve only to reveal more clearly the true nature of the obstacles to settlement.

723. The representative of FRANCE stated that the holding of a really just and impartial plebiscite must be preceded by the demilitarization of Jammu and Kashmir so as to ensure freedom from any improper influence, such as that inevitably involved in the presence of occupation troops from outside belonging to one or the other of the parties concerned. It should be possible for two parties of good faith to agree on such a plan of demilitarization. Failing such agreement, the joint proposal called for arbitration to be carried out by an arbitrator or panel of arbitrators appointed, not by a political body, but by the President of the International Court of Justice. The draft resolution submitted by the United Kingdom and the United States did not ask the parties to sacrifice either their principles or their interests. It merely asked them to apply to the settlement of their disputes methods which they had accepted. His delegation supported the joint draft resolution in the conviction that it was violating no one's rights by so doing.

724. The representative of CHINA supported the main features of the draft resolution. While welcoming the Indian representative's assurances concerning the convening of a constituent assembly, he pointed out that such an assembly might prejudice the settling of the issue of accession in other ways than by incorporating in the constitution of the State an article



declaring its accession to India. A constitution adopted before the plebiscite would have the tendency of making a formal definitive relationship between Kashmir and India, and the provisions which might be included in it might dovetail the State political structure of Kashmir so closely with that of India as to signify definitive accession. Such tendencies or appearances might make the solution of the problem even more difficult.

725. The representative of YUGOSLAVIA shared the desire that some further advance should be made towards the solution of the problem. That should be done, however, by assisting the parties gradually to narrow, in direct contact and by their own efforts, the areas of disagreement between them and thus move towards a settlement which obviously was in the interest of both. The alternative course of attempting to reach a solution for the parties, or of imposing upon them or one of them the actual mode of implementation of a settlement already accepted in principle, would in all probability impair what chances still remained of an understanding on the yet unresolved issues and would diminish rather than increase the prospects of an over-all settlement.

726. The representative of the UNITED STATES OF AMERICA, referring to the Indian representative's statement that the joint draft reopened issues which had been settled by the Commission's August 1948 resolution, pointed out that the preamble to part II of that resolution made it clear that the United Nations Representative must be free to consult with the Government of Pakistan as well as with India in working out the necessary details of a truce agreement. If agreement was not reached on the details, it would be because the parties gave differing interpretations. In that case there must be some way of resolving the dilemma, and the joint draft resolution had proposed arbitration as the solution.

727. The representative of the UNITED KINGDOM stated that any detailed consideration of the legal issues concerning the validity of the Maharaja's accession to India would lead the Council into an examination of all the events prior to the Maharaja's letter to the Government of India. The Council then could not escape from going on to consider parallel cases in which the question of accession might well at first sight appear to have been decided in accordance with entirely different principles. In the circumstances, it seemed best to his Government that the Security Council should concentrate its attention on the plebiscite and on the means whereby it should be fairly conducted.

728. As regards the Indian representative's remarks concerning arbitration, the United Kingdom representative stated that the extent to which the matters dealt with in the Commission's two resolutions were already decided and the extent to which Pakistan had a right to be consulted were two points eminently suitable for determination by arbitration. Any matter already clearly decided in favour of the Government of India could of course only be confirmed by arbitration.

**Decision:** *At the 539th meeting, on 30 March 1951, the revised draft resolution (S/2017/Rev.1) submitted jointly by the United Kingdom and the United States*

*of America was adopted by 8 votes to none, with 3 abstentions (India, USSR, Yugoslavia).*

729. The representative of INDIA explained he had abstained from voting pursuant to paragraph 3 of Article 27 of the Charter.

730. At the 540th meeting (2 April 1951), the representative of PAKISTAN accepted the resolution of 30 March on behalf of his Government. He stated that it was determined to afford the fullest co-operation to the United Nations Representative and, in case of differences arising which could not be resolved by agreement between the parties, to the arbitrator or arbitrators that might be appointed under paragraph 6 of the resolution.

731. At the 543rd meeting (30 April), the PRESIDENT informed the Security Council that the representatives of the United Kingdom and the United States submitted the name of Mr. Frank P. Graham as a candidate for appointment as United Nations representative for India and Pakistan.

**Decision:** *At the 543rd meeting, on 30 April 1951, the appointment of Mr. Frank P. Graham as United Nations representative for India and Pakistan was approved by 7 votes to none, with 4 abstentions (India, Netherlands, USSR, Yugoslavia).*

732. The representative of INDIA explained that he had abstained from voting pursuant to paragraph 3 of Article 27 of the Charter.

733. The United Nations Representative arrived in Karachi on 30 June.

#### **D. Consideration of further communications from Pakistan**

734. By letter dated 4 May 1951 (S/2119), addressed to the President of the Security Council, the Minister for Foreign Affairs of Pakistan drew the Council's attention to reports that the Yuvaraja of Jammu and Kashmir had issued a proclamation on 30 April convoking a constituent assembly in the State and containing details concerning the procedure in that matter. That move was a challenge to the authority of the Council and was an attempt to nullify its resolution of 30 March. The Council was requested to take adequate measures to stop the Government of India, and the authorities concerned in the State of Jammu and Kashmir, from pursuing a course of action which, besides prejudicing further negotiations for the implementation of the international agreement embodied in the resolutions adopted by the United Nations Commission for India and Pakistan in August 1948 and January 1949, was bound to create an explosive situation charged with grave possibilities affecting the maintenance of international peace.

735. By letter dated 10 May (S/2145), addressed to the President of the Security Council, the permanent representative of Pakistan brought to the Council's notice a statement made by the Prime Minister of the Indian-occupied portion of Kashmir on 4 May, to the effect that the constituent assembly was to decide the future shape and affiliation of Kashmir and that no Power could veto its decision.

736. At the 548th meeting (29 May), the representative of PAKISTAN gave further details concerning



the matters brought up in the letters from his delegation. Emphasizing the impatience and bitterness which the long delay over the settlement of the Kashmir question and the continued intransigence of India had created in the minds of the people of Pakistan, he stated that his Government hoped that the Security Council would take resolute action.

737. The representative of INDIA declared that his Government's position on the matter had already been fully and clearly defined. He cited the statements made by his delegation at the 533rd, 536th and 538th meetings of the Council, and reaffirmed the assurances given during those meetings. It should be obvious from those statements that the allegations made by Pakistan were completely negated.

738. The representative of the UNITED KINGDOM suggested that, in the circumstances, the best course would be for the President of the Security Council to communicate with the Governments of India and Pakistan on behalf of the Council, drawing attention to the apprehensions that had been expressed, taking note of the assurances given by the representative of India, and expressing the hope that the two Governments would do everything in their power to prevent the authorities in Kashmir from acting in a manner prejudicial to the authority of the United Nations and to the determination of the future of the State of Jammu and Kashmir in accordance with the procedures provided for in the resolutions of the United Nations Commission for India and Pakistan.

739. The representatives of the UNITED STATES, the NETHERLANDS, FRANCE, BRAZIL, ECUADOR and CHINA supported the suggestion made by the representative of the United Kingdom.

740. The PRESIDENT read the text of a letter (S/2181) which he proposed to send to the Governments of India and Pakistan, in accordance with the suggestion of the representative of the United Kingdom. The message noted with satisfaction the assurances of the representative of India, and stated that it was the sense of the Council that the reports contained in the communications from the delegation of Pakistan (S/2119 and S/2145), if correct, would involve procedures in conflict with the commitments of the parties to determine the future accession of Jammu and Kashmir by a fair and impartial plebiscite under United Nations auspices. The Council reminded the two Governments of the provisions of the resolution of 30 March 1951, and trusted that they would do everything in their power to ensure that the authorities in Kashmir did not disregard the Council.

**Decision:** *At the 548th meeting, on 19 May 1951, the text of the letter (S/2181) to be sent by the President of the Security Council to the Governments of India and Pakistan was approved by 9 votes to none, with 2 abstentions (India, USSR).*

741. The representative of INDIA explained that he had abstained in accordance with Article 27, paragraph 3, of the Charter.

