UNITED NATIONS

REPORT

OF THE SECURITY COUNCIL

TO THE GENERAL ASSEMBLY

Covering the period from 16 July 1951 to 15 July 1952

GENERAL ASSEMBLY

OFFICIAL RECORDS: SEVENTH SESSION

SUPPLEMENT No. 2 (A/2167)

NEW YORK, 1952

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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 present[1] report is submitted to the General Assembly by the Security Council 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 349th and 356th plenary meetings on 6 and 20 December 1951, elected Chile, Greece and Pakistan as non-permanent members of the Council for a term of two years, beginning 1 January 1952, to replace Ecuador, India and Yugoslavia, 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 Disarmament Commission was established under the Security Council by the General Assembly in accordance with its resolution 502 (VI), adopted at the 358th plenary meeting of the Assembly on 11 January 1952, to carry forward the tasks originally assigned to the Atomic Energy Commission and the Commission for Conventional Armaments. The Disarmament Commission has the same membership as the Atomic Energy Commission which was dissolved by the same resolution. The Commission for Conventional Armaments was subsequently dissolved by the Security Council at its 571st meeting, on 30 January 1952.

The period covered in the present report is from 16 July 1951 to 15 July 1952. The Council held forty-three 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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[1] This is the seventh 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, A/1361 and A/1873.

PART I

Questions considered by the Security Council under its responsibility for the maintenance of international peace and security

Chapter 1

THE PALESTINE QUESTION

INTRODUCTORY NOTE: As stated in the last three annual reports (A/945, A/1361 and A/1873), 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. Complaint by Israel concerning restrictions imposed by Egypt on the passage of ships through the Suez Canal

1. On 12 June 1951, the Chief of Staff of the Truce Supervision Organization in Palestine reported (S/2194) to the Security Council that the Special Committee of the Egyptian-Israel Mixed Armistice Commission had reconvened on that date for the purpose of completing the discussion, begun on 16 January of that year, on whether the Mixed Armistice Commission had the right to demand that the Egyptian Government should not interfere with the passage of goods to Israel through the Suez Canal. In his opinion, the Egyptian interference with the passage of goods to Israel through the Suez Canal was an aggressive and hostile action, entirely contrary to the spirit of the Armistice Agreement. However, as the interference was not being committed by the armed forces of Egypt, it was not covered by article I, paragraph 2, of the Agreement, which prohibited "aggressive action by the armed forces—land, sea or air—of either Party", or by article II, paragraph 2, which provided that "no element of the land, sea or air military or para-military forces of either Party, including non-regular forces, shall commit any warlike or hostile act . . .". Therefore, on the basis of the specific provisions of the Armistice Agreement, he had felt bound to support in the Special Committee the proposition that the Mixed Armistice Commission did not have the right to demand from the Egyptian Government that it should not interfere with the passage of goods to Israel through the Suez Canal. However, he considered that the question could not rest there; either the Egyptian Government must, in the spirit of the Armistice Agreement, relax the interference, or the question must be referred to some higher competent authority such as the Security Council or the International Court of Justice.

2. In a letter (S/2241) dated 11 July 1951, the representative of Israel requested that there should be placed on the Security Council's agenda, for urgent discussion, the following item: "Restrictions imposed by Egypt on the passage of ships through the Suez Canal". He stated that, in contravention of international law, of the Suez Canal Convention of 1888 and of the Egyptian-Israel Armistice Agreement, the Government of Egypt continued to detain, visit and search ships seeking to pass through the Suez Canal, on the ground that their cargoes were destined for Israel. The representative of Israel brought the question before the Council as a matter jeopardizing the Armistice Agreement and endangering the peace and security of the Middle East.

3. At the 549th meeting (26 July 1951) the above-mentioned item was included in the agenda. The representatives of Israel, Egypt and Iraq were invited to participate in the discussion without vote.

4. The representative of ISRAEL described the Egyptian restrictions and said, *inter alia*, that a long list of items, including ships, important categories of goods and, in particular, petroleum were subject to seizure as contraband if found destined for Israel. The Egyptian practice clearly constituted an act of war and operated as though there existed an internationally recognized state of war which all other Powers were bound to respect. The representative of Israel, reviewing the background of the question, recalled Mr. Ralph J. Bunche's declaration that the Egyptian restrictions on shipping were contrary to the Armistice Agreement, which was described in its own text as a measure to facilitate the "transition from the present truce to permanent peace". It was against the background of Mr. Bunche's authoritative statement at the 433rd meeting that the Security Council had adopted the resolution of 11 August 1949 requesting the signatory governments to observe the Armistice Agreements and reminding them that those agreements "include firm pledges against any further acts of hostility between the parties". That resolution had been considered by its sponsors to mark the end of restrictions both on the sale and purchase of arms, and on the free movement of shipping.

5. The representative of Israel then described the decision taken by the Mixed Armistice Commission on the question on 29 August 1949 (S/2047) and the proceedings in the Security Council in November 1950. He noted that the Council, in its resolution of 17 No-

vember 1950, had again recalled that the Armistice Agreements "include firm pledges against any further act of hostility between the parties", and had reminded Egypt and Israel "as Member Nations of the United Nations of their obligations under the Charter to settle their outstanding differences". The representative of Israel quoted from the above-mentioned opinion which the Chief of Staff had given on the substance of the matter in his report of 12 June 1951 (S/2194). Although it was true that the Special Committee had decided that it could act only on aggressive or hostile acts committed by the military or para-military forces of the signatory States, the Security Council was obliged by the Charter to act for the "suppression of acts of aggression", no matter by what instrumentality they were committed. Furthermore, the Egyptian practice was a hostile and aggressive act resting on the threat of force and thus violated article II, paragraph 2, of the Armistice Agreement.

6. The representative of Israel went on to say that Egypt claimed that it was exercising a right of war, and that it was still legally at war with Israel; however, the Egyptian-Israel Armistice Agreement was a permanent and irrevocable renunciation of all hostile acts. Mr. Bunche's official interpretation in July 1949 that the Agreement "provides for a definitive end of the fighting" and "incorporates what amounts to a non-aggression pact" had been reiterated by other United Nations representatives, by the Security Council resolutions of 11 August 1949 and 17 November 1950, and by the Chief of Staff. Israel was not in a state of war with Egypt, and denied that Egypt had the least right to be at war with Israel.

7. The representative of Israel maintained that the right of ships to traverse the high seas and international highways was a cornerstone of the law of nations. He said that the Council was well aware of the damage which the blockade had inflicted on the economic life of the region and of other territories lying beyond the Near East. Finally, he explained the consequences of any acquiescence by the Council in the continuation of the blockade, and emphasized that a fatal doubt would spread throughout the region concerning the impartial maintenance of the letter and spirit of the Armistice Agreement.

8. In reply to the charges that his Government had violated the Armistice Agreement, the representative of EGYPT pointed out that, on 12 June 1951, while the Chief of Staff was discharging his official duties, the Special Committee had reached a final decision that "the Mixed Armistice Commission does not have the right to demand from the Egyptian Government that it should not interfere with the passage of goods to Israel through the Suez Canal". Article X, paragraphs 4 and 8, of the Armistice Agreement provided that such decisions by the Mixed Armistice Commission (both on questions of principle and on the interpretation of the Agremeent) should be final, subject to appeal to the Special Committee. The *obiter dicta,* which had been quoted out of context by the representative of Israel, were not connected with the official duties of the Chief of Staff, and did not properly belong in the records of the Security Council.

9. The Egyptian representative maintained that article I, paragraph 2, and article II, paragraph 2, of the Armistice Agreement were not innovations, but were based on precedent and generally accepted doctrine regarding armistices. He quoted Oppenheim and other jurists on the distinction between peace and armistice and pointed out that the distinction had been clearly drawn throughout the Council's debates. The representative of Egypt referred to article 1 of the German Declaration of 19 September 1939, to Egyptian Military Proclamations of 15 May, 6 June and 8 July 1948 and 4 November 1949, to the Egyptian Royal Decree of 9 February 1950 and to General Assembly resolution 500 (V) of 15 May 1951. Of those documents, the one which imposed the fewest restrictions was the Egyptian decree of 9 February 1950, which applied to contraband of war bound for Israel. That decree was the culmination of a continuous process of relaxing restrictions. He gave the relevant figures for visits and unloading in further illustration of the fact that Egypt was exercising only a fraction of its rights under an armistice.

10. At the 550th meeting (1 August 1951), the representative of EGYPT denied that Egypt had "detained" ships passing through the Suez Canal. The truth was that Egyptian authorities were inspecting some, but not all ships passing through the Canal. He said that the existence of a state of war in Palestine could not be excluded by reference to the various doubts about the status of Israel. The existence of a state of war between Egypt and Israel was pointed out in the Armistice Agreement and, while it continued, Egypt had no other choice than to exercise its right of self-preservation.

11. The representative of Egypt referred to some of the attitudes of Israel which were blocking the road to peace in the Middle East and which were responsible for the Egyptian measures about which Israel had complained. He gave examples of Israel's many violations of the Armistice Agreement, as investigated and reported by United Nations observers, and claimed that, in those circumstances, it could not be expected that Egypt should allow the passage of war material through its own territory to Israel.

12. After quoting from an address delivered by the President of the Suez Canal Company at a shareholders' meeting on 12 June 1951, the representative of Egypt said that the statement showed that the Company's business during 1950 and the first five months of 1951 had flourished, even exceeding that for the preceding corresponding period, and that the Company's relations with the Egyptian Government were at their best.

13. The representative of the UNITED KINGDOM said that his Government attached importance to an early and satisfactory settlement for three reasons. Firstly, the freedom of international shipping and commerce was of the utmost importance to the United Kingdom and to all maritime countries. Secondly, the ban on the passage of oil tankers through the Canal to the refinery at Haifa had caused great inconvenience to the United Kingdom, and had affected almost all the countries of Western Europe. Finally, it was a matter of regret that the political situation in the Middle East should remain unsettled.

14. The representative of the United Kingdom could not accept the legal arguments advanced by the representative of Egypt. He suggested that, for practical purposes, Egypt's conduct should be guided by the Armistice Agreement. Before the Security Council approved the Agreement, the Acting Mediator had said that no vestiges of the war-time blockade should be allowed to remain because they were inconsistent with the letter and spirit of the Agreement. That statement undoubtedly reflected the will of the Council at that time. The resolution of 11 August 1949 had also shown clearly that the restrictions were precluded by the will of the Council.

15. The representative of the United Kingdom said that, if Egypt were involved in actual hostilities, it would be justified in taking measures for its own defence. However, hostilities had not been in progress for two and a half years and it could not even be maintained that Egypt was under any imminent threat of attack from Israel. Accordingly, the claim to exercise belligerent rights for Egypt's defence could not be sustained. The judgment of the Chief of Staff had made it clear that, whether or not the restrictions were technically a breach of the Armistice Agreement, they were directly contrary to its spirit and constituted an aggressive and hostile act. They prejudiced the stability of the area and the prospects of achieving a final settlement. In conclusion, the representative of the United Kingdom considered that, unless the Egyptian Government could itself find ways of remedying the situation, the Council should exercise its undoubted authority.

16. At the 551st meeting (1 August), the representative of ISRAEL replied to the legal arguments advanced by the representative of Egypt and said that the questions before the Council could not be decided on the basis of the traditional pre-Charter law. The issue was whether, after the signing of the Charter and after the Egyptian-Israel Armistice Agreement had been in force for two and a half years, a Member State could ask the Security Council to respect its unilateral exercise of belligerent rights.

17. Although the representative of Israel considered that they were not relevant to the subject under discussion, he then replied to a number of charges made by the representative of Egypt, in particular to the allegations concerning violations of the Armistice Agreement, the Arab refugee problem, the question of the waters of the Jordan and the subject of immigration into Israel. As to the Egyptian arguments based on the right of self-defence, he pointed out that nobody was shooting at Egypt and nobody was interfering with Egypt's trade or commerce. If Egypt regarded itself as being in a state of war, Israel must reserve the right to raise again with the Council and with the governments from which arms had been bought, the question whether Egypt should not fulfil its share of the bargain, the abandonment of all acts of war.

18. The representative of Israel maintained that, by allowing the Egyptian contention of a state of war to stand, the Council would be inviting each party to exercise belligerent rights and to intercept and control the other's trade and shipping. On the other hand, if the Council required the immediate cessation of those acts, it would become a matter of international record that no hostile acts were legitimate within the framework of the Armistice Agreement, and the Armistice machinery could begin to function smoothly.

19. On 15 August the delegations of France, the United Kingdom and the United States of America submitted a joint draft resolution which, after revision (S/2298/Rev.1), read as follows:

"*The Security Council,*

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

"2. *Recalling* further that in its resolution of 17 November 1950 (S/1907 and Corr.1), it reminded the States concerned that the Armistice Agreements to which they are parties contemplate 'the return of permanent peace in Palestine', and therefore urged them and other States in the area to take all such steps as will lead to the settlement of the issues between them,

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

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

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

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

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

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

"9. *And further noting* that the restrictions on the passage of goods through the Suez Canal to Israel ports are denying to nations at no time connected with the conflict in Palestine valuable supplies required for their economic reconstruction, and that these restrictions together with sanctions applied by

Egypt to certain ships which have visited Israel ports represent unjustified interference with the rights of nations to navigate the seas and to trade freely with one another, including the Arab States and Israel,

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

20. At the 552nd meeting (16 August), the representative of the UNITED KINGDOM said that he could not agree with the representative of Egypt that full belligerent rights could reasonably be exercised between the cessation of hostilities and a final peace treaty.

21. With respect to the Suez Canal, he continued, what mattered was not whether the restrictions had some technical basis, but whether their maintenance was reasonable, just and equitable. The Egyptian Government was not being asked to give up any of its legitimate rights. The normal administration of the Canal must obviously continue, and proper precautions must be taken to safeguard it and the ships which passed through it. What the United Kingdom wished to see was the restoration of normal peace-time conditions in the Canal, providing for the unhindered passage of the ships of all nations. The representative of the United Kingdom pointed out that the restrictions which had applied to Egypt had been terminated by the Council's resolution of 11 August 1949 and there could be no justification for the attempt to maintain similar restrictions against Israel. Furthermore, Egypt had been given ample opportunity to lift the restrictions. A number of maritime countries had made diplomatic representations to the Egyptian Government, and the Council's proceedings had frequently been postponed to permit further efforts to achieve a satisfactory settlement which would obviate the need for Council action.

22. The representative of FRANCE said that his Government had taken great care not to hasten unduly the consideration of the case, and wished to allow the Egyptian Government all the time necessary to consider methods for removing the cause of the dispute. However, the time had come for the Council to take its decision. Whichever of the main aspects of the question the Council considered, it was obvious that a solution was essential. The great principles of international law must be respected; the Suez Canal Convention must be implemented; the Armistice Agreement must be effectively observed; and the endless difficulties which the restrictions had caused for other States must be removed. It had been questioned whether Egypt and Israel were actually in a state of war according to international law at the time when their forces were fighting in the Negev; since the fighting had ceased and an armistice of a permanent character had been concluded, the French Government considered that there was no legal basis upon which one of the parties might exercise the traditional rights of belligerents involving visit, search and seizure.

23. The representative of France then gave a detailed explanation of the provisions of the joint draft resolution and assured the representative of Egypt that the French Government had not reached those conclusions lightly. Respect for international principles and for the legitimate interest of States, which the draft resolution required of Egypt, contributed to the peace and prosperity of all and, consequently, to the peace and prosperity of Egypt. Since so much was at stake, he felt sure that members would consider it was the Council's right and duty to request the Egyptian Government to make what the latter no doubt regarded as a sacrifice, and that the Egyptian Government would clearly recognize that it was worth consenting to such a sacrifice.

24. The President, speaking as the representative of the UNITED STATES OF AMERICA, considered that the armistice agreement system must be upheld and strengthened until a permanent peace was reached. It was felt that, in dropping the restrictions, Egypt could make a positive contribution to the relief of tension in the Near East. The United States Government had taken into account the provisions of article I of the Armistice Agreement, which started with the words "With a view to promoting the return of permanent peace in Palestine". The Chief of Staff had indicated that, in signing that Agreement, Egypt and Israel had had, as their main intention, the discontinuance of hostile actions such as those restrictions, and that they had regarded the Agreement as an indispensable step towards the restoration of permanent peace in the area pursuant to the Council's resolutions of 4 and 16 November 1948. The technicality that the Egyptian officials who enforced the restrictions were not members of military or para-military forces could not be allowed to stand in the way of the observance of the Egyptian-Israel General Armistice Agreement. If Egypt, through that technicality, imposed restrictions inconsistent with the spirit and intent of that Agreement, the Council must appreciate the effect that such action would have on the integrity of the other Armistice Agreements.

25. The representative of the United States also called attention to the adverse effect of the restrictions on the legitimate interests of various maritime nations. The United States Government had hoped that the friendly representations which it and other governments had repeatedly made might convince Egypt of the wisdom and great credit which would redound to it in voluntarily lifting the restrictions. However, since those representations had been without avail, there was no choice but to adopt the joint draft resolution.

26. The representative of BRAZIL said that the Suez question was only a reflection of the more important problem of effecting an understanding between Israel and the neighbouring Arab States. He considered that, after a decision on the question under consideration had been reached, the Palestine Conciliation Commission should be urged to prevail upon the interested parties to co-operate fully with it to reach a settlement of the various questions in dispute.

27. In reply to the representative of Egypt, the Brazilian representative said that the Council should not allow the thesis of the existence of a state of war to justify the resort to hostile acts by any of the parties to the Armistice Agreement. He pointed out that in article II, paragraph 2, of the Agreement, each party had pledged

itself to abstain from any "warlike or hostile act" against the other. He also referred to article I and article XII, paragraph 2, and concluded that, during the interval between the cessation of hostilities and a peace settlement, the parties were bound to refrain from acts likely to endanger the achievement of the ultimate purpose of the armistice. The Brazilian delegation was not convinced that the restrictions could be considered as an exercise of the right of self-preservation; none of the circumstances defined in Article 51 of the Charter were indicated in the present case.

28. Accordingly, the delegation of Brazil would support the joint proposal, without implying any reflection on the Egyptian Government. The delegation believed that an attitude of self-restraint on the part of Egypt would be an important contribution to the work which the United Nations was carrying on to re-establish peace between Israel and the Arab States.

29. At the 553rd meeting (16 August), the representative of the NETHERLANDS said that his Government fully endorsed the opinion expressed by the Chief of Staff on 12 June 1951. He pointed out that, in the absence of formal peace treaties, the most direct instruments governing the relationship between Israel and its Arab neighbours were the Armistice Agreements. It seemed indispensable to judge them by the spirit that had animated the parties in signing those Agreements. At Rhodes the senior Egyptian representation had stated that his delegation was "inspired with every spirit of co-operation, conciliation and a sincere desire to restore peace in Palestine". In the light of the pledges which had been made, it was difficult to admit justification for the restrictions imposed. The Netherlands representative drew attention to the unsolved question of the Arab refugees in the region. He concluded by saying that even if, according to the strict letter of the Agreement, the Mixed Armistice Commission was not competent to demand the cessation of those restrictions, the security of the Near East and the legitimate interests of the nations concerned could not rest there.

30. As regards international law, the representative of the Netherlands believed that it could not be maintained that Egypt could consider itself actively a belligerent more than two years after the signing of an Armistice Agreement. Consequently, Egypt did not require to exercise the belligerent right of visit, search and seizure for any legitimate purpose of self-defence. He considered that the restrictions were also inconsistent with the preamble and with articles I and IX of the Suez Canal Convention. For these reasons, he would support the joint draft resolution.

31. The representative of TURKEY said that, since the question was very complicated and involved many points on which it was difficult to arrive at clear-cut decisions, his Government had hoped that it would be possible to reach a solution which would be satisfactory to all concerned through negotiation, conciliation and mutual understanding. Unfortunately, it appeared that there was no longer any possibility of settling the matter in that way. The Arab countries, could of course, take whatever economic measures they deemed fit with regard to their direct trade relations with Israel. However, a more conciliatory attitude on the question of shipping through the Canal would not have prejudiced Egypt's general policy with regard to trade with Israel.

32. The delegation of Turkey had decided to support the joint draft resolution because of the importance of maintaining the delicate armistice system intact until the establishment of lasting peace and normal conditions. There might be points in that proposal with which the Turkish delegation did not altogether agree, but it believed that the text was in harmony with the attitude taken by the Council on the Palestine question and, in particular, with the Council's resolutions of 11 August 1949 and 17 November 1950. Finally, he wished to point out that the decision of the Turkish delegation had been reached purely on the merits of the particular case, and should in no way be interpreted as the taking of a position against the friendly country of Egypt.

33. The representative of IRAQ considered that the legal arguments advanced by the representative of Egypt had not been refuted. The speaker pointed out that the only arrangement between Egypt and Israel was the Armistice Agreement. It was difficult to understand how a government could exercise the rights and privileges of a peace settlement when such a settlement did not exist. The representative of Israel had said that the restrictions imposed by Egypt had created unsettled conditions in the area. It was necessary to ask, however, who was responsible for the diversion of the Arab States from economic and social reform to war alertness, and who had expelled one million persons from their country.

34. The representative of Iraq also referred to the frequently recurring frontier violations by Israel and to the declared aggressive and expansionist intentions of its leaders. He then stated his objections to various provisions of the draft resolution, which the delegation of Iraq considered to be most unfortunate since it did not give reasonable consideration to the interests and rights of the Arabs.

35. The representative of CHINA said that his delegation would abstain from voting on the joint draft resolution, which seemed to have assumed that the measures adopted by Egypt were in violation of general international law, the Suez Canal Convention and the Armistice Agreement. In the opinion of the Chinese delegation that fact had yet to be proved. Armistice was the first step to peace, but that did not mean the termination of a state of war. As to the Suez Canal Convention, he felt that it was unreasonable to assume that the neutralization of the Canal cancelled every right of the territorial Power. With regard to the Armistice Agreements, it was generally admitted that, whatever objective they might have, they did not provide for the question at issue. The measures complained of undoubtedly hindered the restoration of peace in the Near East, but the same might be said of measures affecting refugees.

36. The representative of China considered that the political problem confronting the area could be solved by better ways than those proposed in the joint draft resolution. Perhaps it was high time that the United Nations should again examine the question and devise some political solution.

37. The representative of EGYPT contended that the restrictions were only a limited and discreet expression of Egypt's rights, particularly in the light of article I, paragraph 3, of the Armistice Agreement. He inquired whether the representative of the United Kingdom considered that the freedom of international shipping and commerce overrode all other rights and excluded the minimum requirements of self-preservation.

38. The representative of Egypt noted that it had been charged that Egypt was contributing to the state of tension in the Middle East. In that connexion he referred to some aspects of British policy in the Middle East as contributing to the state of tension. In reply to the representative of Israel, he referred to the findings of the Mixed Armistice Commission that Israel had violated the Armistice Agreement, and pointed out that there were no corresponding decisions by the competent armistice body against Egypt. He said that the interdependence of the question of Arab refugees and that of the restrictions under discussion was well known.

39. The representative of Egypt considered that the complaint of Israel was not receivable, in view of the nature of the Security Council's competence and of the provisions of the Armistice Agreement. He argued that the powers and duties of the Council were limited and should be strictly regulated by the fundamental principles and purposes laid down in Chapter I of the Charter. He pointed out that Article 24, paragraph 2, provided that the Security Council should act "in accordance with the Purposes and Principles of the United Nations". Article 1, paragraph 1, required that the adjustment or settlement of international disputes should be "in conformity with the principles of justice and international law". However, the joint draft resolution was mainly based on the termination or the denial of belligerency exercised by Egypt in conformity with the Armistice Agreement and the principles of international law.

40. The representative of Egypt said that such Council members as France, the Netherlands, the United Kingdom, the United States and perhaps Turkey, which were parties to the dispute, would presumably abstain from voting, in accordance with Article 27, paragraph 3.

41. The representative of ECUADOR said that his delegation would have preferred a satisfactory settlement of the question without the Council having to take a decision on the joint draft resolution. The representative of Egypt had rightly pointed out that, on many occasions, final peace had not been the immediate result of an armistice. However, the representative of Ecuador considered that, since there were at present no real hostilities and since it had been the purpose of the armistice to put an end to hostilities, the restrictions seemed to be incompatible with the Armistice Agreement and its authorized interpretation, and with the purpose of the United Nations in endorsing that instrument. The restrictions also appeared to constitute an unjustifiable prejudice of the interests of other States. He did not consider that Article 51 could be invoked, since there were no hostilities and since the Security Council had considered the matter and had taken measures relating to the dispute. Furthermore, he could not see how the restrictions could be reconciled with the Suez Canal Convention.

42. In conclusion the representative of Ecuador said that he would vote for the joint draft resolution on the understanding that none of its paragraphs could affect the principle of freedom of transit through international waterways. This principle, together with the creation of an international régime which would regulate and guarantee the freedom on international navigation routes, was in the general trend of international law. The Ecuadorian delegation did not consider that its vote involved the least departure from the friendly relations which existed between Ecuador and Egypt.

43. The representative of INDIA said that his delegation had hoped that it would not be necessary for the Council to take the matter up formally. He considered that the question under discussion was a complicated one, involving considerations of national rights and obligations and of international law. It had been said that the problem was not whether there was a basis for the rights claimed by Egypt, but whether the rights should actually be exercised. However, it seemed obvious that if there were a basis for the rights, their exercise could not very well be described as a hostile and aggressive act.

44. The Indian delegation considered that the Security Council was not the most appropriate body for the adjudication of questions involving complicated legal issues. The joint draft resolution sought to avoid the legal issues involved, but he felt that questions regarding the legal rights of the parties could not be brushed aside as mere technicalities. The Indian delegation could not share the belief that the joint draft resolution would contribute usefully to the early restoration of peace and stability in the Middle East. Accordingly, he would abstain from voting on the proposal.

45. The representative of YUGOSLAVIA said that his delegation was convinced that an early general settlement in the Middle East was in the best interest of all parties concerned, and was a vital component of the more general problem of relaxing world tensions. Therefore, it would always support any step which would promote such a settlement and which would mean an advance from the existing armistice system towards a stable and enduring peace in the Middle East. Naturally, the Yugoslav delegation would be equally eager to see the cessation of any action, regardless of origin, which might constitute an obstacle to such an advance. The Yugoslav delegation would support the joint draft resolution since its general purpose was to remove such an obstacle.

46. At its 555th meeting (27 August), the representative of the UNITED KINGDOM, speaking also on behalf of the delegations of France, the Netherlands, Turkey and the United States, replied to the contention of the representative of Egypt that the five States were parties to the dispute and must therefore abstain from voting under Article 27, paragraph 3, of the Charter. The matter under discussion had been brought to the Council by the Government of Israel and the complaint was directed against the Government of Egypt. If there was a dispute, the parties to it were

Israel and Egypt and not other States. The representative of Egypt had also maintained that the five delegations ought to abstain on general principles, since it was improper to act as both judge and party. However, there was no precise analogy between the Security Council and a court of law. The Council had the primary responsibility for the maintenance of international peace and security and it was inevitable that, on many questions which came before the Council, a number of members would be concerned. The five delegations did not feel that their concern in removing the restrictions was such as to prevent them from expressing a just and reasonable opinion. They had come to the conclusion that Article 27, paragraph 3, did not prevent them from voting on the joint draft resolution.

47. The representative of FRANCE wished to add another point of general concern to which his country attached particular importance. He said that the matter under discussion involved the principle that there should at all times be freedom of transit through the Suez Canal for all ships. In demanding the observance of that principle, no State would be acting for itself alone; it would also be acting on behalf of all other States. The part that France had played in the creation of that great international artery made it his delegation's duty to recall that, from that point of view, the case was of universal concern.

48. In reply to the representative of Ecuador, the representative of EGYPT quoted from various documents to show that, when the United States had been at war, it had exercised full belligerent rights in the Panama Canal Zone. He said that the terms of the Suez Canal Convention, particularly articles 10 and 12, and the negotiations leading up to the Convention made it clear that Egypt's sovereignty and its other rights must remain intact. He noted that, although the United States representative had spoken of the need to eliminate one source of agitation in the Middle East, the United States was itself contributing to disagreement in the Middle East by actively backing Israel. Replying to a point raised by the United Kingdom representative, the Egyptian representative pointed out that the restrictions imposed by Egypt for its own protection were negligible in comparison with the restrictions still being imposed on the major enemy Powers. In reality, there had been no answer to Egypt's sustained efforts to reach a solution which would increase the flow of oil to all friendly countries. The representative of Egypt said that the important statement of the representative of Brazil raised the question whether the path which the Security Council was taking would facilitate a settlement or would add to the almost insurmountable difficulties of reaching a settlement.

49. The representative of Egypt maintained that Article 27, paragraph 3, merely embodied the age-old principle that a party should not act as a judge. The criterion submitted in the last United Kingdom statement would mean that there would never be an application of that proviso. In that connexion, he submitted the following draft resolution (S/2313):

"*Considering* the debate in the Security Council on the restrictions imposed by Egypt in relation to the passage through the Suez Canal of some war materials to Israel,

"*Considering* the claim by Egypt that, according to paragraph 3 of Article 27 of the Charter, France, the Netherlands, Turkey, the United Kingdom and the United States of America must abstain from voting,

"*Considering* that this claim by Egypt is contested by the members of the Security Council mentioned in the preceding paragraph,

"*The Security Council*

"*Resolves* to request the International Court of Justice to give its advisory opinion on the following question:

" 'In the light of the Charter of the United Nations, particularly paragraph 3 of Article 27, and in view of the debate in the Security Council, are France, the Netherlands, Turkey, the United Kingdom and the United States of America obliged to abstain from voting on the question of the restrictions imposed by Egypt in relation to the passage through the Suez Canal of some war materials to Israel?' "

50. In conclusion, the Egyptian representative said that the supporters of the joint draft resolution had tried to persuade the Council to ignore the great legal issues involved, notwithstanding the warnings of the representatives of China and India. Egypt would not be a party to such a scheme but would stand by the Charter and the rule of law in international relations.

51. At the 556th meeting (29 August), the representative of EGYPT noted that the United States Senate had approved a bill dealing with measures to cut the flow of strategic materials and arms to the USSR and certain other countries. Those measures showed how far some Powers would go in self-defence, even if no state of war existed. He then quoted passages from a number of statements made in the British Parliament and pointed to the inconsistencies in the position of the United Kingdom Government.

52. The representative of Egypt noted with regret that the five States had not reconsidered their position on the question of abstaining from voting in accordance with Article 27, paragraph 3. As long as they maintained that attitude, it would serve no particular purpose for the Egyptian draft resolution to be sponsored by a member of the Security Council, since it would not be approved by the requisite majority. Thus, recourse to the International Court of Justice was foreclosed.

53. The representative of CHINA recalled that the Security Council, in the course of the past two years, had received one dispute after another under the general heading of the Palestine question and had dealt with those disputes piecemeal. Instead of continuing in that way, he considered that the Council should make a comprehensive approach, with a general peace as the objective. Among the impending questions would be the one before the Council and also the question of refugees. Even though a vote on the joint draft resolution appeared inevitable, he still wished to urge the Council to keep a change of approach in mind.

54. Before the Council met to vote on the joint draft resolution, a cable (S/2321) dated 31 August 1951, was received from the Secretary-General of the Arab League transmitting, for the information of the Security Council, the provisions of a resolution which the Political Committee of the Arab League had unanimously adopted concerning the restrictions imposed on the passage of ships through the Suez Canal. The resolution stated: (1) that the question concerned not only Egypt, but all of the Arab States; (2) that, in taking those steps, Egypt was simply putting into effect the decisions already taken by the Council of the Arab League for the protection of each of its members; and (3) that the League would continue the examination of the question and consider what steps should be taken in view of the developments in the Security Council.

Decision: *At the 558th meeting, on 1 September 1951, the joint draft resolution (S/2298/Rev.1) was adopted by 8 votes to none, with 3 abstentions (China, India, USSR).*

55. The representative of ISRAEL expressed his delegation's appreciation for the earnest and positive attention which the Council had devoted to Israel's complaint. By rejecting any concept of one-sided belligerency or unilateral blockade, the Security Council had asserted the true nature of the Armistice Agreement as a measure designed to lead to permanent peace. In the future, it could be hoped that all hostile or warlike acts based on the assumption of a state of war would be renounced. In order to facilitate the advance towards a final settlement, the Government of Israel stood ready to meet with representatives of Egypt for discussion and total settlement of all outstanding questions.

56. The representative of FRANCE said that, despite the legitimate impatience of the nations whose interests had been harmed by the restrictions, the Security Council had taken all the time necessary for a thorough study of the situation and had given Egypt a full opportunity to reconsider its decisions. In so doing, the aim was not merely to shed as much light as possible on an already well-known situation; it was to give the Egyptian Government time to find a way of adapting its behaviour to the obligations incumbent upon it under the Armistice Agreement and the International Statute of the Suez Canal, and to combine that return to the observance of its obligations with the exigencies of its concern for its national interests, in so far as those were legitimate. In calling for the termination of the restrictions, the Council had no intention of addressing an "ultimatum" or a "*diktat*" to Egypt. After having ascertained that there was no immediate or predictable hope of a concrete solution, the Council had been obliged to find a way out of the impasse. It was the firm hope, desire and purpose of the Council that Egypt's compliance with the request that was being made would lead to greater security and prosperity for Egypt and for all the States in the Near East.

57. The representative of EGYPT said that the representative of Israel had again spoken of peace. However, peace consisted in acts, not merely in words. It was not peace when a million people were expelled from their country and denied the most elementary human rights. In reply to the representative of France, he said that no one at the Council table could cite an instance in which a single suggestion for a solution had been made to Egypt; it had always been proposed that Egypt should surrender unconditionally. The representative of Egypt said that, even after the adoption of the resolution, the assumption on which the claim of Israel was based had still to be proved. The statements he had made to the Council still stood. In those statements, he had tried to outline the position of his Government and had fully reserved its rights in connexion with the Council's debate.

B. Other complaints of violations of the Armistice Agreements

(*a*) COMPLAINT OF THE HASHEMITE KINGDOM OF JORDAN CONCERNING INTERFERENCE BY ISRAEL WITH THE NATURAL FLOW OF THE WATERS OF THE RIVER JORDAN

58. By cablegram dated 7 June 1951 (S/2236, annex I) addressed to the Secretary-General, the Minister for Foreign Affairs of the Hashemite Kingdom of Jordan lodged a complaint against Israël for interference with the natural flow of the waters of the River Jordan. On 19 June the Jordanian Minister to the United States of America submitted to the Secretary-General a report of the Jordanian Director of Lands and Surveys, with an accompanying map (S/2236, annexes II and III), concerning the matter. According to those documents, the quantity of water held up by the Israelis had considerably lowered the normal level of the River Jordan, causing a catastrophic increase in the salinity of the river, and making irrigation no longer feasible between Jisr Sheikh Husein and the Dead Sea. The report concluded that such an action gravely affected the economy of the Kingdom of Jordan. In a letter dated 22 October (S/2386) the Jordanian Minister further requested the Secretary-General to bring that important matter to the attention of the Security Council.

(*b*) FOURTH INTERIM REPORT OF THE CHIEF OF STAFF OF THE UNITED NATIONS TRUCE SUPERVISION ORGANIZATION

59. In his fourth interim report (S/2300), dated 16 August 1951, Lieutenant General William A. Riley, Chief of Staff of the Truce Supervision Organization in Palestine, reported to the Security Council that the Palestine Land Development Company, Ltd. was planning to extend the scope of its activities in the demilitarized zone. The extension of the work involved the placing of survey crews and workmen on the east bank of the Jordan River (within the boundaries of the demilitarized zone) incidental to the construction of a temporary dam across that river. The construction would completely stop the flow of the Jordan River for four or five days a week over an indefinite period. The Chief of Staff recalled that, on 7 August he had informed the Israel Foreign Minister of his opinion that such an extension of the Company's work would greatly aggravate an already tense situation. He had therefore urged strongly that the Company be restrained from the contemplated activities.

60. The Chief of Staff further reported that the Israel police or the senior Israel representative on the Israel-Syrian Mixed Armistice Commission were continuing to occupy the Arab-owned Khoury farm, to limit the movement of Arab civilians and to impose restrictive measures on movements of United Nations observers within the demilitarized zone.

61. With regard to the Israel-Syrian Mixed Armistice Commission, the Chief of Staff reported that the two parties had taken an adamant stand on the matter of an acceptable agenda which would permit the Commission to reconvene in order to discuss outstanding problems and complaints. The result was that, since 20 February, some eighty complaints had been submitted to the Mixed Armistice Commission but none had been considered.

62. In a letter (S/2309) dated 22 August 1951, addressed to the President of the Security Council, the permanent representative of Israel to the United Nations, in the light of the publication of the Chief of Staff's fourth interim report, brought to the attention of the Security Council an exchange of letters dated 4 and 8 August between himself and the Chief of Staff. The Israel representative indicated that it was clear from that correspondence that the Government of Israel and the Chief of Staff were engaged in an effort to settle the outstanding problems in the demilitarized zone. He also raised the question of the non-functioning of the Mixed Armistice Commission. The letter concluded by asserting that, with reference to all matters within the competence of the Mixed Armistice Commission, the Government of Israel would give its full support to the Chief of Staff's efforts to "permit the Mixed Armistice Commission to reconvene in the very near future in order to discuss and settle all outstanding problems and complaints".

(c) Charges of Syrian aggression within Israel territory at Tel el Mutilla

63. In a cablegram (S/2312) dated 25 August 1951, addressed to the President of the Security Council, the Foreign Minister of Israel recalled his telegram (S/2126) of 7 May 1951 concerning the Tel el Mutilla affair and claimed that the question of direct Syrian military participation therein had been officially and conclusively clarified by the Syrian Government itself. No. 31 of the *Official Gazette* of the Syrian Republic, published in Damascus on 19 July (see S/2334) contained two announcements of decorations awarded to members of the Syrian Army who had participated in war operations in the region of Tel el Mutilla, Tal Abi Zaidon and Tal el Muttaliqua. The Foreign Minister requested that the examination of the complaint submitted by Israel against Syria on 7 May 1951 be reopened with a view to fixing the guilt of the Syrian Government authoritatively and conclusively.

64. In a report on the matter (S/2359) dated 22 September 1951, the Chief of Staff of the Truce Supervision Organization stated that, after his return to the Middle East on 16 May, he had forwarded the information available and interrogated the United Nations observers on the evidence that they had collected. He had then felt unable to submit conclusions to the Security Council until the Mixed Armistice Commission had discussed the complaints of the parties. However, the publication in the *Official Gazette* of the Syrian Republic of the two orders (Nos. 1020 and 1021) threw new light on the events at Tel el Mutilla, and the allegation that personnel of the Syrian Army had participated in operations in that area at the beginning of May must, in his opinion, be considered as having been proved.

65. On 25 September the Chief of Staff transmitted for the information of the Security Council a letter (S/2360) which he had received from the Syrian Minister of National Defence on 23 September. That letter emphatically denied any participation of the Syrian Army in the incidents which had occurred recently in the demilitarized zone, including the Tel el Mutilla affair. It claimed that the reports of the United Nations observers should be considered as the only official evidence and that no official gazette or any other Syrian document could in any way constitute evidence against Syria.

(d) Report of the Chief of Staff on decisions made by the Mixed Armistice Commission between 17 February and 31 October 1951

66. On 3 November 1951, the Chief of Staff of the Truce Supervision Organization submitted a report (S/2388) on the decisions taken by the Egyptian-Israel, Israel-Jordan and Israel-Lebanese Mixed Armistice Commissions during the period 17 February to 31 October. 1951.

67 On 30 May the Egyptian-Israel Mixed Armistice Commission had taken, by majority vote, various decisions on the repatriation of Arabs who had been expelled from the demilitarized zone, and on the interpretation of article VII, paragraph 1, of the Egyptian-Israel General Armistice Agreement. Both the Israel and the Egyptian delegations had appealed to the Special Committee against those of the decisions which were contrary to their respective views.

68. On 23 September and 3 October, the Egyptian-Israel Mixed Armistice Commission had considered incidents which had taken place in the Gaza strip area, along the demarcation line and the Egyptian international border.

69. On 8 and 15 March and on 19 and 26 April, the Israel-Jordan Mixed Armistice Commission had taken a few unanimous decisions improving existing arrangements along the armistice demarcation line between Jordan and Israel.

70. During the period under review, the Israel-Lebanese Mixed Armistice Commission had not taken any major decisions, since only minor incidents had occurred along the demarcation line between Lebanon and Israel.

(e) Report of the Chief of Staff, dated 6 November 1951

71. In a report (S/2389) dated 6 November 1951, the Chief of Staff stated that upon his return to the Middle East, he had visited Tel Aviv and Damascus and had held conversations with representatives of the two Governments with a view to hastening the solution of outstanding problems and to securing an agree-

ment for the immediate resumption of the meetings of the Israel-Syrian Mixed Armistice Commission. Such a resumption had so far proved impossible. The Syrian Government maintained that, prior to the resumption of the meetings of the Commission, Israel should fully comply with the Security Council resolution of 18 May concerning the demilitarized zone, viz., cessation of the operations of the Palestine Land Development Company, return of Arab civilians, withdrawal of Israel police and troops, and payment of compensation for damage suffered by Arab civilians. On the other hand, the Israel Government was requesting from the Syrian authorities the following: the acknowledgement of the Syrian Government's responsibilities in the Tel el Mutilla affair; the acknowledgement that the Huleh reclamation project should not be barred by six and a quarter acres of Arab-owned lands; and the removal of a road block barring access to El Hamma.

(f) Communications received subsequent to 1 January 1952

72. In a cablegram (S/2486) dated 22 January 1952, the Prime Minister and Minister for Foreign Affairs of the Hashemite Kingdom of Jordan asked the Secretary-General to call the Security Council's attention to new violations of Jordan territory by Israel forces, especially to an attack, on 6 January, which had caused the death of six Jordanian citizens as well as appreciable loss of property.