742. On 31 May, the alternate representative of India transmitted to the President of the Security Council a message from the Prime Minister of India (S/2182) to the effect that he had nothing to add to what had already been stated by the Indian delegation.

743. In a letter dated 15 June (S/2207), addressed to the President of the Security Council, the Minister for Foreign Affairs of Pakistan cited further statements made by the Prime Minister of India to the effect that a constituent assembly was being convened with the full approval of the Government of India and that India would not co-operate in any way in the implementation of the resolution of 30 March 1951, which it had not accepted. If the Government of India was permitted to pursue the course it had set before itself, all chances of a pacific settlement of the dispute would be undermined and the creation of a grave threat to international peace would result. The hesitancy of the Security Council to assert its authority and to enforce its resolutions relating to Kashmir had encouraged the Government of India and Sheikh Abdullah to persist in their intransigence and had immensely increased the difficulties which the United Nations Representative would have to face. The Government of Pakistan urged the Security Council to retrieve the situation by taking effective and adequate measures to stop the Government of India and the authorities concerned in the State of Jammu and Kashmir from convening the proposed constituent assembly.

#### **E. Further communications from the parties**

744. By letter dated 30 June 1951 (S/2225), the permanent representative of India transmitted to the President of the Security Council a communication dated 29 June from the Prime Minister and Foreign Minister of India, inviting the attention of the Council to a series of violations of the cease-fire line and of the Agreement between India and Pakistan which had been committed by Pakistan during the preceding fortnight. Particular attention was drawn to three incidents in which Pakistan troops had attacked Indian forces within Indian territory. Those occurrences had happened in quick succession and, coupled with the fanatical warmongering propaganda daily growing in Pakistan, justified the suspicion that they were part of a planned programme calculated to lead, if unchecked, to the outbreak of hostilities between the two countries. The Government of India took a very grave view of the happenings; and a continuation of such incidents might well result in developments which would be difficult to control and which it would fain avoid. Protesting strongly against the violations, the Government of India considered that Pakistan should be made to realize the responsibility of implementing its obligations under the cease-fire agreement.

745. In a letter dated 5 July (S/2233), addressed to the President of the Security Council, the permanent representative of India brought to the notice of the Council a further list of incidents involving violations by Pakistan of the cease-fire agreement between 25 and 30 June.

746. In a cablegram dated 15 July (S/2245), addressed to the President of the Security Council and the Secretary-General, the permanent representative of Pakistan informed the Council that heavy concentrations of Indian armed forces were taking place in East Punjab and in Jammu and Kashmir. The bulk of the Indian Army was now concentrated against Pakistan borders. In particular, all its armoured formations had been moved forward within easy striking distance of

West Pakistan. That constituted a grave threat to the security of Pakistan and to international peace. The letter included the text of a telegram sent to the Prime Minister of India by the Prime Minister of Pakistan concerning the matter and declaring that the persistent refusal of the Government of India to settle the dispute with Pakistan by peaceful means was the main reason for the existing state of

tension between the two countries. The Prime Minister of Pakistan had stressed the peaceful aspirations and intentions of Pakistan. Noting the need for a peaceful atmosphere, especially in view of the mission of the United Nations Representative, the Prime Minister of Pakistan had urged the Indian Prime Minister to remove the threat to the security of Pakistan created by the forward move of Indian armed forces.

## Part II

### OTHER MATTERS CONSIDERED BY THE SECURITY COUNCIL AND ITS SUBSIDIARY ORGANS

#### *Chapter 7*

#### **Admission of the Republic of Indonesia to membership in the United Nations**

747. By a letter dated 25 September 1950 (S/1809), addressed to the Secretary-General, Mr. L. N. Palar, Permanent Observer of the Republic of Indonesia to the United Nations, applied on behalf of his Government, for admission to membership in the United Nations. A declaration of acceptance of obligations contained in the Charter was submitted with the letter.

748. The Security Council considered the application at its 503rd meeting (26 September 1950).

749. When the agenda for the meeting was being considered, the representative of INDIA drew the Council's attention to the application. He believed that it was not likely to be opposed by any member of the Council and that, therefore, it was not necessary to refer it to the Committee on the Admission of New Members. The Council itself could take a final decision on the application, as had been done in the case of Pakistan on a previous occasion. As regards the merits of the present case, Indonesia had the largest Moslem population in the world and, in a sense, the State could be described as the child of the United Nations. He therefore proposed that the application be placed on the agenda and disposed of first.

750. The representative of CHINA stated that nothing would have pleased him more than to have been in a position to welcome the Republic of Indonesia to the ranks of the United Nations. The record of the Council showed that, from the very beginning of the Indonesian question, his delegation had displayed the utmost sympathy for the people of Indonesia and had done its utmost to promote the independence of the Republic of Indonesia. For all those reasons, the developments in Indonesia were most welcome to China. Unfortunately, the Government of the Republic of Indonesia, two months ago, had recognized the Peking régime. Such a recognition must be regarded as premature and as displaying a lack of faith in the principles of international law. To his regret, his delegation would therefore abstain from voting on the application.

751. The representative of YUGOSLAVIA stated that Indonesia, a mere geographical term only a few years ago, had now become an independent nation. That fact was one of the most striking examples of the political maturity of the peoples of Asia. It was with deep satisfaction that the Yugoslav delegation unreservedly supported the application of the Republic of Indonesia for admission to the United Nations.

752. The representative of FRANCE declared that the French delegation would gladly support the application of the Republic of Indonesia. Its membership in the Organization would represent the natural culmination of an evolution in which the United Nations had played a preponderant part and would also be in harmony with the development of relations between France and Indonesia.

753. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS supported the proposal to admit the Republic of Indonesia to membership in the United Nations. He would vote in favour of adoption by the Security Council of a suitable recommendation, in accordance with Article 4 of the Charter.

754. The representatives of ECUADOR, EGYPT and NORWAY also welcomed the membership application of the Republic of Indonesia and stated that they would vote in favour of it.

755. The representative of the UNITED STATES OF AMERICA stated that the application of the Republic of Indonesia for admission to membership in the United Nations marked a major success for the Security Council and for the community of nations. The question of Indonesia had been before the Council since August 1947. There had been times when the complications of the case and the hostilities involved had made the solution of the problem most serious and difficult. However, over and above the many difficulties there had prevailed the will of the parties, with the help of the United Nations, to settle the issues before them peacefully. His Government, which had watched with interest and attempted to assist in a creative way in the establishment of a new and independent Indonesian nation, had welcomed the formation of the voluntary Netherlands-Indonesian Union. The records showed that the Republic of Indonesia was a peace-loving State, able and willing to carry out the obligations of the United Nations Charter. His Government would therefore vote in support of the application.

756. The President, speaking as the representative of the UNITED KINGDOM, warmly supported the application of the Republic of Indonesia for membership in the United Nations. He considered that the Republic fully met the requirements laid down in Article 4 of the Charter.

757. Speaking as the PRESIDENT, he presented the following proposal:

*"The Security Council finds that the Republic of Indonesia is a peace-loving State which fulfils the conditions laid down in Article 4 of the Charter, and therefore recommends to the General Assembly that*

*the Republic of Indonesia be admitted to membership of the United Nations."*

**Decision:** *At the 503rd meeting on 26 September 1950, the Security Council adopted the above proposal by 10 votes in favour, with one abstention (China).*

## Chapter 8

### Appointment of the Secretary-General of the United Nations

758. In view of the expiration on 1 February 1951 of the five-year term to which the Secretary-General had been appointed by the General Assembly in 1946 and in accordance with Article 97 of the Charter, the Security Council considered the question of a recommendation to the General Assembly regarding the appointment of a Secretary-General at the 509th and 510th meetings, held in private on 9 and 12 October 1950. By letter dated 12 October 1950 (S/1844), the President of the Security Council informed the President of the General Assembly that the Security Council had been unable to agree on a recommendation.