73. In a letter (S/2502) dated 29 January, addressed to the President of the Security Council, the permanent representative of Israel to the United Nations stated that the Israel-Jordan Mixed Armistice Commission, at a meeting in Jerusalem on 24 January 1952, had determined that Jordan had been responsible for fifty-nine violations of the General Armistice Agreement, and Israel for one such violation. The distorted and inaccurate character of the communication addressed by the Prime Minister of Jordan to the Secretary-General (S/2486) was thus revealed. The permanent representative of Israel also stated that his Government wished to submit a complaint to the Security Council against the Government of Syria in connexion with a statement made by the Syrian representative before the *Ad Hoc* Political Committee of the General Assembly on 22 January 1952, in which he had threatened the destruction of Israel by the use of force.

Chapter 2

THE INDIA-PAKISTAN QUESTION

Introductory note: As indicated in the last annual report (A/1873), the Security Council, on 30 March 1951, adopted a resolution providing for the appointment of a United Nations Representative for India and Pakistan. After consultation with the Governments of India and Pakistan, the United Nations Representative was to effect the demilitarization of the State of Jammu and Kashmir on the basis of the resolutions adopted on 13 August 1948 and 5 January 1949 by the United Nations Commission for India and Pakistan. Failing the achievement of that objective or agreement on demilitarization, the United Nations Representative was to report to the Security Council those points of difference between the parties in regard to the Commission's resolutions which he considered must be resolved to enable demilitarization to be carried out. On 30 April 1951, the Security Council appointed Mr. Frank P. Graham as United Nations Representative for India and Pakistan.

A. Exchange of communications between the parties

74. During the months of July and August 1951, the Security Council was informed of a series of communications exchanged between the Prime Ministers of India and Pakistan (S/2252, S/2256, S/2260, S/2269, S/2271, S/2278 and Corr. 1, S/2281, S/2285, S/2290 and S/2293), following the communications summarized in the Council's last annual report (A/1873, chapter 6, E). Those communications dealt, *inter alia*, with military movements in India and Pakistan and in the State of Jammu and Kashmir and with the question of responsibility for the tension prevailing between the parties.

B. First report of the United Nations Representative

75. By letter dated 15 October 1951 (S/2375 and Corr.1), addressed to the Secretary-General, the United Nations Representative for India and Pakistan transmitted his first report to the Security Council. He stated that, in view of the atmosphere of hostility on the sub-continent, he had adopted the procedure of separate, informal consultations with officials of the two Governments. As a result of those conversations, he had dispatched a formal letter dated 7 September 1951 (S/2375, annex 2) to the Prime Ministers, inviting their comments on a draft agreement consisting of twelve proposals submitted with the letter, as well as their detailed plans for carrying out the demilitarization of the State of Jammu and Kashmir under the resolutions adopted by the United Nations Commission for India and Pakistan on 13 August 1948 and 5 January 1949. The replies of the two Governments had indicated that they were favourable to the first four proposals involving (1) reaffirmation of their determination not to resort to force with regard to the question of the State of Jammu and Kashmir; (2) agreement to take measures to avoid warlike statements regarding that question; (3) reaffirmation of their will to observe the cease-fire and the Karachi Agreement of 27 July 1949; and (4) reaffirmation of their acceptance of the principle that the question of the accession of the State would be decided through

a free and impartial plebiscite under the auspices of the United Nations. Agreement had not been reached on the remainder of the proposals, the text of which follows:

"The Governments of India and Pakistan . . .

"5. Agree that, subject to the provisions of paragraph 11 below, the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949 shall be effected in a single, continuous process;

"6. Agree that this process of demilitarization shall be completed during a period of ninety days, unless another period is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9 below;

"7. Agree that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be:

"(*a*) *On the Pakistan side of the cease-fire line*:

"(i) The tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;

"(ii) The Pakistan troops will have been withdrawn from the State; and

"(iii) Large-scale disbandment and disarmament of the *Azad* Kashmir forces will have taken place.

"(*b*) *On the Indian side of the cease-fire line*:

"(i) The bulk of the Indian forces in the State will have been withdrawn;

"(ii) Further withdrawals or reductions, as the case may be, of the Indian and State armed forces remaining in the State after the completion of the operation referred to in sub-paragraph (*b*) (i) above will have been carried out,

so that at the end of the period referred to in paragraph 6 above there will remain on the present Pakistan side of the cease-fire line a force of . . . civil armed forces, and on the Indian side of the cease-fire line a force of . . .; (It is requested that the blank spaces be filled in by your Government.)

"8. Agree that the demilitarization shall be carried out in such a way as to involve no threat to the cease-fire agreement either during or after the period referred to in paragraph 6 above;

"9. Agree that representatives of the Indian and Pakistan Governments, assisted by their military advisers, will meet, under the auspices of the United Nations, to draw up a programme of demilitarization in accordance with the provisions of paragraphs 5, 6, 7 and 8 above;

"10. Agree that the Government of India shall cause the Plebiscite Administrator to be formally appointed to office not later than the final day of the demilitarization period referred to in paragraph 6 above;

"11. Agree that the completion of the programme of demilitarization referred to in paragraph 9 above will be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces as set forth in sub-paragraphs 4 (*a*) and (*b*) of the 5 January 1949 resolution;

"12. Agree that any differences regarding the programme of demilitarization contemplated in paragraph 9 above will be referred to the Military Adviser of the United Nations Representative, and, if disagreement continues, to the United Nations Representative, whose decision shall be final".

76. The United Nations Representative set forth the main differences between the parties, not only in regard to their interpretation and execution of the UNCIP resolutions of 13 August 1948 and 5 January 1949 concerning demilitarization, but also in regard to the proposals made by him for an agreement on a plan of demilitarization. The points of difference under the latter heading concerned the period of demilitarization, the withdrawal of troops and the size of the forces to remain on either side of the cease-fire line. There was also disagreement on whether a date should be set by which the Plebiscite Administrator was to be formally appointed to office by the Government of India.

77. Because of the situation prevailing on the subcontinent, it had not been possible to effect demilitarization during the time available. The United Nations Representative did not underestimate the difficulties; however, the possibility of arriving at a basis of agreement between the Governments of India and Pakistan was not excluded. He stressed the importance of the task of the United Nations military observers supervising the cease-fire in the State of Jammu and Kashmir.

78. The United Nations Representative recommended that the Security Council should call upon the Governments of India and Pakistan to take, immediately, all measures to improve their relations, and that the Security Council should consider the possibility of a renewed effort being made to obtain the agreement of the parties to a plan for effecting the demilitarization of the State of Jammu and Kashmir. If such a renewed effort should be decided upon, the Council might consider instructing the United Nations Representative to implement its decision by continuing the negotiations with the two Governments, such negotiations to be carried out at the seat of the Council. The United Nations Representative should be instructed to report to the Council within six weeks.

C. Consideration of the first report by the Security Council

79. The Security Council commenced consideration of the report at its 564th meeting (18 October 1951), when a statement was made by the United Nations Representative.

80. Discussion was continued at the 566th meeting (10 November). At that meeting the Security Council had before it the following joint draft resolution submitted by the representatives of the United Kingdom and the United States of America (S/2390):

"The Security Council,

"Having received and noted the report of Mr. Frank Graham, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution of 30 March 1951, and having heard Mr. Graham's address to the Council on 18 October 1951 [*564th meeting*],

"*Noting* with approval the basis for a programme of demilitarization which could be carried out in conformity with the previous undertakings of the parties, put forward by the United Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan . . .

"2. *Instructs* the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarization of the State of Jammu and Kashmir . . .

"4. *Instructs* the United Nations Representative to report to the Security Council on his efforts, together with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect."

81. The representative of the UNITED KINGDOM considered that the members of the Council would support the view that, if there was any chance of reaching agreement between the parties or of making substantial progress toward agreement by a further comparatively brief period of negotiation, that chance should be taken. It was evident that the United Nations Representative considered that a prospect of further progress existed. Another reason for the submission of the draft resolution was that his Government felt it to be important that there should be no doubt that the Council approved of the manner in which the United Nations Representative had performed his task and of the broad lines of the programme of demilitarization laid before the parties.

82. Recalling the reference in the Security Council's resolution of 30 March 1951 (S/2017/Rev.1, third to fifth paragraphs of the preamble) to the convening of a Constituent Assembly by Sheikh Abdulla's Government in Kashmir, the United Kingdom representative said that, as far as he could judge, that Assembly itself had not sought to pronounce on the issue of accession. The United Kingdom Government attached great importance to the relevant portions of that resolution and he welcomed the strengthening of the earlier solemn assurances of the Government of India by a recent statement by the Prime Minister of India, to the effect that the Kashmir Constituent Assembly was not competent to take any decision on the question of accession.

83. The representative of the UNITED STATES OF AMERICA, emphasizing the need for peaceful settlement of the question, considered that the proposal for demilitarization set out by the United Nations Representative formed a solid basis upon which the parties could reach an agreement. The joint draft resolution endorsed the principles underlying those proposals and the broad lines of the programme of demilitarization laid before the parties. Recalling previous expressions of his Government's concern regarding the convening of a Constituent Assembly in Kashmir, he reiterated that any attempt to decide the issue of accession without the consent of both parties would leave a constant and explosive irritant in the relations between India and Pakistan. In that connexion, he welcomed the recent reassurances given by the Prime Minister of India.

84. The representative of the NETHERLANDS associated himself with what had been said by the representative of the United Kingdom with regard to the convening of a Constituent Assembly in Jammu and Kashmir. Though he realized that, in agreeing to the recommendation for continuation of the negotiations by the United Nations Representative, the Security Council would, for the moment, deviate from paragraph 6 of of its resolution of 30 March 1951 (S/2017/Rev.1). He declared that as long as there was a reasonable chance that further negotiations might result in agreement, his Government was willing to endorse a further period for such negotiations. He would therefore support the joint draft resolution.

85. The representative of BRAZIL supported the joint draft resolution, which would represent a continuation of the efforts made by the United Nations to achieve a peaceful settlement of the India-Pakistan question. He paid tribute to the work of the United Nations Representative.

86. The representative of FRANCE, stressing the importance of the question of Kashmir, said that although it was obvious that very considerable interests were involved, it was surely of overriding importance that the difficulties connected with that question should be solved. Mr. Graham was to be encouraged in his further efforts and the French delegation supported the joint draft resolution.

87. The representative of ECUADOR supported the joint draft resolution. He expressed the hope that progress would be made towards a greater degree of understanding between the parties so as to bring closer the achievement of the Council's intention that the problem should finally be solved on the basis of a peaceful, democratic, free and impartial expression of views by the peoples concerned.

88. The representative of TURKEY stated that he would vote in favour of the joint draft resolution, and at the same time reaffirmed the provisions of the fifth paragraph of the preamble to the resolution of 30 March 1951.

89. The President, speaking as the representative of CHINA, supported the joint draft resolution. His delegation still held to the view that the Constituent Assembly in Kashmir could not be allowed to prejudice the question of the accession of the State of Jammu and Kashmir.

Decision: *The joint draft resolution (S/2390) was adopted by 9 votes to none, with 2 abstentions (India, USSR) (S/2392).*

D. Second report of the United Nations Representative

90. By a letter dated 18 December 1951 (S/2448), addressed to the Secretary-General, the United Nations Representative transmitted his second report to the Security Council. In the report, he stated that the procedure he had adopted in continuing his efforts to obtain agreement on a demilitarization plan had been (i) to exhaust the possibilities, if any, in endeavouring to reach an agreement between the parties on his proposals of 7 September 1951; (ii) failing the conclusion of such an agreement, to obtain the detailed plans of the parties for demilitarization of the State under the UNCIP resolutions of 13 August 1948 and 5 January 1949 in order to establish the points of difference

that must be resolved in regard to the interpretation and execution of those resolutions to enable such demilitarization to be carried out. Under the first part of that procedure, he had endeavoured to narrow the differences of the parties on the two following fundamental points: the minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization; and the day on which the Government of India would cause the Plebiscite Administrator to be formally appointed to office. Following meetings with the parties, the United Nations Representative had presented to them, on 7 December 1951, a statement and questionnaires (S/2448, annexe 3) to that end. He had also sent a letter (S/2448, annex 4) to the Government of India requesting the latter's detailed plan for carrying out the demilitarization of the State of Jammu and Kashmir under the UNCIP resolutions. Informal conversations had been held separately with the two delegations by the Military Adviser to the United Nations Representative.[1]

91. The points of difference between the two Governments remained on the fundamental issues as they had appeared in the first report of the United Nations Representative. While the discussions at the military level had indicated that at some stage of the tentative plan of demilitarization the withdrawals of armed forces would amount to a great proportion of those present in the State on 1 January 1949, the disparity between the number and character of the forces proposed by the parties to be left at the end of the period of demilitarization had been so wide that agreement on the whole plan concerned as a single continuous process could not be reached at that stage. Nor had it seemed possible to obtain agreement at that stage on the induction into office of the Plebiscite Administrator. The Indian Government had insisted that the Administrator should be appointed as soon as conditions in the State permitted of a start being made with the arrangements for carrying out the plebiscite, whereas the Government of Pakistan had emphasized the importance of appointing the Administrator formally to office as much in advance of the final day of demilitarization as possible.

92. The United Nations Representative then proceeded to deal with the four proposals on which agreement had not been reached—proposals 5, 6, 7 and 10. In connexion with proposal 5, he reiterated his view that agreement that the demilitarization of the State should be effected in a single continuous process implied the implementation of part II of the UNCIP resolution of 13 August 1948, together with sub-paragraphs 4 (*a*) and (*b*) of the 5 January 1949 resolution as a whole. He considered that proposal 6 should read as follows: "Agree that this process of demilitarization shall be completed on 15 July 1952, unless another date is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9", with consequent changes to be made in the first part of proposal 7, the last part to read as follows: "so that on the date referred to in paragraph 6 above there will remain on each side of the cease-fire line the lowest possible number of armed forces based in proportion on the number of armed forces existing on each side of the cease-fire line on 1 January 1949".

[1] A tentative plan of demilitarization based on the twelve proposals of the United Nations Representative was presented to the parties in an informal and exploratory manner by the Military Adviser. The text of the plan was circulated on 21 January 1952 (S/2485, annex 3).

E. Consideration of the second report by the Security Council

93. At the 570th meeting (17 January 1952), the Security Council undertook consideration of the second report of the United Nations Representative for India and Pakistan (S/2448). The United Nations Representative made an introductory statement.

94. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, noting that more than four years had passed since the Security Council had first dealt with the question of Kashmir, observed that the United States and the United Kingdom had been particularly active in the Council's consideration of the question and had taken a leading part in establishing and appointing commissions and representatives to settle the matter. All of the plans put forward by the United States and the United Kingdom for the settlement of the Kashmir question were failing, however, because they pursued predatory, imperialist objectives instead of seeking a real settlement of the question. The purpose of the plans was to prolong the dispute between India and Pakistan and to convert Kashmir into a trust territory of the United States and the United Kingdom under the pretext of giving it "support through the United Nations", with the aim of introducing Anglo-American troops into Kashmir so as to convert it into an Anglo-American colony and a military and strategic base.

95. From the beginning, the United States and the United Kingdom, in direct violation of the United Nations Charter, particularly of Article 1, did everything to prevent the people of Kashmir from being able to decide their own future without Anglo-American interference. The Anglo-American resolution of 30 March 1951 (S/2017/Rev.1) forced upon the people of Kashmir a plebiscite ostensibly under the United Nations but, in reality, under Anglo-American control. In that connexion, the USSR representative recalled that the original text (S/2017) of the United States and United Kingdom draft had contained an open demand that foreign troops should be introduced into Kashmir, on the pretext that such troops were necessary for the purpose of "facilitating demilitarization and the holding of a plebiscite". In view of the Indian representative's objection, the Anglo-American proposal for the introduction into the territory of Kashmir of the armed forces of States Members of the United Nations was omitted from the resolution, but that was merely a formal gesture. The idea had been taken up again by Mr. Graham, whose chief military adviser was an American general. Since the Security Council resolution defining the powers of the United Nations Representative contained no authorization to deal with the question of introducing foreign troops into Kashmir, it might be asked what justification Mr. Graham had had for submitting, without the knowledge of the Security Council, a question to that effect in the questionnaires sent out to the Governments of India and Pakistan on 18 December 1951 (S/2448, annex 3).

Apparently, the United Nations Representative had been authorized to do so by the Pentagon in Washington. The chief obstacle to the settlement of the Kashmir problem was the interference of the United States and the United Kingdom in the internal affairs of the people of Kashmir. The Governments of the United States and the United Kingdom had exerted direct pressure on the Governments of India and Pakistan, insisting on the adoption of their proposal for the submission of the Kashmir question to the arbitration of a third party, their purpose being to bring t' e people of Kashmir under their authority and transform Kashmir into a military base against the USSR and the People's Republic of China.

96. Precisely that policy of the United States and the United Kingdom was preventing a settlement of the Kashmir question, the USSR representative continued, and was making it impossible for the people of Kashmir to decide their own fate on the basis of the principle of self-determination of peoples proclaimed in the United Nations Charter. In their efforts to impose their arbitration or compulsory plebiscite "under United Nations supervision" upon the people of Kashmir, the United States and the United Kingdom were endeavouring to bring the people of Kashmir under their domination and to impose their will upon them. In the opinion of the Soviet Government the Kashmir question could be satisfactorily settled only by giving the people of Kashmir an opportunity to decide the question of its constitutional status by themselves, without outside interference. That could be achieved if the status of Kashmir were determined by a Constituent Assembly, democratically elected by the Kashmir people.

97. The representative of the UNITED KINGDOM observed that the extraordinary fantasies apparently entertained by the representative of the USSR in regard to the Kashmir dispute seemed typical of the whole USSR approach to international problems whereby the first thing to do was to discover how and why a given dispute was part of an anti-Soviet plot designed to advance the cause of the ruling circles of the United States and of the United Kingdom. The accusation that Mr. Graham was a secret agent of the Pentagon would cause even the most ingenuous to sit up and think. Mr. Graham's achievement in Indonesia in his mission as a United Nations representative had been both statesmanlike and in accordance with the United Nations principles. If the Security Council was to achieve anything, it must raise its debates above the level of the suspicions which so often impeded its work. The Kashmir dispute was capable of being considered objectively, and if this were done the dictates of reason would surely one day enable the two parties to agree on a settlement satisfactory to them both.

98. The representative of the UNITED STATES OF AMERICA considered that the USSR statement did not merit a reply or require a denial. The United States Government earnestly hoped to see the dispute between India and Pakistan regarding Kashmir settled in accordance with United Nations principles and the agreements already reached between the parties.

99. At the 571st meeting (30 January), the representative of PAKISTAN stated that there had at no time been any question of anything being imposed from the outside upon either party to the dispute concerning the State of Jammu and Kashmir. The efforts of the Security Council had been directed solely toward securing an implementation of the agreements existing between the parties. The deadlock that was almost three years old was related to the demilitarization of the State, preparatory to the holding of the plebiscite and the induction into office of the Plebiscite Administrator.

100. Reviewing the negotiations carried out by the United Nations Representative, the Pakistan representative said that his Government accepted in principle the truce proposals formulated in the United Nations Representative's second report to the Council but considered, for the sake of clarity, that some of the important terms used in those proposals should be defined, and other necessary details should be filled in.

101. Referring to the statement made by the USSR representative at the preceding meeting, he said that there was no foundation whatsoever to the Press reports mentioned by the USSR representative regarding the granting of military bases in Kashmir to the United States. Pakistan had neither been asked for, nor had it offered any military or other bases to the United States or any other Power. As for the USSR representative's view of the proper basis for settlement of the Kashmir dispute, the Pakistan representative considered that the difference between what the USSR representative suggested and what the Security Council had sought to achieve with the agreement of India and Pakistan was one of method, not of principle. Throughout the controversy, India, Pakistan and the Security Council had agreed that the question of the accession of Jammu and Kashmir should be decided through the democratic method of a free and impartial plebiscite.

102. The representative of the UNITED KINGDOM said that his Government had been deeply disappointed when the United Nations Representative's second report had shown that the differences between the two parties seemed to be almost as wide as ever on the two basic points, namely, the minimum number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization and the fixing of the date when the Government of India would cause the Plebiscite Administrator to be inducted into office. Nevertheless, there had been significant progress. Not only had the parties agreed to eight of the United Nations Representative's proposals, but it was a considerable gain to have the main points on which agreement between the parties was required formulated in those twelve proposals. The United Kingdom Government believed that the United Nations Representative should pay a further visit to the sub-continent to attempt to bring about a solution of the two outstanding points of difference. He suggested that the United Nations Representative might report back to the Council by the end of March, since it was important to set some time-limit for any further round of negotiations. In his view, the United Nations Representative could return to the sub-continent in pursuance of the existing resolutions of the Security Council, in particular that of 14 March 1950 (S/1461, paragraph 2).

103. The representative of the NETHERLANDS considered that as long as there was a reasonable chance of further agreement through negotiation, that method should be given priority over the method of arbitra-

tion called for in paragraph 6 of the resolution of 30 March 1951 (S/2017/Rev.1). On the other hand, the patience shown so far by the Security Council should not be misconstrued as lightening in any way the moral and political responsibilities of the parties themselves for the fulfilment of their commitments regarding the creation of fair conditions for a free and impartial plebiscite in Jammu and Kashmir. The United Nations, which had done so much to pave the way for a just and peaceful settlement of the question, was entitled to the greatest measure of constructive co-operation on the part of both India and Pakistan. Dealing with the USSR representative's statement at the preceding meeting, the Netherlands representative submitted that the Council had been trying for years to give the people of Kashmir an opportunity to decide the question of Kashmir's constitutional status by themselves without outside interference.

104. The representative of BRAZIL supported the suggestion that the United Nations Representative should proceed again to the sub-continent in order to seek to expand the area of agreement between the parties. A renewed effort to achieve conciliation at that juncture might greatly facilitate the settlement of the issue of demilitarization.

105. The representative of CHILE pointed out that the the chief responsibility for, and the chief possibility of, a solution to the question of Kashmir rested with the Governments of India and Pakistan. It was incumbent upon them to ensure that the necessary atmosphere was created for the success of the process of attaining a settlement on the basis of a free and impartial plebiscite carried out under the auspices of the United Nations, which should continue to do everything possible to assist in the conclusion of a settlement. The United Nations Representative deserved the full confidence of the Organization, and the Chilean delegation was ready to support the continuation of his work for a reasonable period.

106. The representative of the UNITED STATES OF AMERICA said that the second report of the United Nations Representative carefully stated the issue, which was to find an agreed solution for three questions: (1) a definite period for demilitarization; (2) the scope of demilitarization and quantum of forces to remain at the end of the period of demilitarization; (3) the date for the formal induction into office of the Plebiscite Administrator. There was no suggestion or implication in Mr. Graham's report of imposing a settlement upon the parties or the people of Kashmir. The two principles underlying the work of the United Nations Representative were that a free and impartial plebiscite must be brought about in Jammu and Kashmir, and that the dispute between the parties must not be deadlocked but must show improvement along the road to settlement. The progress that had been made should not be halted. None of the remaining issues constituted an insurmountable barrier between the parties and a peaceful solution, and emphasis must be put on resolving those issues. The United States representative agreed that no further directive from the Security Council to the United Nations Representative was required in that connexion.

107. At the 572nd meeting (31 January 1952), the representatives of CHINA, TURKEY, and GREECE supported the proposal that the United Nations Representative should return to the sub-continent to continue negotiations with the Governments of India and Pakistan.

108. The representative of INDIA emphasized his Government's anxiety that an early, equitable and peaceful solution of the Kashmir dispute be found. Failure to reach agreement on implementation of the UNCIP resolutions of 13 August 1948 and 5 January 1949 up to that time had not been due to any desire on the part of India to gain time. The problems of a definite period for demilitarization and of the date for the formal induction into office of the Plebiscite Administrator could be settled without difficulty provided that agreement was reached on the scope of demilitarization and the quantum of forces that would remain at the end of the period of demilitarization, and provided that the programme agreed upon for that purpose was satisfactorily implemented. India had no objection to continuing the negotiations with Pakistan under the auspices of the United Nations Representative. India was anxious that the people of Jammu and Kashmir should have an opportunity, without further delay, freely to determine their own future; India desired most earnestly to prepare the way for firm and lasting friendship with Pakistan.

109. The President, speaking as the representative of FRANCE, associated himself with the tributes paid to the United Nations Representative. Speaking as the PRESIDENT, he stated that it was the sense of the Security Council that the United Nations Representative, acting under the resolutions of 30 March 1951 (S/2017/Rev.1) and 10 November 1951 (S/2392), was authorized, without any new decision by the Council, to continue his efforts to fulfil his mission and to submit his report, which the Council hoped would be final, within two months. He noted that the representative of the USSR had not concurred in that arrangement.

F. Third report of the United Nations Representative

110. By letter dated 22 April 1952 (S/2611), the United Nations Representative transmitted his third report to the Security Council. Following discussions held in Paris with representatives of the Governments of India and Pakistan, he had arrived in New Delhi on 29 February and had left the sub-continent for New York on 25 March. During that period, the United Nations Representative had continued his previous procedure of separate negotiations with the parties, it having been concluded that a meeting with representatives of the two Government was not advisable until sufficient preliminary agreement had been reached as to ensure positive results from such a joint conference.

111. Following the Security Council meeting of 31 January, he had had in mind two purposes in discharging the duties conferred upon him: (*a*) to assist the parties in removing the remaining difficulties in an effort to reach an agreement on the proposals submitted to them; and (*b*) without prejudice to the above, to obtain, if possible, further withdrawals from the State of Jammu and Kashmir on both sides of the cease-fire line.

112. The United Nations Representative stated that the Government of India maintained its position concerning the minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, i.e., 21,000 regular Indian Army forces, plus 6,000 State Militia, on the Indian side and, on the Pakistan side, a force of 4,000 men normally resident in *Azad* Kashmir territory, half of whom should be followers of *Azad* Kashmir and the other half persons who were not followers of *Azad* Kashmir. The Government of India had indicated that, should the situation be favourable, it would be ready, at the end of the period of demilitarization, to enter into consultations with the Plebiscite Administrator and with the United Nations Representative to consider a further reduction of forces on the Indian side. The Indian Government considered that the questions of a definite period for demilitarization and of a date for the formal induction into office of the Plebiscite Administrator could be settled without difficulty, provided agreement was reached on the scope of demilitarization and the quantum of forces to remain at the end of the period of demilitarization.

113. Pakistan accepted the proposals of the United Nations Representative concerning the period of demilitarization, the quantum of forces to remain on each side of the cease-fire line and the date for induction into office of the Plebiscite Administrator. It insisted that the demilitarization programme should embrace all the armed forces in Jammu and Kashmir without exception.

114. The United Nations Representative reported that the Government of India had agreed to withdraw unconditionally and without prejudice to the negotiations concerning demilitarization one division with supporting arms from its side of the cease-fire line in the State of Jammu and Kashmir. The Government of Pakistan held that, since the Indian forces in Jammu and Kashmir had been greatly augmented in the summer of 1951, even after the withdrawal of one Indian army division, the strength of Indian forces in the State would be far in excess of the Pakistan forces there.

115. The United Nations Representative also reported that the Governments of India and Pakistan had withdrawn from their common frontiers near the border of the State of Jammu and Kashmir the forces which had been moved to those frontiers during the summer of 1951.

116. Analysing the two UNCIP resolutions of 13 August 1948 and 5 January 1949, the United Nations Representative concluded that part I of the resolution of 13 August could be considered implemented in view of the cease-fire of 1 January 1949 and the Karachi Agreement of 27 July of that year establishing a cease-fire line. Since the tribesmen and Pakistan nationals not normally resident in the State of Jammu and Kashmir who had entered for the purpose of fighting were reported by the Government of Pakistan to have been withdrawn from the State and since the number of forces on each side of the cease-fire line was estimated to be less than 50 per cent of the number there on 1 January 1949, part II of the resolution of 13 August 1948 had, to a considerable extent, already been implemented. Dealing with the UNCIP resolution of 5 January 1949, in which procedure for the implementation of part III of the resolution of 13 August 1948 had been elaborated, the United Nations Representative stated that the demilitarization of the State of Jammu and Kashmir had reached a stage at which further reductions of troops were directly related to the preparation of a plebiscite. The United Nations Representative accordingly deemed it necessary that the Plebiscite Administrator-designate should be associated with him in studies and the consideration of common problems. He also stated his conviction that, besides the question of the final quantum of forces, there were other factors which had a bearing on the demilitarization, and which needed at that stage to be taken into consideration.

117. In conclusion, the United Nations Representative recommended that, taking notice of the progress made in the demilitarization of the State of Jammu and Kashmir, the Governments of India and Pakistan should refrain from taking any action which would augment the existing military potential of the forces in the State; that the two Governments should continue their commitments in connexion with the first three paragraphs of the proposals submitted to them by the United Nations Representative; that, as a means of further implementing the UNCIP resolutions of 13 August 1948 and 5 January 1949, they should undertake by 15 July 1952 further to reduce the forces under their control in the State and that the United Nations Representative's negotiations with the two Governments should be continued with a view to (*a*) resolving the remaining difference on the twelve proposals submitted to the parties, with special reference to the quantum of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and (*b*) the general implementation of the UNCIP resolutions of 13 August 1948 and 5 January 1949.

G. Continuation of negotiations with the parties

118. By letter dated 29 May 1952 (S/2649), the United Nations Representative informed the President of the Security Council that, in agreement with the Governments of India and Pakistan, the negotiations on the question of the State of Jammu and Kashmir had been renewed. At the appropriate moment he would report to the Security Council on the outcome of that phase of the negotiations.

COMPLAINT OF FAILURE BY THE IRANIAN GOVERNMENT TO COMPLY WITH PROVISIONAL MEASURES INDICATED BY THE INTERNATIONAL COURT OF JUSTICE IN THE ANGLO-IRANIAN OIL COMPANY CASE

A. Inclusion of the item in the agenda

119. On 26 May 1951, the United Kingdom instituted proceedings in the International Court of Justice against Iran in connexion with the application of the Agreement of 1933 between the Imperial Government of Persia and the Anglo-Persian Oil Company, Limited. A court order dated 5 July 1951 (S/2239), issued at the request of the United Kingdom, granted interim measures of protection in accordance with Article 41 of the Statute of the Court. The order stated, *inter alia,* that the indication of such measures in no way prejudged the question of the jurisdiction of the Court to deal with the merits of the case but was intended to preserve the respective rights of the parties pending the Court's decision.

120. In a letter dated 28 September 1951 (S/2357), the deputy permanent representative of the United Kingdom requested the President of the Security Council to place on the provisional agenda the item: "Complaint of failure by the Iranian Government to comply with provisional measures indicated by the International Court of Justice in the Anglo-Iranian Oil Company case". He enclosed the following draft resolution (S/2358):

"*Whereas* the International Court of Justice acting under Article 41, paragraph 2, of its Statute notified the Security Council of the provisional measures (the text of which is annexed hereto) indicated by the Court on 5 July 1951 at the request of the Government of the United Kingdom in the Anglo-Iranian Oil Company case, and

"*Whereas* the United Kingdom's request to the Court for the indication of provisional measures was based on the contention that the actions of the Iranian authorities threatened to bring the whole process of oil production and refining to a standstill in circumstances calculated to cause irreparable damage to the oil producing and refinery installations and seriously to endanger life and property and cause distress to the areas concerned, and the findings of the Court constituted an implicit recognition of the accuracy of this contention, and

"*Whereas* the United Kingdom Government at once publicly proclaimed its full acceptance of the Court's findings and so informed the Government of Iran but the Government of Iran rejected these findings and has persisted in the course of action (including interference in the Company's operations) which led the United Kingdom Government to apply to the Court for interim measures, and

"*Whereas* the Government of Iran has now ordered the expulsion of all the remaining staff of the Company in Iran and this action is clearly contrary to the provisional measures indicated by the Court,

"*The Security Council,*

"*Concerned* at the dangers inherent in this situation and at the threat to peace and security that may thereby be involved,

"1. *Calls upon* the Government of Iran to act in all respects in conformity with the provisional measures indicated by the Court and in particular to permit the continued residence at Abadan of the staff affected by the recent expulsion orders or the equivalent of such staff;

"2. *Requests* the Government of Iran to inform the Security Council of the steps taken by it to carry out the present resolution."

121. At the 559th meeting (1 October 1951), the item was included in the provisional agenda.

122. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS objected to inclusion of the item, arguing that such questions as the nationalization of its oil industry, the activities of foreign industrial concerns and the presence of foreign citizens on its territory were wholly within the domestic jurisdiction of Iran. Discussion of the complaint would, he declared, constitute interference in the domestic affairs of Iran, and would be a gross violation of the Iranian people's sovereignty inconsistent with Article 2, paragraph 7 of the Charter.

123. The representative of YUGOSLAVIA also declared that the complaint was not within the Council's competence. The action taken or contemplated by Iran with regard to the Anglo-Iranian Oil Company was, he said, a matter essentially within Iran's domestic jurisdiction.

124. The eight other representatives who spoke approved inclusion of the item in the agenda, with the representatives of China, Ecuador, India and Turkey reserving their positions both on the question of competence and on the merits of the case.

125. The representative of ECUADOR, with whose views the representative of TURKEY agreed, considered that the Council could hardly refuse to consider any matter which, in the opinion of a Member State, constituted a threat to international peace and security.

126. The representative of the UNITED KINGDOM recalled, in connexion with the remarks of the representative of the USSR, the statement of the four sponsoring Governments at the San Francisco Conference, that no individual member of the Council could alone prevent consideration of a question brought to the Council under the provision subsequently included in the United Nations Charter as Article 35. Citing Article 36, paragraph 6, of the Statute of the Court and Articles 93 and 94 of the Charter, the United Kingdom representative suggested that the finding of the Court on interim measures, indicating the existence of a case at least *prima facie* internationally justiciable and not therefore a pure matter of domestic jurisdiction, gave rise to international obligations which it was the right and duty of the Security Council to uphold.

127. The representative of the NETHERLANDS considered that the Council was dealing with exactly the same problem of competence which had faced the Court. Since the Court, the greatest authority on the matter, had suggested its competence so far in the matter in its indication of interim measures of protection, there seemed to be no doubt about the Council's competence under Article 94 of the Charter.

128. The representative of FRANCE argued that the divergence of views on the question of competence indicated the need for a debate.

129. The representative of the UNITED STATES OF AMERICA argued that a decision on whether the matter was essentially within the domestic jurisdiction of Iran depended on consideration of the substance of the question. His Government, without committing itself on the merits of the question, had no doubt about the Council's competence to consider the dispute between the United Kingdom and Iran on its merits. The Security Council had a responsibility to consider any dispute or situation such as the present one, the continuance of which might affect the maintenance of international peace and security.

130. The representatives of INDIA and CHINA felt that, even to decide its competence, the Council should have all the facts. The representative of China regarded the matter as one concerning property over which no party would resort to armed force in seeking a solution, and did not agree with the representative of the United States that the matter was one involving the responsibility of the Security Council in matters of peace and security.

Decision: *The Council decided by 9 votes to 2 (USSR, Yugoslavia), to include the item in its agenda.*

131. At the invitation of the President, the representative of Iran took his seat at the Council table.

B. Opening statements by the representatives of the United Kingdom and Iran

132. The discussion in the Security Council, which took place on 1 October and at five other meetings between 15 and 19 October 1951, opened with statements by the representatives of the United Kingdom and Iran.

133. At the 559th meeting (1 October), the representative of the UNITED KINGDOM declared that it was intolerable that one party to a case before the International Court should be allowed to flout the Court's findings and to impose its will unilaterally. The intention of the Iranian Government, announced on 25 September, to expel the remaining Company staff by 4 October was entirely contrary to the principles of international law and was, besides, creating an inflammatory situation which might well be a threat to peace. He stressed the need to adopt the United Kingdom draft resolution before the expulsion order went into effect.

134. The representative of the United Kingdom then reviewed the history of the Anglo-Iranian Oil Company from the first grant of a concession to W. K. D'Arcy in 1901. The terms of that arrangement included 16 per cent of the profits. Iran's income, like that of the Company, had been much reduced during the slump of the early thirties; and, in November 1932, the Iranian Government, after an abusive Press campaign, had declared the concession cancelled.

135. The United Kingdom had taken the matter to the League of Nations. Before it could be heard, however, there had been personally negotiated, in 1933, with the late Shah, a new agreement which enabled Iran to participate in the Company's profits during good years, with protection during bad years by a fixed payment per ton of oil. Article 22 of that agreement provided for arbitration when a difference of opinion arose between the parties.

136. Following criticism of the share being received by Iran from greatly expanded operations, the Company had negotiated in 1949 a Supplemental Oil Agreement, which revised some of the financial terms of the 1933 agreement in favour of the Iranian Government and had been signed by the Minister of Finance. The 1949 Agreement would have meant for Iran an income for the years 1948-1950 of no less than £76.66 million instead of £38.67 million, the United Kingdom representative stated. The Iranian Parliament (Majlis) had failed to ratify, however, and a campaign for nationalization had been started. In the light of the threat to the Company's position, the United Kingdom had informed the Iranian Government, on 28 February 1951, that under articles 21 and 26 of the existing 1933 agreement, the concession could not legally be terminated by an act such as nationalization. At the same time, the Company had declared that it was ready to negotiate an entirely new agreement based on an equal share in the profits. By 20 March, however, the resolution of the Majlis Oil Committee that oil should be nationalized throughout Iran had been approved by both Houses of Parliament, and on 1 May a nine-point law setting out the method of implementation had been promulgated. That law had established the National Iranian Oil Company.

137. Thereupon, the United Kingdom had requested negotiations and had warned that unilateral action would have the most serious consequences. On 20 May Iran had rejected the Company's request for arbitration in accordance with the terms of the 1933 agreement. The United Kingdom had then submitted the matter to the International Court on 26 May as a dispute between itself and Iran.

138. On 5 July the Court had made the order calling upon the Iranian Government and the Anglo-Iranian Oil Company to do nothing which would aggravate the dispute, the Company in the meantime to be permitted to carry on its operations as it had been doing prior to 1 May under the supervision of an Anglo-Iranian board with one neutral member. On 9 July Iran had announced rejection of the order.

139. Soon thereafter, negotiations had been reopened on the basis of the formula of Mr. W. A. Harriman, whom the President of the United States had offered to send as his personal representative to discuss the situation with the Prime Minister of Iran. The formula, he explained, had included recognition by the United Kingdom, for the purpose of the negotiations, of the principle of nationalization, while the Iranian Government had agreed to negotiate on the basis of the law of 20 March without insisting on the application of the

nine-point law which was unacceptable to the United Kingdom.

140. During the negotiations between a United Kingdom Cabinet mission and the Iranian Government, proposals had been submitted which, while accepting nationalization and offering the withdrawal of the Anglo-Iranian Oil Company as such from Iran, had been designed to ensure (1) the necessary technical efficiency for the production of oil in large quantities, by the retention of the British technical staff; (2) a sound operating organization in which the technical staff could have confidence; and (3) a continuance of existing marketing organizations. The Iranian Government, however, had insisted that the proposals did not conform to the agreed formula and that the only problems that could be discussed were the purchase of oil to meet the United Kingdom's own requirements, the compensation to be paid to the Anglo-Iranian Oil Company and the transfer of British technicians to the service of the National Iranian Oil Company. That attitude, which ignored the need to maintain the integration of all the industry's manifold activities, offered no basis for negotiations.

141. Meanwhile, the United Kingdom representative continued, Iranian interference with the operations of the Company had intensified. Insistence on tanker receipts in favour of the National Iranian Oil Company for all oil loaded—oil which was clearly the legal property of the Company—had brought tanker operations to an end, and on 31 July the refinery had ceased to operate.

142. New proposals sent by the Iranian Prime Minister, Mr. Mossadegh, to Mr. Harriman on 12 September, and indirect suggestions communicated on 19 September to the British Ambassador had been wholly unsatisfactory on the crucial question of operational management and unacceptable as a basis for negotiations.

143. Turning to legal aspects of the complaint, the United Kingdom representative explained that the case had been referred to the Security Council on the basis of Articles 34 and 35 of the Charter. No one could doubt, he said, the essentially inflammatory nature of the situation in Iran, even given goodwill and restraint such as the United Kingdom had shown, nor the potential threat to the peace. Anticipating the argument that Article 94, paragraph 2 of the Charter applied only to final judgments of the Court and laid no obligation on Iran to comply with decisions on interim measures, he said that there would be no point in making the final judgment binding if one of the parties could frustrate that decision in advance by actions which would render it nugatory. The steps which Iran had taken to bring the industry to a standstill were clearly contrary to the letter and spirit of the Court's order.

144. Passing to more general arguments, the United Kingdom representative pointed out that the Company paid £114 million in royalties alone, had invested a total of more than £26 million in new capital in 1949 and 1950, and had ploughed back a large share of its profits to the great benefit of the Iranian people. Under the 1933 concession, the Company's entire assets in Iran would become Iranian property in 1993.

145. From the social point of view, tens of thousands of Iranian employees enjoyed housing conditions, educational facilities, and health and other social services on a scale which working people enjoyed in no other part of Iran.

146. Decrying propaganda about the dangers of imperialism, the United Kingdom representative stressed that, whatever might be said of the past, since 1945 all nations in the free world had been striving to construct a new world order in which the developed and the less developed nations could co-operate to the benefit of all. Such a policy demanded restraint on the part of the poorer nations as well as the richer ones. The newly emergent nationalities in Asia could not lay the foundations of prosperity, or even of their continued existence, on nationalism alone.

147. Given a minimum of goodwill, he concluded, there was no reason why an arrangement satisfactory to both sides should not be worked out. The Iranians had not to date, played a great part in what should in principle be a joint undertaking. But their part had become increasingly great and under the latest proposals they would enter into genuine partnership, while direct Iranian participation in the operating concern would be very considerable.