759. At the conclusion of a further exchange of views, conducted in private at the 512th and 513th meetings, on 18 and 20 October, the Council requested its five permanent members to hold private consultations on the matter and to report the result. The Security Council, in consequence, continued the discussion in private at the 515th meeting on 25 October 1950 and, on that same date, its President informed (S/1866) the President of the General Assembly that the Security Council remained unable to agree on a recommendation to the General Assembly regarding the appointment of a Secretary-General.

760. At the 516th meeting, held in private on 30 October, the matter was discussed by the Council for the last time. At the conclusion of the meeting, the President informed (S/1875) the President of the General Assembly that the Security Council had not agreed upon a proposal of the Union of Soviet Socialist Republics to request the General Assembly to postpone consideration of the item on its agenda relating to the appointment of the Secretary-General. There had been one vote in favour, seven against and three abstentions.

## Chapter 9

### Commission for conventional armaments

#### A. Activities of the Commission and its Working Committee

761. Prior to the period under consideration, the Commission for Conventional Armaments discussed the resolution adopted by the Security Council on 17 January 1950 (S/1455) together with General Assembly resolution 300 (IV) of 5 December 1949. At its 20th meeting, on 27 April 1950, the Commission decided to transmit those resolutions to its Working Committee with instructions to resume work on item 3 of the Commission's plan of work. Item 3 reads as follows: "Consideration of practical and effective safeguards by means of an international system of control operating through special organs (and by other means) to protect complying States against the hazards of violations and evasions".

762. For the period ending 15 July 1950 as already reported (A/1361), the Working Committee devoted three meetings and, during the period covered by the present report, two meetings (on 20 July and 9 August 1950) to discussing item 3 of the Commission's plan of work.

763. At the 29th meeting of the Working Committee on 20 July 1950, the representative of the UNITED STATES OF AMERICA made a brief explanation

of the two working papers (S/C.3/SC.3/25 and S/C.3/SC.3/26), circulated by his delegation on 13 July concerning respectively military safeguards and industrial safeguards. Those papers were an elaboration of the paper submitted on 18 May 1950 outlining the general plan of a system of safeguards setting forth, as the three basic elements, regular and accurate reports from all signatory States of such information relating to conventional armaments and armed forces as might be required by the treaty of disarmament, and verification of such information through international inspection; remedial action in case of any actual or threatened violations of the treaty. While the most important information to be obtained was, in the view of the United States delegation, that relating directly to armaments and armed forces, additional safeguards might be created, such as information concerning the annual budgets, particularly budgets dealing with military matters and with those relating to foreign trade and strategic military materials. He further stressed the preliminary character of the working papers submitted by the United States of America, which could be considered as a point of departure for further study of safeguards. The United States representative pointed out that, had a system of safeguards of the kind suggested been in effective operation, it would have been

impossible to have built up without prior detection the carefully prepared aggressive force which had invaded the Republic of Korea. The presentation of the papers on safeguards underscored the fact that the ultimate objective of the United States policy was peace and the attainment of an effective system for the regulation and reduction of armaments and armed forces.

764. Two other representatives joined in the discussion of the provisions laid down in working papers submitted by the United States delegation.

765. The representative of the UNITED KINGDOM considered particularly the question of the relationship of the proposed Conventional Armaments Administration to the other organs of the United Nations. Since it was suggested (S/C.3/SC.3/24) that the proposed administration might report to both the Security Council and the General Assembly, he wondered which of those organs would give guidance to the proposed administration and whether a complaint against a State which was violating its obligations under a disarmament convention would be lodged in the first instance with that administration, with the Security Council or with the General Assembly. Finally, considering that for the time being the Working Committee's discussion had become more academic than ever, the United Kingdom representative wondered whether the time might not have come for the Committee to terminate its discussions.

766. The representative of FRANCE, while endorsing the principles set forth in the United States working paper (S/C.3/SC.3/26) dealing especially with industrial control, presented some suggestions for more selective measures in order to make it more effective. He said that if the scope of application of the control measures were restricted, attention could be concentrated on those points which were the real object of control. As far as military control was concerned, he stressed the need to respect security requirements as long as the organization of collective security had not sufficiently progressed. In that connexion, he drew the Committee's attention to the importance of secrecy concerning frontier defence facilities. Knowledge of defence plans would indeed permit the discovery of the strategic conceptions on which they were based. He also noted that the United States working paper on military safeguards (S/C.3/SC.3/25) included items covering research and development activities, and thus departed somewhat from the report submitted by the Commission to the Security Council on 4 August 1949 which excluded such data.

767. The debate at the 29th meeting on item 3 of the Commission's plan of work was concluded by a statement of the representative of the UNITED STATES OF AMERICA, who, in reply to the questions and comments of the representatives of the United Kingdom and France, clarified the position of his delegation. He agreed that much technical examination of the constructive suggestions included in the working papers submitted by his delegation would be necessary before they could really be a plan of safeguards which could be integrated with a plan of disarmament.

768. It was agreed at the same meeting that the Secretariat should prepare a draft report, to be submitted by the Working Committee to the Commission for Conventional Armaments.

769. At the 30th meeting of the Working Committee, on 9 August 1950, the draft of the Committee's second progress report, including as annexes the working papers and summary records of its proceedings, was adopted without objection after a short statement by the Chairman.

770. The Commission for Conventional Armaments held its 21st meeting on 9 August.

771. The representative of the USSR did not participate in the work of the Commission or of the Committee following the Commission's rejection, at its 20th meeting, of the USSR draft resolution (S/C.3/42) requesting the Commission for Conventional Armaments "to exclude the representative of the Kuomintang group from membership of the Commission".

772. The agenda of the 21st meeting dealt with the second progress report of the Working Committee, covering the period 18 May-9 August 1950 (S/C.3/43).

773. The representative of FRANCE reviewed the activity of the Commission with regard to item 3 of the Commission's plan of work and summarized its labours for the year 1950. He enumerated some additional items, such as the manufacture of armaments, trade in armaments, economic potential and budgets, which he considered important factors in a complete and effective system of control of armaments. He finally expressed the hope that the study of item 3 of the Commission's plan of work could be resumed and carried to completion in favourable international circumstances.

774. The representative of EGYPT, maintaining the position he had taken at the 27th meeting of the Working Committee on 8 June 1950, asserted that safeguards could not be studied separately from practical measures for the regulation and reduction of armaments and armed forces.

775. In accordance with a suggestion made by the Chairman, the Commission agreed to transmit to the Security Council the Working Committee's second report (S/C.3/43), together with the summary records of the Committee's proceedings, as well as the Commission's own report (S/1690), which was submitted by the Chairman and adopted without objection.

## **B. Discussion in the Security Council**

776. The last decision of the Security Council relating to the question of the regulation and reduction of conventional armaments and armed forces was taken on 17 January 1950 at the 462nd meeting, with the adoption of the resolution (S/1455) referred to above.

777. Since that date, the Security Council has not discussed the item relating to "the general regulation and reduction of armaments and information on armed forces of the United Nations".

## Chapter 10

### Date of election to fill a vacancy in the International Court of Justice

778. In a note dated 16 May 1951 (S/2153), the Secretary-General informed the Security Council that he had been notified of the death of Judge Jose Philadelpho de Barros e Azevedo on 7 May 1951 by a cablegram dated 8 May from the President of the International Court of Justice. Judge Azevedo had been elected to the Court on 6 February 1946, for a term to expire on 5 February 1955.

779. In accordance with Article 14 of the Statute of the International Court of Justice, the Secretary-General's note continued, the vacancy that had thus occurred should be filled by the same method as that laid down for the first election, subject to the provision that the Secretary-General, within one month of the occurrence of the vacancy, was to proceed to issue the invitations provided for in Article 5 of the Statute, and that the date of the election should be fixed by the Security Council. Article 5, paragraph 1, of the Statute provided that those invitations must be issued at least three months before the date of the election.

780. The Security Council took up the question at its 548th meeting (29 May), when the President submitted the following draft resolution (S/2174):

*"The Security Council,*

*"Noting with regret the death of Judge Jose Philadelpho de Barros e Azevedo on 7 May 1951,*

*"Noting further that a vacancy in the Court for the remainder of the deceased's term of office has thus occurred and must be filled in accordance with the terms of the Statute of the International Court of Justice, and*

*"Noting that, in accordance with Article 14 of the Statute, the date of the election to fill this vacancy shall be fixed by the Security Council,*

*"Decides that an election to fill the vacancy shall take place during the sixth session of the General Assembly;*

*"Decides further that this election shall take place prior to the regular election to be held at the same session to fill the five vacancies which will occur owing to the expiration on 5 February 1952 of the terms of five members."*

**Decision:** *At the 548th meeting on 29 May 1951, the Security Council unanimously adopted the above draft resolution.*

## **Part III**

### **THE MILITARY STAFF COMMITTEE**

#### ***Chapter 11***

##### **Work of the Military Staff Committee**

781. The Military Staff Committee has been functioning continuously under its draft rules of procedure during the period under review, in the course of which it held a total of twenty-seven meetings, but without making further progress on matters of substance.

782. The delegation of the Union of Soviet Socialist Republics resumed its participation in the work of the

Military Staff Committee starting with the Committee's 140th meeting, held on Thursday, 26 October 1950. At that meeting, statements were made by the Head of the USSR delegation and the Heads of the four other delegations. Those statements, reflecting the positions of all delegations, are contained in appendix IV to the present report.



## Part IV

### MATTER SUBMITTED TO THE SECURITY COUNCIL WHICH WAS NOT ADMITTED TO ITS AGENDA

#### Chapter 12

#### The Greek Question

783. In a letter dated 29 August 1950 (S/1735), the representative of the USSR, in his capacity as President of the Security Council, drew the attention of the members of the Council to the texts of two communications, one from the All-Union Central Council of Trade Unions (USSR) and the other from relatives of Greek political prisoners appealing for the cessation of terror against Greek democrats, of mass executions, and of the inhuman plan for the transfer of prisoners suffering from tuberculosis to islands where elementary medical care did not exist, in order to bring about their destruction. He expressed the hope that the Security Council and the General Assembly would adopt a decision to save the lives of fighters of the Greek national resistance movement, who had waged a courageous struggle against the Hitlerite invaders for the freedom and independence of their country and for the cause of international peace and security.

784. On 31 August 1950, the provisional agenda of the 493rd meeting of the Security Council contained an item entitled "The unceasing terrorism and mass executions in Greece" which had been proposed by the delegation of the USSR.

785. At that meeting, the President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, recalled that, at the third and fourth sessions of the General Assembly, the USSR delegation and several others had raised the question of death sentences imposed in Greece. He declared that, since the end of the fourth session, the monarcho-fascist Government of Greece had been carrying on its criminal acts. Terrorism, mass executions and persecution of democratic elements had continued with undiminished force. The barbarous and inhumane treatment of prisoners in Greek concentration camps and fascist jails was provoking indignant protests all over the world. He cited as evidence telegrams and letters (S/1735 and Corr.1, S/1737), which reported inhuman torture and barbarous treatment of political prisoners in concentration camps and stated that democrats who had played an active part in the national resistance movement were being tried by special military courts and were in danger of being executed simply because they had refused to give up their democratic beliefs.

786. Communications on such matters which had been addressed by the delegation of the Soviet Union and other delegations to the Secretary-General and

to the President of the General Assembly had produced no results. Those communications had been forwarded by the United Nations Secretariat to the Greek representative to the United Nations, who had contented himself with making unfounded formal replies and stirring up slander against those countries whose delegations had submitted the appeals. Thus, the protests and urgent requests contained in those documents, which had been written with the blood and tears of the victims of the political terror in Greece, had slowly made the round of the members at Lake Success and then returned to the monarcho-fascist executioners against whom the complaints had been lodged.

787. The representative of the USSR considered that the Security Council could not ignore all the acts of inhuman cruelty committed by the monarcho-fascist régime. He submitted the following draft resolution (S/1746/Rev.1):

*"The Security Council,*

*"Noting that the military courts in Greece are continuing to pass death sentences on the leaders of the national resistance movement and that the number of persons sentenced to death amounts to 2,877,*

*"Noting that at the present time in Greece 45 Greek democrats who took an active part in the national resistance movement are before a military tribunal in Athens and are in danger of being shot,*

*"Noting that the Greek Government is transferring political prisoners suffering from tuberculosis to desert islands and injurious climatic conditions which endanger their lives, and*

*"Guided by the humane approach adopted at the third and fourth sessions of the General Assembly to the protection of the victims of political terror in Greece,*

*"Requests the Greek Government to suspend the execution of the death sentences on 45 active members of the national resistance movement who have been sentenced to death, to prohibit any further executions of political prisoners and not to allow the transfer of tubercular political prisoners to desert islands with an unhealthy climate."*

788. The representative of YUGOSLAVIA supported the proposal to admit the question to the agenda because he felt that the Security Council should try to

save the lives and alleviate the fate of the people concerned. Many of them had waged a gallant struggle during the Second World War against the Axis invaders of their country and had fought in the post-war period for a democratic pattern of affairs in Greece.

789. The representatives who spoke at the meeting in opposition to the inclusion of the item in the agenda did not deal with the substance of the question. They declared, *inter alia*, that the matters alleged did not constitute a threat to peace and were not within the jurisdiction of the Security Council, and that all aspects of the Greek question which came properly within the sphere of the United Nations would be considered when the General Assembly took up the question at its fifth session.

790. The representative of CHINA said that the serious and proper approach for the United Nations to make to the problem of violations of human rights would be to have a special commission established to survey all Member States and to stop violations wherever they occurred. The party that had raised the question should be the first to welcome such a world-wide investigation. If a party wished the world to believe that it was deeply interested in human rights in Greece and at the same time refused to allow any investigation to be made in its own country, he would call that sheer low-grade propaganda.

791. The representative of the UNITED KINGDOM declared that he assumed that the item had been placed on the provisional agenda purely for propaganda purposes and said that for the representative of a Government which maintained millions of its own citizens in slave-labour camps in unspeakable conditions to denounce other governments for other alleged misdemeanours as regards political prisoners was just about as nauseating a spectacle as that of Satan rebuking sin.

792. The representative of the UNITED STATES OF AMERICA said that the submittal of this item merely climaxed a month of colossal contempt for the rules of good behaviour and of the parliamentary rules of the Security Council, as well as for the nations which were members. Even before the items submitted by him had been included in the agenda, the representative of the Soviet Union had launched upon a discussion of his charges. Even more, he had made a finding and declared a judgment. The representative of the United States would, however, refrain from discussion of the substance. He considered that the strange communications included in the item should not be entertained by the Security Council. Among all the wild charges contained in this item, there was no single coherent suggestion that there was a threat to international peace or even an international dispute. It was just as

well that no such precedent was set. After almost four years of continuous concern by the United Nations with the problem of threats to the territorial integrity and political independence of Greece, the Council knew that the essence of the problem had been the effort of international communism, incited by, supported by, and directed from Cominform countries, to overthrow the constitutional Government of Greece through force and terror. The General Assembly had confirmed the existence of that threat in 1947, 1948 and 1949. During the course of consideration of this problem in the past, charges like those in item 5 of the provisional agenda had been made every year by the Soviet group. The patent purpose was to divert the United Nations from the real problem of aggression against Greece. On all those occasions, the United Nations had recognized the introduction of the question of Greek executions as an obvious manoeuvre. It was still just a manoeuvre and the delegation of the United States proposed that the item not be supported.

793. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared, with reference to the United Kingdom representative's statement and his slanderous attacks on the Soviet Union, that those millions of persons and, in fact, the entire population of the Soviet Union enjoyed complete and absolute freedom. No one, however, expected or could expect any other statement from the representative of the United Kingdom, which had for centuries oppressed hundreds of millions of colonial slaves, building its fortunes on their blood, bones, and lives.