148. At the 560th meeting (15 October), the representative of the UNITED KINGDOM introduced, in consequence of the changed situation since the filing of the original draft—a change which included the expulsion from Iran of the remaining Anglo-Iranian Oil Company staff—the following revised draft resolution (S/2358/Rev.1):

> *"Whereas* a dispute has arisen between the Government of the United Kingdom and the Government of Iran regarding the oil installations in Iran, the continuance of which dispute is likely to threaten the maintenance of international peace and security, and
>
> *"Whereas* the efforts to compose the differences between the United Kingdom Government and the Government of Iran regarding the installations have not succeeded, and
>
> *"Whereas* the Government of the United Kingdom requested the International Court of Justice for an indication of provisional measures, and
>
> *"Whereas* the International Court of Justice, acting under Article 41, paragraph 2 of its Statute, notified the Security Council of the provisional measures indicated by the Court on 5 July 1951, pending its final decision as to whether it had jurisdiction in the proceedings instituted on 26 May 1951, by the United Kingdom Government against the Government of Iran, and
>
> *"Whereas* the United Kingdom Government accepted the indication of the provisional measures and the Government of Iran declined to accept such provisional measures,
>
> *"The Security Council,*
>
> *"Concerned* at the dangers inherent in the dispute regarding the oil installations in Iran and the threat to international peace and security which may thereby be involved,

"*Noting* the action taken by the International Court of Justice on 5 July 1951, under Article 41, paragraph 2 of its Statute,

"*Conscious* of the importance, in the interest of maintaining international peace and security, of upholding the authority of the International Court of Justice,

"*Calls for:*

"1. The resumption of negotiations at the earliest practicable moment in order to make further efforts to resolve the differences between the parties in accordance with the principles of the provisional measures indicated by the International Court of Justice unless mutually agreeable arrangements are made consistent with the Purposes and Principles of the United Nations Charter;

"2. The avoidance of any action which would have the effect of further aggravating the situation or prejudicing the rights, claims or positions of the parties concerned."

149. The United Kingdom, he declared, was not then insisting on the return to the *status quo* prior to 1 May, but, without abandoning the struggle for the acceptance of the rule of law as opposed to the rule of force, was seeking agreement, at least on a provisional scheme, which would enable the flow of oil to be resumed without prejudice to the ultimate agreed solution.

150. Also at the 560th meeting, the Prime Minister of IRAN replied to the first United Kingdom draft resolution (S/2358).

151. Iran, he said, had a population of only 18 million persons and one of the lowest standards of living in the world. Its greatest natural asset was oil, whose exploitation should have improved the conditions of life. However, the oil industry had contributed practically nothing to the people's well-being, or to the technical progress or industrial development of the country. After fifty years of exploitation by a foreign country, there were still not enough Iranian technicians.

152. Although Iran had produced 315 million tons of petroleum during those fifty years, its entire gain had been only £110 million. In 1948, the net revenue of the former Anglo-Iranian Oil Company had been £61 million but Iran had received only £9 million while 28 million had gone to the United Kingdom Treasury in income tax alone. Therefore, the Iranian Parliament had voted unanimously in favour of nationalization of the oil industry, the subject of the complaint before the Council.

153. The Security Council had no competence to deal with the matter, continued the representative of Iran. Iran's oil resources were the property of its people. On 20 March 1951, the Iranian Legislature had unanimously enacted into law the principle that exploitation of oil resources should be nationalized, and on 30 April it had passed an implementing law, including a provision for just compensation. The exercise of Iran's sovereign rights in such matters of domestic concern could not be interfered with by any foreign sovereign or international body. That principle of international law was the law of the United Nations by virtue of Article 1, paragraph 2, and Article 2, paragraph 7, of the Charter.

154. Iran had concluded no agreement of any kind, whether by treaty, contract or otherwise, with other States, abridging that right. Yet, the United Kingdom had illegally trespassed on that right by seeking to take advantage of the "colonial exploitation" concession of 1933. That private agreement between the Government of Iran and the former Company had conferred no rights on the United Kingdom Government.

155. In its note of 9 July 1951 to the Secretary-General, the Government of Iran had explained why the Court was without competence and its order invalid and outside the terms of the Iranian declaration of 2 October 1950 recognizing the compulsory jurisdiction of the Court. The note also stated that the declaration was being withdrawn.

156. Apart from the bar to the Security Council's jurisdiction interposed by Article 2, paragraph 7, of the Charter, the Council could not do what the United Kingdom asked and enforce compliance, under Article 94 of the Charter, with provisional measures indicated by the Court under Article 41 of the Statute, since the latter attributed binding force only to a final judgment under its Article 59.

157. As to the suggestion that the Council must have jurisdiction because of the existence of a threat or potential threat to international peace and security, the representative of Iran asked how Iran threatened world peace. Its budget was about $US 250 million and it had no potential for war. Whatever danger there might be to peace lay in the display of force with which the United Kingdom had sought to keep Iran from exercising its sovereign authority over its natural resources. If, as had been publicly declared, those tactics had been abandoned, there was no longer any likelihood of a menace to international peace and security.

158. In a review of the policy of the United Kingdom toward his country, which he termed imperialistic, the representative of Iran said that its unlawful intervention in the internal affairs of Iran had taken various forms. It had sought to incite internal dissension and sedition and to instigate strikes, and to intimidate Iran by stationing military forces in the vicinity. A military *coup d'état* had taken place in 1921 with British connivance, and had resulted in a dictatorial régime which the British had fostered for twenty years. The dictatorship had made possible the replacement of the D'Arcy concession, which would have expired in 1961, by the fraudulent 1933 agreement which had extended the concession to 1993 and involved glaring financial disadvantages, including the postponement to that year of the transfer of the Company's installations to Iran.

159. He declared that the Company had failed to carry out certain possibly favourable provisions in the 1933 agreement by not paying the 20 per cent royalties due on all the profits of subsidiary and associated companies; by preventing auditing of accounts by the Iranian Government and verification of the amount of oil exported; by sabotaging the principle of Iranian technical development and increasing the number of foreign employees from 1,800 in 1933 to 4,200 in 1948; by not carrying out the obligation to make available any information required at any time, in particular regarding the amounts of oil sold to the British

Admiralty at very low prices; and by not assuring health service and housing for its Iranian labourers, more than 80 per cent of whom were without housing.

160. The United Kingdom policy of political interference and economic oppression explained Iran's mounting resentment over the disparity between the revenue derived from the exploitation of its resources and the benefits which accrued to its people, according to the Iranian representative. Legislation in 1944 had prohibited the granting of future oil concessions. As dissatisfaction mounted, numerous mass demonstrations had demanded the restoration of Iran's right to its resources. Against that background, in 1949 the so-called Supplemental Agreement had been negotiated secretly but had been defeated in Parliament because of the firm backing given the opposition by public opinion.

161. Upon the passage in 1951 of the laws for nationalization, the Iranian Government had complied with the former Company's request for negotiations. However, since the Company's proposal had not only been contrary to the oil nationalization laws, but would have involved a revival of the former Company in a new guise, the negotiations had been broken off. The United Kingdom had accepted Mr. Harriman's formula as a new basis for negotiations. According to that formula, he explained, if the United Kingdom Government, acting on behalf of the former Anglo-Iranian Oil Company, formally recognized the principle of nationalization—that all the activities relative to the discovery, extraction and exploitation of oil were to be in the hands of the Government—the Iranian Government would be prepared to begin negotiations with representatives of the United Kingdom Government regarding the manner of the law's enforcement in so far as it concerned United Kingdom interests. Thereupon, a United Kingdom mission had submitted an eight-point proposal to provide, *inter alia,* for compensation to the former Company; for the establishment of a purchasing organization on behalf of the former Anglo-Iranian Oil Company which would get a practical monopoly of the purchase of oil; for equal division of the profits between the National Iranian Oil Company and the purchasing organization; and for an operating agency, to act on behalf of the National Iranian Oil Company, composed of the British staff with an Iranian representative on the board. Those proposals had been rejected because they were contrary to the Oil Nationalization Law and did not comply with the approved formula.

162. In the negotiations, the representative of Iran maintained, his Government had submitted sound and constructive proposals regarding the compensation of the former Company and the sale to the United Kingdom, at prevailing international rates, of the amount of oil purchased in previous years. That conciliatory attitude had proved fruitless, and had resulted in the interruption of the flow of oil and an aggravation of Iran's economic difficulties. The Government of Iran, therefore, had had no choice but formally to notify such British technical staff in Abadan as were not ready to enter into the employment of the National Iranian Oil Company, to prepare for departure within a week. Nevertheless, Iran was willing to reopen negotiations on those two points as soon as the United Kingdom showed a real desire to reach a settlement.

163. At the 561st meeting (16 October), the representative of IRAN continued his opening statement by declaring that the United Kingdom's revised draft resolution (S/2358/Rev.1) was no better than the original one in that the Security Council was not competent to deal with the complaint. The draft resolution still asked the Council to express concern at a threat to the peace presented by a non-existent dispute regarding oil installations, when the only dispute between Iran and the United Kingdom was over the latter's attempt to interfere in Iran's internal affairs. The only question with regard to the oil installations was the amount of compensation to be paid to the former Company. That question had not yet been arranged between the Company and Iran because the Company's principal stockholder, the Government of the United Kingdom, clung to the claim that Iran had no right to nationalize its oil industry. The negotiations of July 1951 had shown that the professional acceptance of the principle of nationalization had been a mere formality. Iran was just as anxious as the United Kingdom Government to achieve a solution based on the rule of law, but that Government had continued to rely on the use of economic pressure. Iran saw no evidence, in the revised draft resolution, of any sincere desire to negotiate with Iran on an equal footing in accordance with the principles of law.

164. In reply the representative of the UNITED KINGDOM declared, regarding the question of the Council's competence, that international law regulated not only the circumstances in which foreign property could validly be expropriated but also the proper conditions. It was thus, he argued, a confusion of the issue to plead the general right of nationalization, which the United Kingdom did not dispute. Moreover, it was part of the United Kingdom case that Iran had broken certain treaties between the two countries, and that fact was sufficient by itself to remove the dispute from the realm of domestic jurisdiction. There was the further fallacy underlining the domestic jurisdiction argument that anything done by a government on its own territory in relation to private companies was *ipso facto* a matter of domestic jurisdiction; for, if that were so, the admitted rules of international law governing the treatment of foreigners would be futile.

165. Turning to the Iranian representative's impeachment of the Company, the representative of the United Kingdom cited facts to show that some of the accusations were false, and others much exaggerated. Emphasizing the importance of revenues from the Company to the economy of Iran, he compared the £29.6 million received by Iran in 1949 from the Company with the £7.1 million distributed to its stockholders. He pointed out the proportionately greater increase in Iranian employees—from 14,000 to 70,000—than in foreign employees—from 1,800 to 4,200—between 1933 and 1948, a period of great expansion, and the fact that 60 per cent of the Company's 9,100 salaried staff occupying the highest positions were Iranians.

166. The astonishing allegations of Company intervention in the internal politics of Iran, the United Kingdom representative said, were false. The ease with which nationalization had been carried out showed that the Company had adhered to its industrial task and had little or no power of influence outside it.

167. The Iranian Government, he continued, maintained generally that the Persian people had been impoverished owing to the activities of the Anglo-Iranian Oil Company. That was demonstrably untrue. That Company by its skill and foresight and good management had succeeded in developing the oil of Iran, which the Iranian Government could not itself develop. Iran could not have the help of foreign experts and capital which it wanted and at the same time insist on unacceptable terms or break contracts or act in defiance of international law. As for alleged extortionate profits, he said that the Company had consistently offered the most advantageous terms prevailing in the oil industry in the Middle East and had demonstrated its willingness to modernize the terms of its contract.

C. General discussion

168. At the 561st meeting (16 October), the representatives of India and Yugoslavia jointly submitted amendments (S/2379) to the United Kingdom revised draft resolution. Those amendments called for deletion of the following: (1) the last two paragraphs of the preamble; (2) the words "the principles of the provisional measures indicated by the International Court of Justice unless mutually agreeable arrangements are made consistent with", and "rights, claims or" in operative paragraphs 1 and 2 respectively.

169. The representative of INDIA declared that the aim of the amendments was to propose a basis for negotiations which would safeguard the legitimate position of each party and offer a real possibility for resuming negotiations in a favourable atmosphere, without prejudging the question of the Council's competence.

170. The representative of YUGOSLAVIA still believed that the Council was not competent to deal with such matters as the nationalization of a country's resources, which came essentially within the domestic jurisdiction of the State concerned. However, if the Council felt that it could make a useful contribution to settlement by the parties themselves, his delegation considered the approach of the United Kingdom revised draft resolution to be fundamentally sound.

171. The representative of CHINA then suggested additional amendments, designed, he said, to avoid the inappropriate characterization of the dispute as a threat to the maintenance of international peace and security, to drop all references to the International Court, and to have the Security Council "advise" instead of "call for" negotiations, so that the resolution would not prejudge the question of competence but simply urge friends to resume negotiations.

172. The representative of the UNITED KINGDOM observed that the suggestions of the representative of China would reduce the draft resolution to a practical zero. His delegation therefore firmly opposed them.

173. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS opposed the United Kingdom draft resolution and all amendments thereto. He declared that they pursued the same end: to force Iran to conduct negotiations and to make a question which lay exclusively within its domestic jurisdiction the subject of international discussion contrary to Article 2, paragraph 7, of the Charter.

174. At the 562nd meeting (17 October), the representative of the UNITED KINGDOM stated that his delegation accepted, with the greatest reluctance, the amendments proposed jointly by the delegations of India and Yugoslavia. Accordingly, he submitted a second revised draft resolution (S/2358/Rev.2).

175. The representative of ECUADOR stated that, as it was the first time that the Security Council had dealt with a question arising between a government and a foreign company, the eventual decision of the Council would constitute an important precedent. He based his views on certain provisions of several Inter-American agreements which were a series of standards constituting a part of international law. The question of domestic or international jurisdiction with regard to the dispute was to be decided by the International Court of Justice. When the final judgment was passed, and if the case arose, Article 94, paragraph 2, of the Charter would be applicable. Its applicability in the case of failure to carry out provisional measures was debatable, but the Court could be consulted by the Council on that question.

176. If the Court decided that it was not competent because it was a case of domestic jurisdiction, the Security Council should not intervene in a legal matter against the opinion of the judicial organ of the United Nations. Therefore, it would be inadvisable for the Council to rule at present on its own competence.

177. The nationalization of the oil industry in Iran was a domestic matter—and legally unassailable provided that those whose lawful rights were affected by it were given fair compensation—and could not of itself afford ground for a complaint to the Security Council. Moreover, it appeared that neither country would attack the other and that, therefore, the dispute did not threaten the maintenance of peace.

178. In general, a plaintiff must exhaust the local remedies provided by internal jurisdiction, before trying to invoke a denial of justice. From the facts arising out of the discussion, it appeared that such was not the case, and that the damages alleged by the plaintiff were caused by an Iranian general legislative measure. Moreover, it seemed clear that there had been no refusal to pay compensation.

179. His delegation had heard no evidence in the discussion that the Iranian Government had violated any treaty with the United Kingdom. It was questionable whether the mere exercise of the so-called right of diplomatic protection transformed a dispute between a State and a foreign company into an international one within the meaning of Chapter VI of the Charter.

180. If there was no danger to the peace, the Council was not competent to make recommendations under Article 36. Further, it was highly debatable whether the failure of a State to observe provisional measures indicated by the International Court empowered the Security Council to make recommendations under Article 94.

181. His delegation could not vote for the United Kingdom draft resolution even as amended. Because a direct settlement would be more likely if the Council,

without declaring its competence or incompetence, merely used its moral influence, he proposed the following draft resolution (S/2380):

"*Considering* the request submitted and the statements made by the United Kingdom Government, and the statements made by the Government of Iran, in connexion with the oil installations in Iran, and the background of the dispute and the facts relating thereto,

"*Considering* that the International Court of Justice is to express its opinion on the question whether the dispute falls exclusively within the domestic jurisdiction of Iran,

"*The Security Council,*

"*Without deciding* on the question of its own competence,

"*Advises* the parties concerned to reopen negotiations as soon as possible with a view to making a fresh attempt to settle their differences in accordance with the Purposes and Principles of the United Nations Charter."

182. At the 563rd meeting (17 October), the representative of the UNITED STATES OF AMERICA declared that there could be no question about the competence of the Council in the case because there clearly existed a dispute between the United Kingdom and Iran, the continuance of which was likely to endanger international peace and security.

183. Quoting extensively from the statements of the Iranian representative, he argued that the Council needed no further evidence than the Iranian Prime Minister's own admission of the dangerous nature of the dispute. Clearly, the Council had the duty to do what it could to promote a peaceful settlement. His Government supported the draft resolution as amended (S/2358/Rev.2).

184. The representative of FRANCE also supported the amended draft resolution, which reflected a conciliatory attitude on the part of the United Kingdom. He hoped that negotiations would produce an agreement which would not only promote the welfare of Iran but also would satisfy the British who had been partners in a great work.

185. The representative of IRAN, in a final statement, declared that the 1933 agreement had been extorted from Iran by force and fraud and had been null and void *ab initio*. The same methods employed in the inducement of that so-called contract had continued to be employed by the Company, to whose principal offices in London the Government of Iran had looked for guidance during the period of the Company's ascendancy.

186. The acknowledgement by the representative of the United Kingdom that the undertaking should have been joint came after nearly fifty years of exploitation. What might have been accepted at the beginning was no longer possible since Iran had bought and paid many times over for the share in the enterprise now offered.

187. Commenting on the facts cited by the United Kingdom representative, he gave data to show (1) the enormous disparity between, on the one hand, the Company's earnings and the returns to the United Kingdom Government and, on the other hand, the sums derived by the Iranian Government, including the fact that the Company's profits in 1950, after the deduction of the share of about £16 million paid to Iran, amounted to more than the total royalties of £114 million stated to have been paid in the past fifty years; (2) the unsatisfactory labour conditions in the oil industry; (3) the Company's effort to maintain a monopoly of technical know-how; (4) the lower proportional share of returns received by Iran and its inferior status in oil production, compared with its oil-producing neighbours; and (5) the Company's intervention in Iran's political, commercial and social affairs.

188. Iran was certainly not behind the United Kingdom in its eagerness to negotiate, he continued, but the former Company would never again operate in Iran. Neither by trusteeship nor by contract would Iran turn over to foreigners the right to exploit its oil resources.

189. In conclusion, the representative of Iran contended that expropriation of alien's property was governed by one condition only—compensation—and that there was no denial of justice unless compensation was refused. Compensation had been specifically provided for in Iran's nationalization statute. Several proposals for a settlement had been made, but no reply had been received.

190. The representative of the NETHERLANDS considered that undoubtedly the Council was competent to deal with a situation which had arisen out of Iran's failure to comply with the provisional measures indicated by the International Court. His delegation supported the second revised draft resolution (S/2358/Rev.2) but would have preferred the first revision (S/2358/Rev.1), in which the reference to the Court's provisional measures had not been watered down.

191. The representative of CHINA declared that his delegation could not vote for the amended draft resolution, but would vote for the Ecuadorian draft resolution, which was closest to its views.

192. He still had doubts on the matter of competence. While he felt that nationalization was entirely within the domestic jurisdiction of Iran, he could not accept the absolutist doctrine that any complications which might well arise from the act of nationalization were beyond the Council's jurisdiction. Such an assertion would render useless the recognized right of diplomatic protection.

193. The representative of BRAZIL considered that the Security Council's task could better be accomplished through conciliation than through the role of an international tribunal ruling on complex legal issues. His delegation welcomed the conciliatory step of the United Kingdom in presenting the second revised draft resolution. In supporting it, his delegation did not in any way prejudge the merits of the Anglo-Iranian Oil Company case nor condemn the position of the Iranian Government in the matter.

D. Adjournment of the discussion

194. At the 565th meeting (19 October), the representative of YUGOSLAVIA noted that there was something very close to unanimity on the advisability of the two countries most directly concerned getting together

again and trying to settle their differences, yet there was a substantial divergence of views on the Council's competence. His Government shared both the general desire that talks should be resumed and the doubts regarding competence, and had been prepared to support an appeal of the Council to the parties concerned only if the other members had provided an overwhelmingly positive answer to the question of competence.

195. The representative of FRANCE moved the adjournment of the debate on the draft resolution until the Court had ruled on its own competence in the matter.

196. The representative of the UNITED KINGDOM, noting that the doubts of a minority in the Council on its competence prevented adoption of the revised draft resolution, agreed therefore to the French representative's suggestion.

197. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared that his delegation could not agree to the proposal, reiterating that the Security Council was not entitled to discuss the item on the agenda.

198. The representative of CHINA pointed out that the Court's decision on its competence would not automatically mean that the Council was competent or incompetent to deal with the question. His delegation would support the French proposal, which meant, first, that in order to achieve a settlement, a postponement was desirable and, secondly, that the decision of the Court might throw some light on the problem of the Council's competence.