**Decision:** *At the 493rd meeting on 31 August 1950, the Security Council decided by a vote of 9 to 2 (USSR, Yugoslavia) not to include in its agenda the item entitled "The unceasing terrorism and mass executions in Greece", which had been submitted by the representative of the USSR.*

794. In a reply dated 1 September 1950 (S/1749) to the charge levelled against Greece in the Security Council by the representative of the USSR in the absence of a representative of that country, the permanent representative of Greece stated, *inter alia*, that the persons whose defence the representative of the USSR had undertaken were not democrats with a stainless record or freely elected trade union leaders; that they had not been sentenced for their democratic convictions but for crimes which had covered Greece with blood and tears; that not a single death sentence had been carried out during the last months; and that special care was being taken for the maintenance of satisfactory sanitary conditions in the islands where a few of those criminals were detained.

## **Part V**

### **MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT DISCUSSED IN THE COUNCIL**

#### ***Chapter 13***

##### **Report on the administration of the British-United States Zone of the Free Territory of Trieste**

795. By letter dated 29 March 1951 (S/2062), the representatives of the United Kingdom and the United States of America transmitted a report on the admin-

istration of the British-United States Zone of the Free Territory of Trieste. The report covered the period from 1 January to 31 December 1950.

#### ***Chapter 14***

##### **Reports on the Trust Territory of the Pacific Islands**

796. On 18 January 1951, the Secretary-General transmitted to the members of the Security Council the report on the administration of the Trust Territory of the Pacific Islands for the period from 1 July 1949 to 30 June 1950 (S/1982) received from the representative of the United States of America.

797. On 25 July 1950 and 4 April 1951, the Secretary-General transmitted to the Security Council two reports (S/1628, S/2069) of the Trusteeship Council on that Trust Territory covering respectively the year ending 30 June 1949 and the subsequent period ending 16 March 1951.

#### ***Chapter 15***

##### **Reports Submitted by the United Nations Commission for Indonesia**

###### **A. Reports submitted on 28 July and on 11 and 28 October 1950**

798. On 28 July 1950, the United Nations Commission for Indonesia reported to the Security Council (S/1663) that the Royal Netherlands Indonesian Army (KNIL) 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. Under that agreement, any KNIL troops remaining under Netherlands command on 26 July were to be given temporarily the status of Royal Netherlands Army personnel. Netherlands troops not yet repatriated from Indonesia would be under a Liquidation Command supervised by the Netherlands High Commissioner.

799. On 11 October 1950, the Commission submitted to the Security Council a telegraphic report (S/1842) outlining events which had taken place in the 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. The

Commission reported that several attempts made by the Indonesian Government to secure a peaceful solution of what it considered an act of rebellion against the legal authorities had failed. The Commander of the Netherlands forces in East Indonesia had also failed in an attempt to re-establish authority over elements of the Royal Netherlands Indonesian Army (KNIL) stationed on the island of Amboina. Forces of the Republic of the United States of Indonesia had carried out landings on various islands of the South Moluccas group on 13 July.

800. On 4 August, the report continued, the Commission had expressed to the Indonesian Government its readiness to lend any assistance within its power and, if required, to render its good offices in any way which might be considered appropriate. On 23 September, the Indonesian Foreign Minister had informed the Commission of his Government's willingness to make use of the Commission's suggestions and advice, in so far as that could be done without prejudicing the status of the Indonesian Government. The Commission had then repeated its offer and had proposed that it

proceed to Amboina. The Indonesian Foreign Minister had replied, on 30 September, that his Government considered that the Commission's intervention would not serve any useful purpose but would, on the contrary, constitute an encouragement to the rebels. On 5 October 1950, following landings carried out on the island of Amboina on 28 September by Indonesian forces, the Netherlands High Commissioner had formally requested the Commission to use all means at its disposal to achieve a cessation of the fighting in the South Moluccas. In reply to an appeal made on 6 October, the Indonesian Government, on 9 October, had reiterated its point of view that the Commission's intervention, instead of achieving any favourable results, would encourage the rebels by putting the case on an international level.

801. The report of 11 October concluded by stating that the Commission considered that it had exhausted all the means at its disposal to assist in achieving a peaceful settlement of the matter, and therefore referred it to the Security Council for consideration, with the suggestion that the Council might reinforce the Commission's authority by calling upon the Indonesian Government to utilize the existing machinery provided by the Commission's presence in Indonesia for a peaceful solution of the problem.

802. On 28 October, the Commission submitted another telegraphic report (S/1873 and Corr.1), informing the Security Council that the Contact Committee of Netherlands and Indonesian representatives under the chairmanship of the the Commission had met on 25 October to consider, among other matters, problems connected with the demobilization and repatriation of ex-KNIL troops. The Contact Committee had established an *ad hoc* sub-committee to consider all technical aspects of the problem. The Commission drew the Council's attention to the fact that both the Indonesian and Netherlands authorities had shown a common desire to settle such problems, which would assume immediate urgency as repatriation of Ambonese troops became possible. The Commission still stood prepared, of course, to extend its good offices in connexion with the Ambonese problem and would continue to keep the Security Council informed of future developments.

## **B. Report on activities since the transfer of sovereignty**

803. On 3 April 1951, the Commission submitted to the Security Council a report (S/2087) on its activities

since the transfer of sovereignty. The report was divided into six chapters, dealing respectively with military matters, the right of self-determination, Western New Guinea, Netherlands-Indonesian Union Affairs, incidents and armed uprisings in Indonesia affecting the Commission's activities, and the South Moluccas affair.

804. Under the heading of military affairs, the Commission stated that discussions between the parties under its auspices had resulted in an agreement concerning repatriation to Amboina and the neighbouring islands and demobilization of ex-KNIL personnel. Despite some delays, the implementation of the arrangements for the withdrawal of Netherlands troops from Indonesia was progressing satisfactorily, and observation by the Commission was no longer necessary.

805. In the chapter dealing with the right of self-determination, the report summarized developments which had led to the establishment on 15 August 1950 of the Republic of Indonesia as a unitary State, as well as related correspondence with and between the parties in connexion with the right of self-determination.

806. Under the heading relating to Western New Guinea, the report stated that an *ad hoc* committee, established at the first conference of the Ministers of the Netherlands-Indonesian Union on 1 April 1950 to approach the subject of the status of Western New Guinea, had failed to produce agreement. Pursuant to a decision taken at the first conference of the Union Ministers, the subject had been dealt with by a special Union Conference which had opened at The Hague on 4 December 1950; but no agreement had been reached when the discussions had ended on 27 December. In a statement issued after the conference, the Indonesian delegation had declared that Indonesia maintained its claim to Western New Guinea as a part of its territory and that the present status of the territory no longer had the approval of the Indonesian Government. The Indonesian Government would resume negotiations only if it were understood in advance that sovereignty over Western New Guinea would be transferred to Indonesia.

807. In the conclusion to the report, it was 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, the Commission had decided that, while continuing to hold itself at the disposal of the parties, it would adjourn *sine die*.

## **Chapter 16**

### **Admission of new Members**

(GENERAL ASSEMBLY RESOLUTION 495 (V))

808. By a letter dated 6 December 1950 (S/1836), the Secretary-General transmitted to the President of the Security Council the text of General Assembly resolution 495 (V) concerning the admission of new Members to the United Nations. In that resolution, adopted on 4 December 1950, the General Assembly recalled its resolutions of 22 November 1949 concern-

ing reconsideration by the Council of pending applications for membership, noted that it had not received recommendations for the admission of any of the applicants, and requested the Security Council to keep the applications under consideration in accordance with the above-mentioned resolutions.

## **Chapter 17**

### **Development of a 20-year programme for achieving peace through the United Nations**

(GENERAL ASSEMBLY RESOLUTION 494 (V))

809. By a letter dated 12 December 1950 (S/1948), the Secretary-General transmitted to the President of the Security Council, for the information of the Council, the text of General Assembly resolution 494 (V) of 20 November 1950 entitled "Development of a 20-year programme for achieving peace through the United Nations".

810. The Secretary-General noted that the resolution requested the appropriate organs of the United Nations to give consideration to those portions of the Secretary-General's memorandum on the subject (A/1304) with which they were particularly concerned and to inform the General Assembly, at its sixth session, of any progress achieved through such consideration.