199. The representative of the UNITED KINGDOM declared that his Government had followed scrupulously the procedures of the Charter for setting international disputes. Both the Company's request for arbitration and his Government's attempt to negotiate had been fruitless because of the completely negative attitude of the Government of Iran. There had been a denial of justice. The fact that the Security Council was declining to act effectively might create a most serious precedent for the future.

200. As regards the future, the United Kingdom would still not refuse to discuss matters, provided that the Iranian Government did not insist on discussing only the questions of compensation and sale of oil to the United Kingdom. Whatever the Iranian representative might say to the contrary, the latter's views would not be acceptable to any Government or company in a similar situation. He asked how the Iranian Government could pay compensation or discuss the sale of oil if Iran had neither the revenues nor the oil to sell because it was unable to operate its oil industry effectively. He added that there was nothing in the various offers made by his Government which could be regarded as in any way inconsistent with full and complete nationalization, that is, the ownership by the Iranian Government of the oil industry of its country.

Decision: *At the 565th meeting, on 19 October 1951, the motion of the representative of France was adopted by 8 votes to one (USSR), with 2 abstentions (United Kingdom, Yugoslavia).*

201. The representative of Yugoslavia explained that his delegation had abstained because the motion implied that the question of the competence of the Security Council depended, at least to a certain degree, on the decision of another United Nations body, an opinion which his delegation did not share.

Note: Public hearings of the International Court of Justice on the Anglo-Iranian Oil Co., Ltd. case began on 9 June 1952 at the Hague.

Chapter 4

QUESTION OF AN APPEAL TO STATES TO ACCEDE TO AND RATIFY THE GENEVA PROTOCOL OF 1925 FOR THE PROHIBITION OF THE USE OF BACTERIAL WEAPONS

A. Adoption of the agenda

202. At its 577th meeting (18 June 1952), the provisional agenda of the Security Council included the following items submitted by the President, the representative of the USSR: "Appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons". In accordance with a proposal made by the representative of the United States, the English text of the item was changed to read: "Question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons". The item, with the English text alone thus modified, was included in the agenda.

B. Consideration of the USSR draft resolution

203. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, stated that there could be no doubt of the importance of the Geneva Protocol of 1925 in the history of the last quarter of a century. The obligations assumed by States under that international agreement had proved to be an effective restraining influence on the aggressive States which had resorted to acts of aggression more than once during that period and had precipitated the Second World War. Not one of those aggressive States had dared to ignore the importance of the Geneva Protocol.

204. Reviewing the history of the question of prohibition of bacterial weapons in the United Nations, he noted that discussion of matters relating to the reduction of armaments and the prohibition of atomic weapons had diverted attention from that question despite the fact that General Assembly resolution 41 (I) of 14 December 1946 had already referred to the necessity of prohibiting and eliminating all weapons adaptable to mass destruction.

205. Stressing the condemnation of those weapons in the Geneva Protocol, the representative of the USSR recalled that the States signatories to the Protocol had already undertaken the obligation to exert every effort to induce other States to accede to that Protocol. Forty-eight States, including all of the great Powers, had signed or acceded to the Protocol, and only six of those States—the United States, Japan, Brazil, Nicaragua, El Salvador and Uruguay—had not ratified it. The fact that the overwhelming majority of the States of the world including the permanent members of the Security Council with the exception of the United States of America had signed and ratified that international agreement bore witness to its importance and to the enormous significance of the international, political, legal and moral obligations deriving from it. Its ratification by forty-two States indicated that its provisions relating to the prohibition of gas and bacterial warfare were a rule of international law, as they had been intended to be.

206. Some differences of opinion existed among statesmen and leading public figures on the admissibility of the use of bacterial weapons, although it was well known that the Geneva Protocol had prohibited their use.

207. That circumstance, and the fact that the development of the production of bacterial and chemical weapons created a threat to international peace and security, made it imperative that the United Nations and the Security Council, as the main organ bearing primary responsibility for the maintenance of international peace and security and for the adoption of the measures necessary for the strengthening of peace, should adopt appropriate measures to prevent the use of such weapons. In a number of countries preparations were being made for bacterial warfare. By calling upon all States which had not acceded to, or ratified their accession to the Geneva Protocol to accede to and ratify it, the Security Council would stress the international significance of the Geneva Protocol and the importance of the international obligations arising out of it. The representative of the USSR then submitted the following draft resolution (S/2663):

"*The Security Council,*

"1. *Having regard* to the fact that differences of opinion exist among statesmen and public figures in various countries concerning the admissibility of using bacterial weapons,

"2. *Noting* that the use of bacterial weapons has justly been condemned by world public opinion, as expressed in the signature by forty-two States of the Geneva Protocol of 17 June 1925 which provides for the prohibition of the use of bacterial weapons;

"3. *Decides*

"*To appeal* to all States, both Members of the United Nations and non-member States, which have not yet ratified or acceded to the Protocol for the prohibition of the use of bacterial weapons, signed at Geneva on 17 June 1925, to accede to and ratify the said Protocol."

208. The representative of the UNITED STATES OF AMERICA said that the Council was faced with a situation which it must consider carefully. As the United States representative in the Disarmament Commission had pointed out when the USSR representative had claimed that ratification of the Geneva Protocol was an essential condition and element of a peaceful world and of a disarmament programme, those who made false charges concerning the use of bacterial warfare could just as easily make false promises not to use bacterial warfare.

209. The reasons why the United States Senate had not ratified the Protocol of 1925, whatever their interest to a historian, were scarcely relevant to a consideration of the problem at present. The question of ratification in the present day must be viewed in the light of that day's facts. It was in full recognition of the problems confronting the freedom-loving world that the President of the United States had in 1947 withdrawn from the Senate calendar the Geneva Protocol and eighteen other treaties which had become just as obsolete.

210. The USSR reservations to the Geneva Protocol demonstrated that poison gas or germ weapons were clearly not considered inadmissible for use by the USSR Government under certain conditions, and belied the statement in the USSR draft resolution to the effect that the use of those weapons were inadmissible. By those reservations the Government of the USSR regarded itself as free to use poison gas or germ warfare against any State which it decided to label an enemy and which it declared had used those weapons. The United States representative observed that he did not mean to suggest that the reservations were in themselves inappropriate. Other States acceding to the Protocol had expressed similar reservations. However, by charging the United Nations Command with the use of bacterial weapons, the USSR Government had set the stage for using the weapons itself should it decide to declare that the States resisting aggression in Korea were its enemies.

211. The real question was not the exchange of promises, with or without reservations. The world was concerned about the known abilities of States, about whether they possessed certain weapons and had the capacity and the means to employ them. In that connexion, he noted that the USSR admitted that it was engaged in research on bacterial weapons.

212. The best evidence of his country's attitude toward germ warfare was its record, the United States representative continued. The United States had never used germ warfare in the Second World War or at any other time. On behalf of the Unified Command, he stated that the United States had not and would not use germ warfare of any kind in Korea. His country was sickened at the thought of the use of weapons of mass destruction, as also by the threat of aggression. It stood ready to eliminate weapons of mass destruction through the establishment of an effective system based upon effective safeguards so that their use would indeed be impossible, as proposed in the Disarmament Commission, but was unwilling to participate in committing a fraud on the world by relying solely on paper promises allowing the stockpiling of unlimited quantities of germ warfare or other weapons that could be used at the drop of a hat, and whose preparation could not possibly be detected.

213. As the USSR representative had admitted, the question under discussion related to the problem of the regulation of armaments and the prohibition of weapons of mass destruction. It was clear that the Disarmament Commission was the only proper body to consider the matter. The United States representative therefore proposed that the USSR draft resolution be referred to the Disarmament Commission.

214. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, said that his delegation had already made an official statement to the effect that there was no connexion between the USSR proposal and the events in Korea. The Soviet Union was concerned only with the strict formal question of accession to and ratification of the Geneva Protocol, irrespective of what American aggressors were doing in Korea. However, the United States representative attempted to divert the attention of the Council to another matter which had no relation whatsoever to its agenda. By that bankrupt argument the United States representative attempted to conceal his Government's failure to accede to the Geneva Protocol, and said nothing as to why that Government had for twenty-two years neglected to accede to the Protocol. The USSR representative said that the arguments advanced by the United States representative to the effect that the Soviet Union had made reservations to the Geneva Protocol were worthless since it was the right of every State to make such reservations and that similar reservations to the Protocol had been made not only by the Soviet Union but by some twenty of the forty-two States which had ratified the Protocol, including the United Kingdom. Such an artificial line of argument constituted an insult to those who had signed and ratified the Protocol, which had become an important and significant international rule, a rule which was opposed by the Government of the United States of America.

215. The United States Government had not submitted any practical proposals on the prohibition of bacterial weapons as its representative asserted. The proposals referred to by the representative of the United States were intended to prevent the prohibition of bacterial weapons and, thereby, to facilitate the preparation of bacterial warfare.

216. As for the third argument of the representative of the United States, relating to guarantees, the representative of the USSR noted that the League of Nations Special Committee, after many years of work, had reached the conclusion that supervision of preparation for bacterial warfare could never be complete and would therefore always be ineffective. Recently, the New York branch of the American Association of Scientific Workers had emphasized that the impossibility of control and supervision of bacterial weapons made imperative their prohibition and collective undertakings to punish their users. The conclusion which must be drawn from that was that the United States delegation and its Government, in adducing arguments relating to so-called guarantees, were using a pretext intended to camouflage their refusal to ratify the Geneva Protocol and to enable them to take cover behind discussion about guarantees. The Security Council had no justification for ignoring the Geneva Protocol, and adoption of the USSR draft resolution would undoubtedly be a practical step towards the strengthening of international peace and security. The proposal to refer the matter to the Disarmament Commission was not justified, since the United States representative in that Commission had opposed the consideration of the question of confirming the prohibition of bacterial weapons and of measures for the bringing to account of their users. Now, when the Soviet delegation submitted a proposal that the Council should appeal to States to accede to and ratify the Protocol, the United States representative proposed to refer the matter to the Disarmament Commission where his delegation had already voted against it.

217. At the 578th meeting (20 June), the representative of GREECE stated that the USSR proposal should be set in its historic background to be seen in true perspective. As the representative of a country which had ratified the Geneva Protocol without attaching any reservations, he could have suggested to the self-appointed advocates of the Protocol to set a good example by waiving their reservations which voided that instrument of much of its substance. The propaganda which had preceded the formulation of the appeal and the obvious designs of its sponsors, however, could only confirm the opinion that the Protocol was obsolete and had been outstripped by subsequent events.

218. He recalled the USSR representative's repeated allegations concerning bacterial warfare in the Disarmament Commission and noted that in his current proposals the latter was asking a purely political body to examine a strictly technical question, despite his previous declaration that only the Disarmament Commission was competent to settle the question of bacterial warfare. The USSR representative appeared determined not to have the right organ do the right thing.

219. The representative of the NETHERLANDS stated that the Disarmament Commission was the appropriate organ to deal with the question of bacterial warfare, since it had been charged by the General Assembly to prepare proposals for the elimination of all major weapons adaptable to mass destruction. In the matter of weapons of mass destruction, the General Assembly wanted to go further than the prohibition called for by the USSR.

220. The representative of BRAZIL found it difficult to understand why the USSR proposal had been presented to the Security Council, in the absence of any indication under which section of the Charter the matter was supposed to be dealt with by that body. Why should the Council, without further justification, consider a matter which seemingly did not affect the maintenance of international peace and security, and issue an appeal for the ratification of a twenty-five-year-old international Convention? Only fear of retaliation had prevented the use of poison gas and bacterial warfare by the aggressors during the Second World War. The Geneva Protocol did not exclude stockpiles of such weapons, the possession of which always presented the possibility of their use by a potential aggressor. The effort to be made should, therefore, be directed towards finding a more adequate instrument for doing away with means of mass destruction. Standards of international morality had become such that the protection supposedly afforded by the Protocol had become

illusory. The course proposed by the USSR could only mislead public opinion.

221. The representative of TURKEY said that his country, which had ratified the Geneva Protocol unconditionally and continued to maintain its faith in the spirit which had guided the preparation of the Protocol, had given its full support to General Assembly resolution 502 (VI) of 11 January 1952 and had repeatedly stressed the importance of international co-operation in the controlled and effective elimination and reduction of all armaments. There was no advantage in focusing attention on a Protocol which embraced only some of the many aspects of problems being dealt with in the Disarmament Commission. Moreover, the Council could not overlook the fact that the USSR proposal coincided with an organized campaign of false and slanderous accusations aiming to discredit the United Nations forces in Korea.

222. The representative of the UNITED KINGDOM considered that the USSR proposal was merely a move in the general campaign of baseless charges on bacterial warfare which was being waged by the USSR. The USSR representative had greatly exaggerated the actual influence of the Protocol on events during the last twenty-five years. In that connexion, the United Kingdom representative cited an exchange of letters between Mr. Churchill and Premier Stalin in March 1942, when Mr. Churchill had assured Premier Stalin that any use of poison gas against the USSR would be treated as if it had been dir d against the United Kingdom. Premier Stalin had not suggested at the time that it was a crime for the United Kingdom to possess a large stock of gas bombs, though those bombs were obviously the result of research during the pre-war years. It was obvious that the value of the Protocol and of any similar declaration must rest entirely on the good faith of the governments parties to it, so long as the declaration was not supported by any effective system of control. It was clear that, after having violated the principal obligation under the Charter not to aggress, any aggressor would hardly refrain from violating other obligations he might have undertaken if he considered that he could do so profitably.

223. Regarding the USSR representative's reference to the opinion of the League of Nations Special Committee that supervision of preparation for bacterial warfare could never be complete, the United Kingdom representative recalled that the USSR, in 1928, had proposed a supplementary protocol providing for the destruction of all methods and appliances of chemical and germ warfare, and for the establishment of permanent control through trade unions. The present defeatist attitude of the USSR Government was quite inconsistent with that earlier view.

224. His Government had signed and ratified the Geneva Protocol and intended to observe it most scrupulously; nevertheless, his Government would do its best to improve upon the Protocol—for example, by working out plans for the control of bacterial warfare in the Disarmament Commission.

225. The United Kingdom reservations to the Protocol had been similar to those made by the USSR. They were obviously reasonable so long as the prohibition of poison gas and bacterial weapons depended only on the assurances given by each government. The result was, however, that any government had only to accuse its enemies of having used such weapons to free itself of the restrictions imposed by the Protocol. The charges about the use of germ warfare in Korea illustrated how easily and irresponsibly that could be done. What was really needed, therefore, was a comprehensive disarmament plan which would guard against aggression and what was really important was for the USSR to sit down in the Disarmament Commission with the real intention of achieving results.

226. The world would not be deluded by the USSR manœuvre. A Government which could make the wild accusations in which the USSR had indulged in recent months, without a vestige of truth, could also abrogate any paper engagements entered into previously. The sincerity of the USSR must be proved by actions: by ceasing to favour aggression, by calling off its hate campaign, by agreement to reasonable political settlements, and by allowing the world to settle down and recover from the slaughter provoked by the nazis.

227. Speaking as representative of the UNION OF SOVIET SOCIALIST REPUBLICS, the President stated that the United Kingdom had formerly rejected the proposals of the Soviet Union in the League of Nations for the improvement of the Geneva Protocol. To judge from the attention which had been given to those Soviet proposals by the United Kingdom representative, it would appear that the United Kingdom was changing its attitude towards them. At the 579th meeting (20 June), the representative of CHINA reiterated his delegation's stand in favour of the prohibition of bacterial warfare. It would prefer to have all possibility of bacterial warfare eliminated. Since the matter clearly came within the terms of reference of the Disarmament Commission, it was surprising that the USSR representative should have chosen to bring it up in the Security Council instead. There had been no opposition to such a study in the Commission. The problem was not a simple one, and it was not solved by the Geneva Protocol of 1925. That was why his delegation had called upon the Disarmament Commission to devise new and stronger measures.

228. The Geneva Protocol had been based upon the good faith of subscribing States and, unfortunately, that faith was lacking in the existing world. Having started with a defective instrument, subscribing States had tried to protect themselves with reservations which, in turn, had made the instrument weaker. Analysing the reservations made to the Protocol, he said that the Council could not escape appreciating their practical significance in the light of the deliberate manufacture of false evidence concerning charges of the use of germ warfare by the United Nations command. In the present era, wars were fought by one group of States against another group of States, so that if a State on one side was suspected by a State on the other side of having resorted to germ warfare, the whole Protocol of 1925 went by the board.

229. The representative of the UNITED STATES OF AMERICA said that if the USSR argument urging the ratification of a protocol twenty-seven years old were

taken at face value, it merely showed the need for pressing on in the Disarmament Commission with plans for the effective control of all weapons of mass destruction, including weapons for germ warfare. The USSR representative had not as yet withdrawn or abandoned the campaign of lies against the United States; now he had attempted to dissociate the proposal relating to the Geneva Protocol from that campaign. Was that because the introduction of those charges would inevitably invite investigation?

230. The United States Government considered that effective control could be devised, and that preparations for waging bacterial warfare could be detected in a relatively open world such as that envisaged in the proposals before the Disarmament Commission, the United States representative continued. His Government had consistently taken the position that the elimination of bacterial weapons must be included in a comprehensive and co-ordinated disarmament programme. The Soviet representative's contention that consideration of the question of banning bacterial weapons had been opposed in the Disarmament Commission was without foundation, since the paragraph from the USSR plan of work on that subject had been rejected by the Commission in favour of a better formulation which, in fact, covered the prohibition of germ warfare. Whereas the USSR representative claimed that the discussion on the reduction of armaments and the prohibition of atomic weapons had diverted attention from the prohibition of bacterial weapons and had referred in that connexion to the report of the Secretary-General to the third session of the General Assembly, that same report had been attacked by the Soviet press in 1948 as an attempt to distract attention from the question of atomic energy.

231. The United States representative remarked that he had not criticized States for having expressed reservations regarding the Geneva Protocol. The point he had made was that those reservations became a fraud when a government which expressed them habitually used the weapon of the lie. Acting on the totally false campaign designed by the USSR to sell the world on the lie that the United States was waging bacterial warfare in Korea, the Chinese and North Korean communists could thereupon proclaim their right to use germ warfare against United Nations forces in Korea even if they were full signatories to the Geneva Protocol. That point, which had been avoided by the USSR representative, demonstrated why the Geneva Protocol was inadequate. That instrument could not be isolated from the vicious reality of the existence of a USSR propaganda campaign. The representative of the United States considered that the Council must concern itself with the USSR charges, in order to prevent them from continuing to poison relations among States and to obscure the significance of the United Nations action in repelling aggression in Korea.

232. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, rejected the assertion that the aim of his delegation was to achieve propaganda effects. Its purpose in proposing the item under discussion was to further the cause of international peace and security, to promote wider dissemination of the provisions of the Geneva Protocol among States, and to ensure that the States which had not acceded to or ratified the Protocol should do so and assume the political, legal, and moral obligations which it imposed.

233. None of the representatives of countries which had ratified the Protocol had said anything against it; thus, no one had supported the United States delegation in the matter. The representatives of countries which had ratified the Protocol had all said that they continued to respect it. They had, however, proved incapable of going further and declaring that the Protocol imposed upon them the obligation to do everything possible to induce all other States to accede to it. In terming the Protocol obsolete, the Government of the United States was issuing a challenge to international law. The attempt to explain the United States refusal to ratify the Protocol by saying that the year was 1952, not 1925, did not stand up to analysis. The three basic arguments which had been advanced against ratification in the United States Senate in 1926 remained the same. In the first place, chemical weapons were regarded as cheaper to produce and more effective to use in waging war. The second reason for refusal was distrust of other States and peoples and that was why the United States were preparing to use weapons of mass destruction against them. The third factor was the opposition of the American Legion and other military organizations and of American chemical concerns, which feared that ratification of the Protocol would affect business and war profits. Such were three factors which revealed why the United States had not ratified the Protocol, why it did not wish to do so at that time and refused to support the proposal that the Security Council should appeal to all States to accede to and ratify the Protocol.

234. He recalled that the USSR had not only ratified the Protocol immediately, but had taken immediate steps to improve it. The League of Nations had adopted a USSR proposal to invite all Governments to accede to and ratify the Protocol. That decision, however, had been ignored by the United States. A proposal that a new appeal should be issued had not been adopted in 1932 owing to the opposition of the bloc of States then headed by the United Kingdom delegation.

235. The United States representative had tried to refer to certain proposals which his country had submitted to the United Nations with regard to the prohibition of bacterial weapons. But he had named not a single document and had failed to make any specific references since no such proposals existed.

236. The statement of the United States representative on the Disarmament Commission concerning the desirability, in the indefinite future, of prohibiting atomic weapons and all other types of weapons of mass destruction could not be regarded as a concrete proposal on the prohibition of bacterial weapons. Undeniably, what was essential was a general disarmament programme, of which the prohibition of bacterial weapons would be a component part; and the USSR had made every effort since the establishment of the United Nations to draw up such a programme. For reasons which were known, however, no agreement

had been reached. The USSR representative therefore asked why the Council should turn its back on an already existing international agreement which was widely acknowledged to be useful and effective, and fail to support it until a more effective agreement was framed. An appeal by the Security Council for States to accede to the Geneva Protocol would in no way prevent the Disarmament Commission from continuing its work on the problem of disarmament, but would, on the contrary, assist the Commission in its work. Only those preparing themselves for new acts of aggression and for the use of bacterial weapons and all other weapons of mass destruction could disseminate propaganda to the effect that the Geneva Protocol was obsolete—propaganda which was hostile to all mankind and which contradicted the elementary standards of international law.