811. The Secretary-General drew particular attention to points 1 to 5 of the memorandum, which was also transmitted to the President of the Council. Those

points concerned (a) inauguration of periodic meetings of the Security Council and further development and use of other United Nations machinery for the pacific settlement of international disputes; (b) a new attempt to make progress toward establishing an international control system for atomic energy that would be effective in preventing its use for war and in promoting its use for peaceful purposes; (c) a new approach to the problem of bringing the armaments race under control, including not only atomic weapons but other weapons of mass destruction and conventional armaments; (d) a renewal of serious efforts to reach agreement on the armed forces to be made available under the Charter to the Security Council for the enforcement of its decisions; and (e) acceptance and application of the principle that it was wise and right to proceed as rapidly as possible toward universality of membership.

## **Chapter 18**

### **Uniting for peace**

(GENERAL ASSEMBLY RESOLUTION 377 (V))

812. By a letter dated 10 November 1950 (S/1905), the Secretary-General transmitted to the President of the Security Council, for the information of the Council, the text of resolutions 377 (V), entitled "Uniting for peace", which had been adopted by the General Assembly on 3 November 1950.

813. Resolution B under that heading included a recommendation to the Security Council to take the necessary steps to ensure that the action provided for under the Charter was taken with respect to threats to

the peace, breaches of the peace or acts of aggression and with respect to the peaceful settlement of disputes or situations likely to endanger the maintenance of international peace and security. The resolution also recommended that the Council should devise measures for the earliest application of Articles 43, 45, 46, and 47 of the United Nations Charter regarding the placing of armed forces at the disposal of the Security Council by the States Members of the United Nations and the effective functioning of the Military Staff Committee.

## **Chapter 19**

### **Communications received from the Organization of American States**

814. By a letter dated 10 July 1950 (S/1607), the Secretary-General of the Organization of American States transmitted to the Secretary-General of the United Nations, for the information of the Security Council, the report submitted to the Governments of the States Members of the Organization of American

States on 30 June 1950 by the Special Committee for the Caribbean.

815. By a letter dated 21 May 1951 (S/2180), the Secretary-General of the Organization of American States transmitted copies of the second and final reports of the Special Committee.

## ***Chapter 20***

### **Panel for inquiry and conciliation**

816. In a note dated 8 December 1950 (S/1933), the Secretary-General communicated to the members of the Security Council a consolidated list of the persons who had, by that date, been designated by Member States for inclusion in the panel for inquiry and con-

ciliation. The panel was created under General Assembly resolution 268 D (III) of 28 April 1949.

817. Biographical information on the persons nominated has been made available for consultation in the Department of Security Council Affairs of the Secretariat.

## ***Chapter 21***

### **Communications concerning the reception of a delegation of the World Peace Council by the President of the Security Council**

818. By a letter dated 19 June 1951 (S/2201/Rev. 1), the President of the Security Council, the representative of the Union of Soviet Socialist Republics, requested the Secretariat of the United Nations to reproduce as a Security Council document, for the information of Council members, his exchange of communications with the Chairman of the World Peace Council, who had asked the President of the Security Council to receive a delegation of the World Peace Council. By subsequent letters dated 27 June and 29 June (S/2216, S/2218, S/2219 and S/2220), the President transmitted the texts of further exchanges of correspondence with the Chairman and members of the World Peace Council, and with the Secretary of State and delegation to the United Nations of the United States, as well as the texts of statements made by certain members of the delegation of the World Peace Council received

by the President on 28 June and of documents handed to the President on the same occasion.

819. By a letter dated 29 June (S/2226), addressed to the Secretariat of the United Nations, the President requested that a letter addressed by him to members of the Security Council concerning the non-issuance of visas to members of the World Peace Council delegation be circulated to nine members of the Security Council and be reproduced as a Security Council document.

820. By a note dated 10 July (S/2242), the representative of the United States requested the Secretary-General to circulate among the members of the Security Council the copy of a letter which he had addressed on that date to the USSR delegation concerning the question of visas for members of the World Peace Council delegation.

## ***Chapter 22***

### **Order of the International Court of Justice indicating interim measures of protection in the Anglo-Iranian Oil Company case**

821. On 11 July 1951, the Secretary-General, pursuant to Article 41, paragraph 2 of the Statute of the International Court of Justice, transmitted to the members of the Security Council, for their information, a

copy (S/2239) of the Order dated 5 July 1951 by which the International Court of Justice had indicated interim measures of protection in the Anglo-Iranian Oil Company Case.

## APPENDICES

### I. Representatives and Deputy, Alternate and Acting Representatives accredited to the Security Council

The following representatives and deputy, alternate and acting representatives were accredited to the Security Council during the period covered by the present report:

<i>Brazil</i> <sup>1</sup>	<i>Ecuador</i>	<i>India</i>	<i>Union of Soviet Socialist Republics</i>
M. Joao Carlos Muniz	Dr. Antonio Quevedo	Sir Benegal N. Rau	Mr. Yakov A. Malik
M. Alvaro Teixeira Soares	Dr. Miguel Albornoz	Mr. Rajeshwar Dayal	Mr. Semen K. Tsarapkin
	Dr. Alfonso Moscoso	Mr. Gopala Menon	
	Dr. Teodoro Bustamante	Mr. A. S. Mehta	<i>United Kingdom of Great Britain and Northern Ireland</i>
<i>China</i>		<i>Netherlands</i> <sup>1</sup>	<i>Ireland</i>
Dr. Tingfu F. Tsiang		M. D. J. von Balluseck	Sir Gladwyn Jebb
Dr. C. L. Hsia	<i>Egypt</i> <sup>2</sup>	Dr. J. M. A. H. Luns	Mr. J. E. Coulson
Dr. Shuhsi Hsu	Mahmoud Fawzi Bey		Mr. D. S. Laskey
<i>Cuba</i> <sup>2</sup>	Mr. A. Farrag	<i>Norway</i> <sup>2</sup>	<i>United States of America</i>
Dr. Alberto I. Alvarez	<i>France</i>	Mr. Arne Sunde	Mr. Warren R. Austin
Dr. Carlos Blanco	M. Jean Chauvel	Mr. Ivar Lunde	Mr. Ernest A. Gross
Dr. Manuel G. Hevia	M. Francis Lacoste	Mr. Bredo Stabell	Mr. John C. Ross
Sr. Jose Miguel Ribas	M. Pierre Ordonneau	<i>Turkey</i> <sup>1</sup>	<i>Yugoslavia</i>
		Mr. Selim Sarper	Dr. Ales Bebler
		Mr. Adnan Kural	Mr. Vlado Popovic
		Mr. Ilhan Savut	Mr. Djuro Nincic

### II. Presidents of the Security Council

The following representatives held the office of President of the Security Council during the period covered by the present report:

<i>Norway</i>	<i>Ecuador</i>
Mr. Arne Sunde (1 to 31 July 1950)	Dr. Antonio Quevedo (1 to 31 January 1951)
<i>Union of Soviet Socialist Republics</i>	<i>France</i>
Mr. Yakov A. Malik (1 to 31 August 1950)	M. Francis Lacoste (1 to 28 February 1951)
<i>United Kingdom of Great Britain and Northern Ireland</i>	<i>India</i>
Sir Gladwyn Jebb (1 to 30 September 1950)	Sir Benegal N. Rau (1 to 31 March 1951)
<i>United States of America</i>	<i>Netherlands</i>
Mr. Warren R. Austin (1 to 31 October 1950)	M. D. J. von Balluseck (1 to 30 April 1951)
<i>Yugoslavia</i>	<i>Turkey</i>
Dr. A. Bebler (1 to 30 November 1950)	Mr. Selim Sarper (1 to 31 May 1951)
<i>China</i>	<i>Union of Soviet Socialist Republics</i>
Dr. T. F. Tsiang (1 to 31 December 1950)	Mr. Yakov A. Malik (1 to 30 June 1951)
	<i>United Kingdom of Great Britain and Northern Ireland</i>
	Sir Gladwyn Jebb (1 to 31 July 1951)

### III. Meetings of the Security Council during the period from 16 July 1950 to 15 July 1951

<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
		JULY 1950			
477th	Complaint of aggression upon the Republic of Korea	25	478th	Complaint of aggression upon the Republic of Korea	28
			479th	Complaint of aggression upon the Republic of Korea	31

<sup>1</sup>Term of office began on 1 January 1951.

<sup>2</sup>Term of office ended on 31 December 1950.



<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
AUGUST 1950			Complaint of bombing by air forces of the territory of China		
480th	President's ruling on the representation of China	1	The unceasing terrorism and mass executions in Greece <sup>1</sup>		
	Recognition of the representative of the Central People's Government of the People's Republic of China as the representative of China <sup>1</sup>		SEPTEMBER 1950		
	Peaceful settlement of the Korean question <sup>1</sup>		494th	Complaint of aggression upon the Republic of Korea	1
	Complaint of aggression upon the Republic of Korea <sup>1</sup>		495th	Complaint of aggression upon the Republic of Korea	5
481st	Recognition of the representative of the Central People's Government of the People's Republic of China as the representative of China <sup>1</sup>	2	496th	Complaint of aggression upon the Republic of Korea	6
	Peaceful settlement of the Korean question <sup>1</sup>		497th	Complaint of aggression upon the Republic of Korea	7
	Complaint of aggression upon the Republic of Korea <sup>1</sup>		Complaint of armed invasion of Taiwan (Formosa)		
482nd	Recognition of the representative of the Central People's Government of the People's Republic of China as the representative of China <sup>1</sup>	3	Complaint of bombing by air forces of the territory of China		
	Peaceful settlement of the Korean question <sup>1</sup>		498th	Report of the Security Council to the General Assembly	8
	Complaint of aggression upon the Republic of Korea		499th	Complaint of bombing by air forces of the territory of China	11
483rd	Complaint of aggression upon the Republic of Korea	4	500th	Report of the Security Council to the General Assembly	12
484th	Complaint of aggression upon the Republic of Korea	8	501st	Complaint of bombing by air forces of the territory of China	12
485th	Complaint of aggression upon the Republic of Korea	10	502nd	Complaint of aggression upon the Republic of Korea	18
486th	Complaint of aggression upon the Republic of Korea	11	Complaint of armed invasion of Taiwan (Formosa)		
487th	Complaint of aggression upon the Republic of Korea	14	Complaint of the expulsion by Israel of thousands of Palestinian Arabs into Egyptian territory, and the violation by Israel of the Egyptian-Israeli General Armistice Agreement		
488th	Complaint of aggression upon the Republic of Korea	17	503rd	Complaint of armed invasion of Taiwan (Formosa)	26
489th	Complaint of aggression upon the Republic of Korea	22	Complaint of expulsion by Israel of thousands of Palestinian Arabs into Egyptian territory, and the violation by Israel of the Egyptian-Israel General Armistice Agreement <sup>1</sup>		
490th	Complaint of aggression upon the Republic of Korea	25	The India-Pakistan question <sup>1</sup>		26
	Complaint of armed invasion of Taiwan (Formosa) <sup>1</sup>		Complaint of aggression upon the Republic of Korea <sup>1</sup>		
491st	Report of the Security Council to the General Assembly	28	Application for membership of the Republic of Indonesia		
492nd	Complaint of aggression upon the Republic of Korea	29	504th	Complaint of armed invasion of Taiwan (Formosa)	27
	Complaint of armed invasion of Taiwan (Formosa)		505th	Complaint of armed invasion of Taiwan (Formosa)	28
493rd	Complaint of aggression upon the Republic of Korea	31	506th	Complaint of armed invasion of Taiwan (Formosa)	29
	Complaint of armed invasion of Taiwan (Formosa)				

<sup>1</sup>Item proposed, but not included in the agenda.

<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
507th	Complaint of armed invasion of Taiwan (Formosa)	29	527th	Complaint of armed invasion of Taiwan (Formosa)	
508th	Complaint of aggression upon the Republic of Korea	30		and	
		OCTOBER 1950		Complaint of aggression upon the Republic of Korea	28
509th (private)	Appointment of the Secretary-General	9	528th	Complaint of armed invasion of Taiwan (Formosa)	
510th (private)	Appointment of the Secretary-General	12		and	
511th	The Palestine question	16		Complaint of aggression upon the Republic of Korea	29
512th (private)	Appointment of the Secretary-General	18	529th	Complaint of armed invasion of Taiwan (Formosa)	
513th (private)	Appointment of the Secretary-General	(20)		and	
		(21)		Complaint of aggression upon the Republic of Korea	30
514th	The Palestine question	20	530th	Complaint of armed invasion of Taiwan (Formosa)	
515th (private)	Appointment of the Secretary-General	25		and	
516th (private)	Appointment of the Secretary-General	30		Complaint of aggression upon the Republic of Korea	30
517th	The Palestine question	30			JANUARY 1951
		NOVEMBER 1950	531st	Complaint of aggression upon the Republic of Korea	31
518th	Special report from the United Nations Command in Korea	6			FEBRUARY 1951
	The Palestine question		532nd	The India-Pakistan question	21
519th	Complaint of aggression upon the Republic of Korea	8			MARCH 1951
520th	Complaint of aggression upon the Republic of Korea	8	533rd	The India-Pakistan question	1
521st	Complaint of aggression upon the Republic of Korea	10	534th	The India-Pakistan question	6
522nd	The Palestine question	13	535th	The India-Pakistan question	7
523rd	Complaint of aggression upon the Republic of Korea	16	536th	The India-Pakistan question	9
524th	Complaint of aggression upon the Republic of Korea	17	537th	The India-Pakistan question	21
	The Palestine question		538th	The India-Pakistan question	29
525th	Complaint of armed invasion of Taiwan (Formosa)		539th	The India-Pakistan question	30
	and				APRIL 1951
	Complaint of aggression upon the Republic of Korea	27	540th	The India-Pakistan question	2
526th	Complaint of armed invasion of Taiwan (Formosa)		541st	The Palestine question	17
	and		542nd	The Palestine question	25
	Complaint of aggression upon the Republic of Korea	28	543rd	The India-Pakistan question	30
					MAY 1951
			544th	The Palestine question	2
			545th	The Palestine question	8
			546th	The Palestine question	16
			547th	The Palestine question	18
			548th	Date of election to fill a vacancy in the International Court of Justice	
				The India-Pakistan question	29

# **IV. Record of the 140th meeting of the Military Staff Committee held in room 701, Manhattan Building, New York City on Thursday, 26 October 1950, at 1030 hours**

## **PRESENT:**

### *United States Representatives:*

Vice Admiral B. H. Bieri, USN (In the Chair)  
Lt. General H. R. Harmon, USAF  
Brigadier General J. T. Cole, USA

### *Chinese Representative:*

Commodore Kao Ju-fon, CN

### *French Representatives:*

Général de brigade M. Penette, French Army  
Capitaine de frégate Pierre Mazoyer, French Navy  
Commandant Louis LeGeland, French Air Force

### *USSR Representative:*

Major-General Ivan A. Skliarov, Soviet Army

### *United Kingdom Representatives:*

Air Vice-Marshal G. E. Gibbs  
Captain R. G. Mackay, R.N.  
Colonel J. G. E. Reid

### *Secretariat:*

Commander R. W. Allen, USN  
Major Cheng Hsueh-suey, CA  
Commandant Georges Brochen, French Army  
Colonel P. T. Gituljar, Soviet Army  
Colonel N. F. Heneage, British Army

### *Interpreters:*

Captain V. S. de Guinzbourg (United States)  
Mr. D. Ho (China)  
Mrs. E. E. Chu (China)  
Mr. A. Hadamard (France)  
Mr. F. L. Champanhac (United Kingdom)

### *Verbatim Reporter:*

Mr. A. Pollyea (United States)

### *Additional personnel*

### *United States*

Colonel L. H. Rodieck, USAF  
Colonel S.V. Hasbrouck, USA  
Colonel J. P. Juhan, USMC  
Colonel G. W. Palmer, USA  
Colonel J. C. Reddoch, Jr., USAF  
Captain A. G. Gaden, USN  
Lt. Commander R. G. Brown, USN

### *United Kingdom*

Wing Commander J. D. Warne, RAF

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## **I. Adoption of the provisional agenda for the 140th meeting of the Military Staff Committee (MS/556)**

**THE CHAIRMAN:** The first order of business is the adoption of the provisional agenda for the 140th meeting of the Military Staff Committee (MS/556). Unless I hear objections, the provisional agenda will be considered as approved.

**GENERAL SKLIAROV:** On a point of order. The USSR Delegation considered previously and still considers the presence of the Representative of the Kuomintang Group at the meeting of the Military Staff Committee as illegal because he represents neither China nor the Chinese people. Despite the presence of the Representative of the Kuomintang Group at those meetings, the USSR Delegation, in the interest of the common cause is taking part in the work of the Military Staff Committee, but at the same time declares that it will consider the voting of the Representative of the Kuomintang Group as illegal.

**THE CHAIRMAN:** The status of the Chinese Delegation was brought into question by the USSR Delegation on 19 January 1950. At that time, it was determined by the majority of the Military Staff Committee that the Military Staff Committee was governed, in relation to the competency of the Chinese Delegation sitting in this Committee, by the action of the Security Council. The Security Council has determined that the Representatives of the Chinese Nationalist Government are legally representing their Government in the Security Council, and *ipso facto* they therefore represent their Government in the Military Staff Committee. As Chairman, I consider that the decision taken by the Military Staff Committee on 19 January is still in effect.

**AIR VICE-MARSHAL GIBBS:** The United Kingdom Delegation considers that the question of Chinese Representation is a matter for decision by the Security Council and that it is not for the Military Staff Committee to pronounce on it.

**GENERAL PENETTE:** The French Delegation agrees with the statements made on this subject by the Chairman and by the Representative of the United Kingdom Delegation.

**COMMODORE KAO:** In so far as the representation of the Chinese Delegation is concerned, the Chinese Delegation considers that this question has already been raised by the USSR Delegation at the 120th meeting of the Military Staff Committee. At that meeting, the statement made by the USSR Delegation had been rejected by the Military Staff Committee. Whether the representation of the Chinese Delegation is legal or not is a question that should not be decided by the USSR Delegation here. The Chinese Delegation protests categorically against such propaganda tactics employed by the USSR Delegation in the Military Staff Committee. The Chinese Delegation reserves its right to make further statements with regard to this question.

**GENERAL SKLIAROV:** I understand the statements made by the other Delegations are the explanation of

what took place in the Military Staff Committee in January of this year. The USSR Delegation states again that, in the interest of the common cause, it will take part in the meetings of the Military Staff Committee despite the presence of the Kuomintang Group in the Military Staff Committee and, at the same time declares that it will consider the voting of Representatives of the Kuomintang Group in the Military Staff Committee as illegal.

Do I understand correctly, Mr. Chairman, that the statement which was made at this meeting by the USSR Delegation will be inserted in the Record?

THE CHAIRMAN: As the USSR Delegation knows, it is customary in the Military Staff Committee to carry a verbatim record only when it is requested by one or more of the Delegations. I understand that the stenographer has the verbatim record. If it is the desire of the USSR Delegation to have its statement included in the record, we will comply with the request.

GENERAL SKLIAROV: That is satisfactory to the USSR Delegation.

THE CHAIRMAN: If there are no objections, the Chairman will direct that the verbatim statements be included in the record.

THE MILITARY STAFF COMMITTEE adopted the provisional agenda for its 140th meeting (MS/556).

## II. Approval of the record of the 139th meeting of the Military Staff Committee (MS/555/M139)

THE MILITARY STAFF COMMITTEE approved the record of its 139th meeting (MS/555/M139).

## III. Next meeting of the Military Staff Committee

THE MILITARY STAFF COMMITTEE agreed to meet next on Thursday, 9 November 1950, at 1030 hours.

# V. Representatives, Chairmen and Principal Secretaries of the Military Staff Committee

(16 July 1950 to 15 July 1951)

## REPRESENTATIVES OF EACH SERVICE

<i>Delegation of China</i>		<i>Period of Service</i>
Lt. General Mow Pong-tsu, Chinese Air Force		16 July 1950 to present time
Commodore Kao Ju-fon, Chinese Navy		16 July 1950 to present time
<i>Delegation of France</i>		
Général de brigade M. Penette, French Army		16 July 1950 to present time
Lt. Colonel Jean Fournier, French Air Force		16 July 1950 to 1 September 1950
Commandant Louis Le Gelard, French Air Force		1 September 1950 to present time
Capitaine de frégate Pierre Mazoyer, French Navy		16 July 1950 to present time
<i>Delegation of the Union of Soviet Socialist Republics</i>		
Major General Ivan A. Skliarov, Soviet Army		16 July 1950 to present time
Lt. General A. R. Sharapov, USSR Air Force		16 July 1950 to present time
<i>Delegation of the United Kingdom of Great Britain and Northern Ireland</i>		
Air Vice-Marshal G. E. Gibbs		16 July 1950 to present time
Captain R. G. Mackay, RN		16 July 1950 to present time
Colonel J. G. E. Reid		16 July 1950 to present time
<i>Delegation of the United States of America</i>		
Lt. General Willis D. Crittenger, United States Army		16 July 1950 to present time
Vice Admiral B. H. Bieri, United States Navy		16 July 1950 to 14 May 1951
Vice Admiral O. C. Badger, United States Navy		15 May 1951 to present time
Lt. General H. R. Harmon, United States Air Force		16 July 1950 to present time

## CHAIRMEN AND PRINCIPAL SECRETARIES

<i>Meeting</i>	<i>Date</i>	<i>Chairman</i>	<i>Principal Secretary</i>	<i>Delegation</i>
	1950			
	July			
133rd	20	Général de brigade M. Penette, French Army	Commandant Louis Le Gelard, French Air Force	France
134th	3	Air Vice-Marshal G. E. Gibbs <sup>1</sup>	Wing Commander J. D. Warne, RAF	United Kingdom
135th	17			
136th	31			

<sup>1</sup> Assumed the chairmanship at the 134th, 135th and 136th meetings at the request of the other delegations and in the absence of the USSR delegation.

<i>Meeting</i>	<i>Date</i>	<i>Chairman</i>	<i>Principal Secretary</i>	<i>Delegation</i>
137th	<i>September</i> 14	Captain R. G. Mackay, RN	Wing Commander J. D. Warne, RAF	United Kingdom
138th	28		Colonel N. F. Heneage, British Army	
139th	<i>October</i> 12	Vice-Admiral B. H. Bieri, USN	Commander R. W. Allen, USN	United States of America
140th	26			
141st	<i>November</i> 9	Commodore Kao Ju-fon, CN	Major Cheng Hsueh- suey, CA	China
142nd	22			
143rd	<i>December</i> 7	Général de brigade M. Penette, French Army	Commandant Georges Brochen, French Army	France
144th	21			
	<i>1951</i>			
	<i>January</i>			
145th	4	Major-General Ivan A. Skliarov, Soviet Army	Colonel P. T. Gituljar, Soviet Army	Union of Soviet Socialist Republics
146th	18			
147th	<i>February</i> 1	Air Vice-Marshal G. E. Gibbs	Colonel N. F. Heneage, British Army	United Kingdom
148th	15			
149th	<i>March</i> 1	Lt. General Willis D. Crittenberger, USA	Captain R. W. Allen, USN	United States of America
150th	15			
151st	29			
152nd	<i>April</i> 12	Lt. General Mow Pong-tsu, CAF	Major Cheng Hsueh- suey, CA	China
153rd	26		Major Shaw Ming- Kao, CA	
154th	<i>May</i> 10	Général de brigade M. Penette, French Army	Commandant Georges Brochen, French Army	France
155th	24			
156th	<i>June</i> 7	Major-General Ivan A. Skliarov, Soviet Army	Colonel P. T. Gituljar, Soviet Army	Union of Soviet Socialist Republics
157th	21			
158th	28			
159th	<i>July</i> 12	Air Vice-Marshal G. E. Gibbs	Colonel N. F. Heneage, British Army	United Kingdom



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