237. Dealing with the exchange of communications between Mr. Churchill and the USSR Government which had been referred to by the United Kingdom representative, the representative of the USSR noted that Mr. Churchill's warning to Hitler and the nazis that, if they used chemical weapons against the Russian people, the United Kingdom would send its aircraft to drop its large stock of chemical bombs on them, had been made on the basis of the reservations entered by the United Kingdom and Soviet Governments on signing the Geneva Protocol. That, however, did not at all mean that the obligations arising out of the Geneva Protocol absolved the United Kingdom and Soviet Governments from the need to comply with the Protocol. The fact that the United Kingdom Government had ratified it had made it impossible for Mr. Churchill to drop those bombs, inasmuch as he and the United Kingdom Government had been bound by its provisions. Had it not been for the Protocol, the USSR representative was not sure that after Coventry Mr. Churchill would not have decided to drop chemical bombs on Germany. But the obligations arising out of the Geneva Protocol had compelled the United Kingdom Government to observe it and to resort to the legitimate reservation it had made on signing the Protocol to warn Hitler not to use chemical weapons.

238. Such was the effect of the Geneva Protocol. The example quoted by the United Kingdom representative thus proved the great political, legal and moral force of the obligations arising out of the Protocol. The fact that Mr. Churchill had not made use of the enormous stock of chemical bombs at his disposal at a time of bitter conflict, even after the bombing of Coventry, showed that the Geneva Protocol had acted as a deterrent, had prevented the launching of bacterial warfare at that time, and had saved millions of lives. That also explained why the United States leaders feared the tremendous force of the obligations which the Protocol placed on States, and which was compelling them to evade ratification. There appeared to be an understanding among the opponents of the USSR proposal to prevent its adoption, as the American Press had disclosed. If such a plan existed, however, it constituted a direct violation of the Geneva Protocol by those States which had ratified it, in view of their solemn undertaking to encourage other States to accede to the Protocol.

239. The USSR delegation vigorously protested against the United States proposal, which was designed to bury the USSR draft resolution in the Disarmament Commission just as many other USSR proposals aimed at achieving the real prohibition of atomic weapons and other weapons of mass destruction and a real reduction of armaments and armed forces had been buried in the Commission and its predecessors.

240. The Security Council was in duty bound to take measures to prevent the use of bacterial weapons, which were directed against all mankind; their use was a crime under international law. Anyone who opposed the USSR proposal was therefore acting against the interests of all mankind.

241. The representative of CHILE observed that the USSR delegation had made it clear that its proposal had not been brought to the Council under Articles 34 or 35 of the Charter. The question must therefore have been raised under Article 26, which sets forth the Council's responsibility for formulating plans for the establishment of a system for the regulation of armaments. The USSR proposal was clearly of such a general nature that nothing could be more reasonable than to refer it to the Disarmament Commission, which was attempting to formulate over-all plans for the reduction of armaments and for the prohibition of some of them. The USSR representative, who had been arguing in the Disarmament Commission that the plans under consideration should cover every aspect of the problem, was not consistent in asking for the separate study and for the adoption of an isolated measure on the prohibition of one type of armament.

242. His country would have no objection in principle to repeating its support of the Geneva Protocol because, as far as Chile was concerned, the Protocol was in force. Chile would also like the Protocol to be signed and ratified by as many countries as possible. It would be extremely dangerous, however, to lead the world to believe that bacterial warfare would be avoided simply through the ratification of the Protocol.

243. Moreover, said the representative of Chile, with the best will in the world, it was not possible for him to believe the USSR representative's statement that there was no connexion between the proposal under discussion and the campaign, synchronized throughout the world under the leadership of the USSR, to make the world believe that the United Nations forces defending collective security in Korea were using bacterial weapons. The proposal was an attempt to place the signatories to the Protocol which were members of the Council in a dilemma; and the Council could not lend itself to such a manœuvre. The Chilean delegation was deeply alarmed by the scale of the campaign on alleged use of bacterial weapons and was firmly convinced that the proposal under discussion was an integral part of that campaign.

244. At the 581st meeting (25 June) the representative of FRANCE said that his Government had signed the Geneva Protocol and had made its ratification subject to reservations similar to those made by other States. Nothing in those reservations weakened in the slightest degree the extent and sincerity of his Government's adherence to the stipulations of the Protocol. His country did not regard the Protocol

as out of date but considered that it retained all its legal value and moral authority. Although it should be merged in a wider system for the control and abolition of weapons of mass destruction, pending the achievement of that desirable result the Geneva Protocol remained the chief international instrument which could, if respected, strip war of some of its more barbarous aspects. Its provisions were as binding as ever to the States parties to it, and the States which had abstained from signing or ratifying it had never, to his knowledge, challenged its principles or disputed its moral value. There would, therefore, appear to be no reason why the Council should not greet the USSR draft resolution sympathetically.

245. The actions of the Security Council, however, took place in a context which it could not ignore, the representative of France continued, and the USSR proposal could not be isolated from the circumstances which accompanied it. Those circumstances were that the States to be called on to ratify the Protocol or to accede to it were offered the prospect of being immediately and insultingly accused of violating it, without any means of defending themselves and justifying their actions. The manufacturers of the virulent charges against the United Nations Command rejected the most respected and acknowledged legal processes by refusing to have their accusations examined by an impartial commission of investigation, and declared that they would only abide by the decisions of judges appointed by themselves. That was the context in which the USSR representative contended that the USSR draft resolution was not connected with the propaganda campaign organized by the USSR Government. Many other international instruments, some of great importance and scope, still awaited the ratification of some of the States which had signed them. The manœuvre was obvious and the Council would not be deluded.

246. The only body competent to discuss the USSR draft resolution was the Disarmament Commission. As the French representative on the Disarmament Commission had made clear, the French Government included bacterial weapons among the forms of warfare to be prohibited.

247. At the 582nd meeting (25 June), the representative of PAKISTAN said that it remained obscure to his delegation why the USSR delegation should have chosen to propose the item under consideration at that time. While he had no hesitation in believing that the USSR delegation had proposed that item for the best and most humanitarian purposes, it was difficult to dissociate it from the general picture of world events. Although the actual reasons why the Protocol had not been ratified by the United States remained obscure to him, he had not the slightest doubt that they were in no way sinister. The USSR proposal was ill-timed.

248. Analysing the Protocol, the representative of Pakistan concluded that it was not an agreement to end bacterial or gas warfare; it merely regulated retaliation and reprisals. Asking whether such a Protocol would be of any use in the world today, he recalled that among the States which had acceded to the Protocol without any reservations whatsoever had been Italy and Ethiopia; yet the Protocol had not stopped Italy from visiting horrors upon the Ethiopian people. If every State signed the Protocol, could the world be sure that the situation would be any better than it had been between Italy and Ethiopia? For most of the people in the world, that would not be enough.

249. The smaller nations of the world, who were not in a position either to start a world war or to stop one, would want much greater guarantees. They insisted that the United Nations move on to a stage where guarantees could be given in a manner which would ease the tension in the world and dispel anxiety. The hopes of the world were pinned on the Disarmament Commission. The representative of Pakistan therefore agreed that the USSR proposal should be referred to the Disarmament Commission, which was the proper forum for consideration of the problem.

250. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that no allegations that the Geneva Protocol was ineffective could obscure the part which it had played in restraining States from using chemical or bacterial weapons. Not only had the United Kingdom refrained from using such weapons against Germany, as had been pointed out, but, despite all its plans for aggression and invasion at the outset of the war in 1939, Germany had declared, in response to a British inquiry, that it would observe the prohibition of the use of chemical and bacterial weapons provided for in the Protocol, on condition of reciprocity. That fact showed the utter falsity of the United States representative's attempts to decry the Protocol. The statements by Germany and the United Kingdom that they would abide by those provisions so long as they were not attacked with any of the prohibited weapons certainly had not weakened in any way the force of the obligations assumed by those States under the Protocol. The USSR representative also recalled that President Roosevelt, on behalf of the United States, had made two formal statements warning the Axis Powers against the use of poisonous substances. The statements he had referred to had not only not shaken or weakened the Geneva Protocol but, on the contrary, had emphasized still further the significance of obligations imposed by it concerning the prohibition of chemical and bacterial weapons. All those facts made perfectly clear the usefulness of the Protocol at the height of the Second World War. Mr. Truman had also not dared to use any of the weapons prohibited by the Geneva Protocol and that was a further proof of the strength and binding force of the provisions of the Protocol. On the other hand, it was general knowledge that he had used the atomic bomb against peaceful and unarmed Japanese cities.

251. The USSR representative drew the Council's attention to the widely known fact that, during the past few months, the United States Government had not said one word against the use of bacterial weapons, a question which had been engaging world public opinion since the protest of the Minister for Foreign Affairs of the People's Democratic Republic of Korea had been published on 22 February 1952, followed in March by a statement by the Minister for Foreign Affairs of the People's Republic of China concerning the use of bacte-

rial weapons against the Chinese people. The silence of United States politicians and military leaders on that important international question was significant, irrespective of events in Korea. The Council could not overlook that fact and must adopt the USSR proposal in the interests of strengthening international peace and security.

252. Only those who refused to ratify the Geneva Protocol and were prepared to use bacterial and chemical weapons were capable of distorting and bringing into disrepute such an important international document as the Geneva Protocol. That tactic, so dangerous to international peace and security, was being employed in the Security Council by the United States delegation.

253. The United States representative had attempted to poison international relations and the international atmosphere by disseminating the aggressive theory that international agreements, and the Geneva Protocol in particular, were "ineffective" and "obsolete". He had declared that the reservations to the Geneva Protocol were a "fraud" and a "trick", that the Geneva Protocol was a "paper pledge". He had tried in that way to poison the international atmosphere and to sow doubt about the principle of respect for international agreements and, in particular, for so important an international agreement as the Geneva Protocol, which had become an important rule of international law and international relations, "binding alike the conscience and practice of nations".

254. The United States not only refused to ratify the Geneva Protocol because of its aggressive policy, but at the same time endeavoured to sow distrust and doubt of that instrument in other Governments. All that proved that the United States was playing an unpopular and dangerous game. That pernicious and aggressive propaganda on the part of the United States run directly counter to the United Nations Charter. One of the weighty obligations of Member States under the Charter was to establish conditions in which respect for the obligations arising from treaties and other sources of international law could be maintained.

255. The United States position on the Geneva Protocol showed that it had adopted a policy of flagrant violation of its obligations under the Charter. Instead of helping to create conditions in which respect for the obligations arising from the Geneva Protocol might be maintained, the United States was doing the very opposite. It had taken the path of inciting to violation of an international agreement and the obligations deriving therefrom, of establishing conditions in which that agreement would be violated rather than observed. There could be no doubt that the attitude of the United States towards the Geneva Protocol would be rejected by the peoples of the world. The discussion in the Council had indicated that even the military allies of the United States refused to follow it on that question, the majority of them having officially affirmed that they would be faithful to the obligations of the Geneva Protocol. That fact permitted only one conclusion, namely, that every international agreement was judged by whether or not it contributed to the strengthening of peace and security. Every agreement, old and new, which could constitute the slightest obstacle to the preparation and waging of a new world war and to the use of weapons of mass destruction such as bacterial weapons, had to be respected and observed. The attempt of the ruling circles of the United States to undermine respect for the Protocol might lead to serious consequences, and was a direct threat to international peace and security. The policy of disregarding international agreements was intended to justify the violation of such agreements by the United States imperialists. They did not want to be bound by any agreements which would hamper them in their policy of aggression, of preparing and unleashing a new world war, and of carrying out a policy of strength rather than one of peace. Thus, it was known that for the ruling circles of the United States the Charter of the United Nations had already become "obsolete", "ineffective" and "unbearable". They had long since embarked on a course of violating the Charter on the pretext of "making it more effective". Such a course would lead to a system of international chaos in which the will of the aggressor would be the only criterion of "the truth".

256. The United States representative had passed over in silence the facts adduced by the USSR delegation concerning the worthlessness of his attempts to explain the United States Government's refusal to ratify the Geneva Protocol. Those facts showed, however, that the chief reason for the United States refusal to ratify the Geneva Protocol in the past and at that time remained the same: its mistrust of other States and peoples, its intention to use chemical and bacterial weapons and the opposition of the United States chemical concerns manufacturing such weapons.

257. In that connexion the representative of the Soviet Union referred to a statement made in 1926 by Senator Tyson, in which he said that if the United States were not allowed to use gas, all the gas shells would be useless and other kinds of shells cost from 20 to 30 per cent more; and also to the statement by Major-General Bullene, Chief of the United States Army Chemical Corps, who in May 1952 stated that chemical weapons were anti-personnel weapons, weapons which did not cause any material damage, and were cheap and effective. Those statements showed that the attitude of the United States towards the Geneva Protocol remained unchanged. The United States representative had followed the unconvincing line of argument used by the United States in the Disarmament Commission, and seemed to consider that the statement that "control was essential" was sufficient to prove and demonstrate the validity of his position. In that connexion, the USSR representative recalled that a sub-committee of the Washington Disarmament Conference had reported that the only real restriction which would permit control over new means of warfare would be entirely to prohibit the use of gas. An article on such prohibition had been included in the Washington Treaty of 1922. In 1923, at the fifth International Conference of American States, an agreement prohibiting the use of chemical weapons had been adopted by seventeen American States. Then, in 1925, the Geneva Protocol had been adopted. Although the question of control had not been settled, it did not prevent the conclusion of such international agreements.

258. Notwithstanding the documentary proof submitted by the People's Democratic Republic of Korea and the People's Republic of China concerning the use of bacterial weapons against the Korean and Chinese peoples by United States armed forces, the United States representative was distorting the facts and was trying slanderously to maintain that the accusation had been launched by the USSR. The first official protest against the use of those weapons had been made on 22 February 1952 by the Minister for Foreign Affairs of the People's Democratic Republic of Korea. Not until 19 March had the USSR delegation introduced a proposal in the Disarmament Commission calling for consideration of the question of prohibiting bacterial weapons. The representatives of the American bloc in the Commission had voted against considering that proposal. It was in that context that the United States now proposed to refer the USSR draft resolution to the Commission. That proposal of the United States was a matter of substance since it involved a decision by the Council not to discuss the question and to transmit it to a body which had not been set up by the Security Council.

259. The USSR representative said, in conclusion, that adoption of the USSR proposal by the Council would, on the one hand, expedite the work of the Disarmament Commission; on the other hand, until a new and more comprehensive international instrument had been drafted, the Geneva Protocol constituted a useful and important instrument for strengthening peace and security.

Decision: *At the 583rd meeting of the Security Council on 26 June 1952, the USSR draft resolution (S/2663) was rejected. There was one vote in favour (USSR), and 10 abstentions.*

260. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, said that the representatives who had abstained had known that an abstention amounted to a negative vote. While officially declaring their loyalty to the obligations of the Geneva Protocol, those representatives, under pressure from the ruling circles of the United States, had in effect voted against the adoption of a draft resolution designed to strengthen the cause of peace and security. That action of the Council was yet another instance of how the United States was preventing and opposing the strengthening of peace and international security.

261. The representative of the UNITED STATES OF AMERICA said that the vote demonstrated the attitude of the members of the Council toward the false issue raised by the USSR. He did not think that the action of the Council could be disposed of by the USSR representative's attempt to dismiss it as an action dictated by any one of the Council's members.

262. The United States had not ratified the Protocol because it was loyally engaged in a major effort to achieve genuine disarmament and genuine control of weapons of mass destruction which would make it possible to eliminate those weapons. The public opinion of the United States and of the rest of the free world abhorred the very thought of the necessity of using such weapons. The United Nations now had the ability to eliminate weapons of mass destruction. In 1950, the overwhelming majority of the United Nations had made clear their sentiments in adopting General Assembly resolution 308 (V), entitled "Peace through deeds". By that resolution, they had reaffirmed that, whatever the weapons used, any aggression was the gravest of all crimes against peace and security throughout the world; and had determined that it was indispensable that every nation agree: (1) to accept effective international control of atomic energy in order to make effective the prohibition of atomic weapons; and (2) to strive for the control and elimination under the United Nations of all other weapons of mass destruction. As he had pointed out, the problem of the elimination of germ warfare was included in the plan of work of the Disarmament Commission and was under discussion in that body in the context of the general problem of the elimination of weapons of mass destruction.

263. Declaring that security must be based upon strength and safeguards, the United States representative said that reliance could not be placed upon treaties which did not contain effective machinery for the elimination of weapons of mass destruction. Since the war the USSR had done nothing to justify confidence in its statements or in its motives. The USSR Government's refusal to disarm after the war, when others were disarming, its aggressive policies and expansion by terror, by subversion and by the instigation of aggression were cases in point. The Council was witnessing a campaign of lies and of hatred unequalled except perhaps by Hitler. The USSR representative had claimed that the issue of the ratification of the Geneva Protocol was unconnected with the false charges of germ warfare which the USSR Government had continued to make. The two matters, however, had been linked by the Moscow and Peking radios.

264. In view of the decision taken by the Council, the United States representative withdrew his motion to refer the USSR draft resolution to the Disarmament Commission, noting that the matter was in any case under discussion in that Commission.

265. The representative of PAKISTAN explained that he had abstained because his delegation considered that the proper forum for the discussion of the question was the Disarmament Commission. His delegation was sorry that the United States had withdrawn its proposal to refer the question again to the Commission; he would have preferred, since the question had been raised in the Council, that the matter should be referred to the Commission, with perhaps increased emphasis. As that proposal had been withdrawn, he requested that the Commission should redouble its efforts and should take the debate in the Council into consideration in dealing with the question of bacterial warfare.

266. His delegation had not voted on the question with an easy mind. The threat of the use of weapons of mass destruction hung over the heads of all countries, particularly over those Asian and African countries which had no means of retaliation or deterrents against the use of such weapons. The position taken by his delegation was that of an independent and self-respecting country.

267. The representative of the NETHERLANDS said that his Government, while having no reason to regret its ratification of the Geneva Protocol—which was unconditional as far as bacterial warfare was concerned—was quite willing to examine whether that Protocol could be reinforced and its scope widened, and whether ways and means could be devised to eliminate bacterial weapons altogether. The General Assembly had given the Disarmament Commission definite directions on that subject and he would therefore have preferred to have the USSR draft resolution referred to the Disarmament Commission. His delegation had abstained because it did not want to support an effort to use the Protocol, whose significance it did not underestimate, to create an artificial division between some peace-loving and free countries and one other peace-loving and free country.

268. The representative of GREECE regretted that the fears he had expressed earlier had been fully confirmed by the USSR representative. His delegation had therefore abstained despite the fact that Greece had ratified the Geneva Protocol unconditionally. As for the USSR claim that the United States was violating the United Nations Charter, he submitted that the USSR representative had done his best during the discussion to make the Charter appear ineffective.

269. The representative of the UNITED KINGDOM was of the opinion that the decision of the United States delegation to withdraw its draft resolution had not been unnatural in the circumstances, since the USSR representative had made it clear that he would veto it in the event that it was put to the vote. However, in substance the matter was already before the Disarmament Commission, which could examine the USSR draft resolution, if it wished to do so, in the whole context of the problem of the elimination of all weapons of mass destruction.

270. Dealing with the USSR representative's suggestion that Mr. Churchill would have had no hesitation in employing gas against a largely defenceless civilian population had it not been for the restraining influence of the Geneva Protocol, he observed that that was surely not really believed even by the USSR Government. In any case, such action would hardly have been in the interests of the population of the United Kingdom in 1940, when the result would have been that the German air force in turn would have dropped gas bombs on the United Kingdom. The USSR representative had also introduced a new argument to the effect that it was chiefly Hitler's sense of honour which had prevented gas warfare from being used during the Second World War. Despite Mr. Stalin's misplaced confidence in Hitler, it was clear that it was not the Geneva Protocol which had stood in the way of the use of gas by Hitler, who had broken his word all through his career, but only his calculation of the consequent effects on Germany. An aggressor would always tear up his international obligations provided he thought it worth-while. Thus, there was little doubt that gas would not have been used in the Ethiopian war had the Ethiopians been able to retaliate. The Geneva Protocol had a certain importance and, he reiterated, his Government was firmly resolved to abide by it scrupulously. It was important because it codified the sense of conscience and of decency which bound all civilized nations.

271. The representative of BRAZIL said that, although his delegation favoured international action aimed at the complete elimination of bacterial weapons, it was not convinced that ratification of the Geneva Protocol would in practice serve the purpose of bringing about real security against the actual use of such weapons. Another reason why his delegation had voted as it had was that the question had been brought to the Council in circumstances which made it appear that the proposed appeal would serve Soviet propaganda rather than world peace.

272. The representative of CHILE rejected the unjustified interpretation which the USSR representative had placed upon the vote cast by his delegation.

273. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, said that the United States had taken a provocative position in the discussion of the question. At first the United States representative had proposed that the USSR draft resolution should be transmitted to the Disarmament Commission. The other members of the Council had supported that proposal, but had been misled and betrayed by the United States representative. The statements made during the discussion indicated that the Geneva Protocol continued to be an important international agreement, which had become a part of international practice as well as a standard morally and ethically binding on all peoples. The United States representative had found himself alone in that discussion. The fact that he alone in the Council scorned the Geneva Protocol yet had decided not to vote against the USSR proposal, was the best evidence that the latter was directed toward strengthening the cause of peace and that the Protocol had prevented, was preventing and would prevent aggressors of our time from using prohibited atomic and bacterial weapons.

274. He did not propose to discuss why Hitler had not used prohibited weapons. No one would deny, however, that the existence of the Protocol had represented a restraining factor to Hitler, not for reasons of honour, since Hitler had had none, but because of the fear of the indignation and contempt of all peoples. The United States representative's reference to the imposition of the "Peace through deeds" resolution was irrelevant, since the purpose of that resolution had been to distract all the Members of the United Nations from international questions, including the Korean question, and to enable the United States to institute an arbitrary régime in Korea where it was doing what it liked. The United States policy of breaking treaties and international agreements was a dangerous one. The United States representative had stated that the United States Government was following a policy of peace based on strength. Hitler had also followed such a policy. It was a dangerous course which the peoples of the world were not prepared to take.

275. The United States representative had tried to slander the Soviet Union and its policy of peace. He had declared that the Soviet Union had resumed its

campaign for peace. The fact was, however, that the Soviet Union did not have to resume—it had never stopped that campaign. From the first day of its existence, when the Soviet Union and its Government had been built on the ruins of the Tsarist régime, the first word uttered by the young republic and by the Soviet people had been "peace" and from that time until the present the Government and the people of the USSR had carried on a noble and energetic struggle for peace.

Chapter 5

QUESTION OF A REQUEST FOR INVESTIGATION OF ALLEGED BACTERIAL WARFARE

276. At the 579th meeting of the Security Council (20 June 1952), the representative of the UNITED STATES OF AMERICA requested that the item "Question of a request for investigation of alleged bacterial warfare" be placed on the provisional agenda for the next meeting, and that the following draft resolution (S/2671) be circulated to the members of the Council:

"*The Security Council,*

"*Noting* the concerted dissemination by certain governments and authorities of grave accusations charging the use of bacterial warfare by United Nations forces,

"*Noting* that the Government of the Union of Soviet Socialist Republics has repeated these charges in organs of the United Nations,

"*Recalling* that when the charges were first made, the Unified Command for Korea immediately denied the charges and requested that an impartial investigation be made of them,

"1. *Requests* the International Committee of the Red Cross, with the aid of such scientists of international reputation and such other experts as it may select, to investigate the charges and to report the results to the Security Council as soon as possible;

"2. *Calls upon* all governments and authorities concerned to accord to the International Committee of the Red Cross full co-operation, including the right of entry to, and free movement in, such areas as the Committee may deem necessary in the performance of its task;

"3. *Requests* the Secretary-General to furnish the Committee with such assistance and facilities as it may require."

277. At the opening of the 580th meeting (23 June), the representative of the UNITED STATES OF AMERICA moved the adoption of the provisional agenda.

278. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, submitted the following draft resolution (S/2674):

"*The Security Council*

"*Decides*:

"Simultaneously with the inclusion in the agenda of the Security Council of the item proposed by the United States delegation,

"To invite to the meetings of the Security Council at which this question is discussed, representatives of the People's Republic of China and a representative of the Korean People's Democratic Republic."

279. The USSR representative considered that it would be absurd and unjust to discuss the proposed item without the participation of official representatives of the States in whose territory the events referred to in the United States draft resolution had occurred. Since the time of the launching of the United States aggression against the Korean people, the United States and its supporters in the Atlantic bloc had been introducing in the Security Council the practice of considering questions only on the basis of one-sided versions. The latest example had been the discussion of the proposal submitted by the thirteen Asian and Arab States for the inclusion of the Tunisian question in the agenda. As a result one party in the Council had had an opportunity to state its views and position on the question, while the other party had not been permitted to do so. The United States proposal to discuss the question of the use of bacterial weapons by the United States forces in Korea and China was an important international problem which affected the both parties to the dispute. The views of both parties must be heard if the Council were to be able to discuss the matter objectively and adopt a decision on it. Otherwise, the Council would be considering only the United States side of the question. Such a procedure, he said, would be one-sided, unfair and contrary to the Charter.

280. The representative of the UNITED STATES OF AMERICA stated that the Council had never considered the possibility of deciding whether to invite persons to participate in its deliberations relating to the adoption of an agenda. It would be impossible for the Council to make such a decision intelligently before it had adopted the agenda and become acquainted with it. If it was adopted, his delegation would be enabled to state the reasons why it had proposed it, why it felt that an investigation should be conducted and why, if the representative of the USSR persisted in raising the question of invitations, such action was improper and unnecessary.

281. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, considered that what the United States representative had said amounted to stating that as soon as the representative of the United States had made a statement, the question would become clear to the Council and only then could a decision be taken. That, however, would not be a decision between equals or an international decision. The Security Council was not the North Atlantic Treaty Organization where the United States could dictate its terms, but an international organ in which sovereign States participated on an equal basis. Before the events in Korea the practice of the Secu-

rity Council had been that both sides were heard when an international dispute was being examined. The fact that Article 32 of the Charter had been violated by the United States of America and the Anglo-American bloc since June 1950 by no means signified that that had already become the rule. The USSR and its delegation in the Security Council had most resolutely opposed, and would continue to oppose such dictatorial and arbitrary procedures. The Soviet Union agreed to the inclusion of the item in the agenda and to its discussion, provided that both sides were heard. Only if both questions were settled simultaneously would there be any assurance that the representatives of the Chinese People's Republic and of the Democratic People's Republic of Korea would be invited and without such assurance the USSR delegation could not agree to discussion of the item proposed by the United States of America. The Central People's Government of the People's Republic of China and the People's Government of the Democratic People's Republic of Korea, and the corresponding Chinese and Korean authorities, had addressed official statements to the United Nations concerning the use of bacterial weapons by the United States forces. The United States delegation, however, omitted to mention those Governments in its draft resolution, trying to hide behind the vague term "certain governments and authorities". On the other hand, the United States draft resolution contained the allegation that the Soviet Union had "repeated these charges in organs of the United Nations". The USSR delegation had not been repeating the facts set out in the official statements mentioned, but had drawn the attention of the United Nations to them. That was the core of the matter.

282. The representative of the UNITED STATES OF AMERICA considered that the President, by not putting the United States motion to the vote and by insisting on attaching a condition to the adoption of the agenda, was refusing to abide by rule 9 of the Council's provisional rules of procedure; according to that rule, the first item on the provisional agenda for each meeting would be the adoption of the agenda.

283. The heart of the matter, however, was the USSR's campaign of charges, the United States representative continued. The facts which called for investigation were those supplied by the Soviet Union Government itself. The record was so clear that that Government sought to substitute debate in the Council for fact-finding where the facts could be found. The truth would not be ascertained at the Council table, whether or not the Soviet Union's colleagues in aggression were present. At the same time as the representative of the USSR was seeking to avoid a discussion in the Council aimed at the establishment of an impartial investigation, the latter's Government was engaged on a million fronts in an aggression of lies and a campaign of hate. The proposal that the International Committee of the Red Cross should conduct an investigation was a simple one. The representative of the Soviet Union did not deny that the allegations had been made. On the contrary, he had repeated them in organs of the United Nations, notably in the Disarmament Commission. There was no question that the allegations had been made, or that they were false. But whether they were false or not, the International Committee of the Red Cross was the appropriate agency to conduct an investigation.

284. The representative of the UNITED KINGDOM considered that the President was trying to use his position to deny to the representative of the United States of America the democratic right to reply to the charges levelled in the Disarmament Commission and elsewhere. It was obvious that the first business of the Council was to adopt its agenda in accordance with the rules of procedure. The Council was the proper forum in which to discuss those charges, just as the Disarmament Commission was the proper forum in which the general question of the regulation of bacterial and other weapons of mass destruction should be discussed. He assumed that the USSR charges would be repeated in the Council, when it came to the actual discussion of the item proposed by the United States delegation. There was an essential difference between these charges and the ordinary run of Soviet Union misrepresentation about the Western powers. Much of what they said was of a general nature. Motives or intentions were notoriously not susceptible of material proof. He had every confidence in the good sense of mankind as a whole. In the present case, however, the Soviet allegations were matters which were manifestly susceptible of direct proof or disproof by impartial investigators on the spot. The onus of proof rested on the Soviet Union which had made these accusations. It was now the Soviet Union and not the United States which was in the dock before world opinion.

285. The PRESIDENT denied the allegations that he was using his position to prevent inclusion of the item in the agenda. There could be no doubt, he stated, that the USSR delegation would have submitted its proposal and defended its position irrespective of whether its representative was occupying the Chair.

286. The representative of GREECE requested that the President put to the vote the adoption of the agenda, and that the Council vote separately on the inclusion of the item proposed by the representative of the United States of America and on the USSR draft resolution (S/2674).

287. At the opening of the 581st meeting (25 June), the PRESIDENT, the representative of the USSR, proposed that the Council should vote as the representative of Greece had requested at the preceding meeting.

288. The representative of the UNITED KINGDOM moved the adoption of the provisional agenda of the meeting, on which the question of a request for investigation of alleged bacterial warfare was listed as item 4. He considered that no vote should be taken on the USSR draft resolution before that item had been included in the agenda.

289. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, submitted the following amendment to the United Kingdom motion: "and simultaneously to invite a representative of the People's Republic of China and a representative of the Korean People's Democratic Republic to take part in the discussion of this item of the agenda". He demanded that that amendment be voted on before the United Kingdom motion was put to the vote.

290. The representative of the UNITED KINGDOM considered that the President was in fact objecting to the adoption, without conditions, of the item proposed by the representative of the United States of America. The United Kingdom representative therefore suggested that the Council should limit the agenda of the meeting to item 2 of the provisional agenda, namely, the "question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons" (see chapter 4).

291. The PRESIDENT rejected the contention of the United Kingdom representative that the USSR proposal constituted a condition for the adoption of item 4 of the provisional agenda. He argued that the proposal was an amendment to the United Kingdom motion and was being submitted in accordance with the rules of procedure.

292. The representative of the UNITED KINGDOM withdrew his motion and, in its place, submitted as a formal proposal the suggestion set forth in his last statement.

293. The PRESIDENT considered that, in the circumstances, the Council had before it two proposals: (1) the President's proposal that the provisional agenda of the meeting should be adopted, with the amendment submitted to that proposal by the representative of the USSR; and (2) the proposal of the representative of the United Kingdom. He ruled that the amendment to the President's proposal should be put to the vote.

294. The representative of the UNITED KINGDOM challenged the ruling.

Decision: *At the 581st meeting, on 25 June 1952, the challenge to the President's ruling that the USSR amendment to the President's proposal to adopt the provisional agenda should be put to the vote, was upheld by 10 votes to one (USSR).*

295. Thereafter the PRESIDENT ruled that only item 4 of the provisional agenda needed to be put to the vote, since the Council had decided at its last meeting to include the other items in its agenda.

Decision: *The proposal to include the item entitled "Question of a request for investigation of alleged bacterial warfare" in the agenda of the Council was adopted by 10 votes to one (USSR).*

296. The representative of the UNITED STATES OF AMERICA reserved his right to request that discussion of the item should follow the conclusion of the consideration of the item relating to the Geneva Protocol.

297. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, stressed that he had voted against the inclusion of the item in the agenda because the Council had not agreed to settle the question of inviting representatives of the Chinese People's Republic and the People's Democratic Republic of Korea at the same time as the question of including the item in the agenda was settled.

298. The representative of CHINA, explaining his votes, considered that the proposal to include the item in the agenda and the amendment submitted by the representative of the USSR were incompatible. The aim of the United States delegation was to have an impartial investigation so that the truth about the charge of germ warfare might be scientifically and responsibly established, whereas adoption of the USSR amendment would have resulted in two more communist propagandists repeating in the Security Council what the radio and press in the Soviet Union and its satellite countries had been saying during the past four months. The propaganda based on a charge of germ warfare was a propaganda of hatred, and mass hatred, in the communist mind, had a high military potential. His delegation was unwilling to allow the Security Council to be exploited for such a purpose.

299. The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, submitted, since the United States item had been included in the agenda, the following revised version (S/2674/Rev.1) of his draft resolution submitted at the 580th meeting:

"The Security Council

"Decides to invite to the meetings of the Security Council at which the question submitted by the delegation of the United States of America is discussed representatives of the People's Republic of China and a representative of the Korean People's Democratic Republic."

300. Speaking as the PRESIDENT, he put the revised draft resolution to the vote.

301. The representative of the UNITED STATES OF AMERICA challenged the President's right to do so. He considered that the proposal could not be put to the vote before the Council had proceeded to discuss the item, and that, before that was done, the Council must discuss the first item on its agenda—the item relating to the Geneval Protocol.

302. The PRESIDENT considered that there had been occasions when the Council had adopted decisions to invite representatives of certain States to take part in the discussion of certain items before that discussion had in fact begun. That was all the more necessary in the present case, because of the great distances involved. The view that to invite the representatives in question would be to give them an opportunity for communist propaganda was ridiculous.

303. The representative of CHILE moved that the Council proceed to the consideration of the item relating to the Geneva Protocol.

304. The Chilean motion having been seconded by other representatives, the PRESIDENT stated that he would not press for a vote on the USSR draft resolution for the time being.

305. At the 584th meeting (1 July 1952), the representative of the UNITED STATES OF AMERICA moved that the Council should consider first the question of the request for investigation of alleged bacterial warfare, which was listed after the item on admission of new Members in the provisional agenda of the meeting.

306. After some discussion, the PRESIDENT, the representative of the United Kingdom, put the United States motion to the vote.

Decision: *The United States motion that the Council should consider first the question of a request for*

investigation of alleged bacterial warfare, was adopted by 9 votes to one (USSR), with one abstention (Pakistan).

307. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS requested that his draft resolution (S/2674/Rev.1) should be put to the vote before the representative of the United States of America stated his case.

308. The PRESIDENT considered that the best procedure would be to hear the United States statement first and, immediately after that, to discuss the USSR draft resolution.

309. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that it was the established practice of the Council, when the question of inviting the opposite party arose, to decide that question before the party which had submitted the item made its introductory statement.

310. The representative of CHILE, while agreeing with the President, felt that the representative of the USSR had the right to request a discussion and a vote on his draft resolution before the United States representative made his statement.

311. The representative of the UNITED STATES OF AMERICA considered that his statement of the case might shed light on the problem raised in the USSR proposal. However, he had no objection to that proposal being voted upon first if the representative of the USSR believed that the United States statement would detract from his argument.

312. At the 585th meeting (1 July), the PRESIDENT stated, after some further discussion, that he would put the USSR draft resolution to the vote before the representative of the United States of America made his introductory statement.

313. The representative of FRANCE regretted that the representative of the USSR had insisted that his draft resolution be put to the vote before the Council had heard the United States statement, thus compelling the French delegation to vote against it for reasons of principle. That did not mean that it was the view of the French delegation that there could be a complete investigation unless both sides were heard. What the Council was about to do, however, was not to conduct an investigation but to decide whether such an investigation was to be conducted, and by whom. The Council had sufficient basis for taking such a decision in the documents submitted by the Peking and Pyongyang Governments, and in the text of the United States draft resolution itself. Therefore, the question of hearing both parties seemed premature and irrelevant at the present stage of the discussion.

314. The representative of PAKISTAN shared the opinion expressed by the representative of France.

315. The representative of CHINA stated that he would vote against the USSR draft resolution for the following reasons: (1) its adoption would defeat the purpose of removing the question of the charges of germ warfare from the field of propaganda to the field of fact-finding; and (2) the proposed invitations would enhance the prestige of the recipients and thus add to the difficulties of the Chinese and Korean peoples in their struggle for freedom.

316. The representatives of CHILE, the NETHERLANDS, and TURKEY, as well as the President, speaking as the representative of the UNITED KINGDOM, also stated that they would vote against the USSR draft resolution for reasons similar to those adduced by the representative of France.

Decision: *At the 585th meeting, on 1 July 1952, the USSR draft resolution (S/2674/Rev.1) was rejected by 10 votes to one (USSR).*

317. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the United States of America had shown the whole world that it was afraid of the truth about American aggression in Korea and against China. The United States was afraid that the official representatives of the People's Republic of China and the People's Democratic Republic of Korea might adduce in the Council definite facts about the use of bacterial weapons against the Korean and Chinese peoples by the American armed forces. It was obvious that the United States proposal was calculated to deceive public opinion and that its intention was to distract attention from those facts. It was also intended to cover up the United States Government's refusal to ratify the Geneva Protocol of 1925 prohibiting the use of bacterial weapons. The United States of America was attempting to seek cover behind a proposal regarding so-called investigation. That was an aggressive device on the part of the ruling circles of the United States of America, the intention being to violate the sovereignty and territorial integrity of another State, commit an act of aggression against it and, at the same time, propose a so-called impartial "investigation on the spot", with the idea of sending agents into foreign territory for purposes of intelligence. It was well-known that there were American representatives in all of the so-called United Nations commissions, if not as members of the missions then in the capacity of "servicing staff" or "United Nations officials", to do what they were instructed to do by the Department of State of the United States of America.

318. The facts of the use of bacterial weapons by American armed forces had been authoritatively established by a number of international organizations and foreign correspondents and were well-known to the world. Relevant documents from such international organizations as the International Association of Democratic Lawyers, the World Peace Council, and others had been issued as official documents of the Security Council (S/2684 and Add.1). Making use of the majority of the Council, which was at its orders, the United States was attempting to impose its own one-sided version of questions connected with events in Korea and, by denying the other side access to the Council and to other United Nations organs, was making it impossible for that side to state its point of view on these questions.

319. In view of those facts, the USSR delegation wished to declare that in the absence of representatives of the People's Republic of China and of the People's Democratic Republic of Korea, it was unable to take part in the consideration of the item and would vote against the United States draft resolution.

320. The representative of the UNITED STATES OF AMERICA considered that the threat of the USSR repre-

sentative to use the veto could not be regarded apart from the general course of conduct in which the Soviet Union Government had engaged. The draft resolution referred to the concerted spreading of grave charges by communist governments and authorities, including charges made in the United Nations by representatives of the USSR.

321. For many months, the world had been exposed to a campaign both false and malicious, the target of which was nothing less than the United Nations itself; but the very method employed to fabricate evidence and to propagate the charges had revealed the lie for what it was. However, the campaign should not be shrugged off as merely another example of the evil nature of international communism. The venom which was being injected into the minds of men was intended to confuse, to divide and to paralyse. That was why the USSR representative had threatened to use his veto. Another objective of the Government of the Soviet Union was to isolate the United States from the free world by singling it out for special condemnation. The germ warfare charges were but a part of a larger campaign of hatred now in progress in the Soviet Union and areas under its influence. The campaign exposed the oft-repeated Soviet line that it was interested only in world peace and in the improvement of international relations.

322. A minor campaign of false charges concerning the use of germ warfare in Korea had taken place in 1951, but it was not until 1952 that the heavy guns of Soviet propaganda had blasted out. On 23 February, the official Moscow Press had repeated a Peking radio broadcast charging that United Nations aircraft had dropped germs on North Korea. There had followed protests by the North Korean and Chinese communist Foreign Ministers, a sharp increase in Soviet Press and radio comments, denunciations by the Soviet-controlled World Peace Council and staged mass meetings of protest in the Soviet Union. Flat denial of the charges had been issued by the Secretary of State of the United States, the Secretary-General of the United Nations, the United Nations Commander-in-Chief, the Secretary of Defense of the United States and numerous other responsible officials of other United Nations Members.

323. The Secretary of State of the United States had challenged the communists to submit their charges to the test by allowing an impartial investigation, the representative of the United States continued. On 11 March, the former had requested the International Committee of the Red Cross, as a disinterested international body, to determine the facts. A specific invitation had been issued to the Red Cross investigators to cover the areas behind the United Nations lines. The International Committee had agreed to set up a committee of investigation, provided that both parties offered their co-operation. The committee was to consist of persons offering every guarantee of moral and scientific independence, and would also include, the Red Cross had announced, scientific experts proposed by Far Eastern countries not taking part in the conflict. Those were the proposals which the USSR representative had characterized as a plot to infiltrate intelligence agents into Korea.

324. The Secretary of State of the United States had at once accepted the offer. The communists had yet to give an official and definite answer. However, Soviet-controlled propaganda machines all over the world at once had initiated a drive to blacken the International Committee of the Red Cross. Actually, the international communist movement had on several earlier occasions addressed appeals to that Committee, as exemplified, *inter alia,* by an appeal from the Red Cross of communist China itself, in 1951.

325. The reversal of attitude on the part of the international communist movement toward the Red Cross was an exposure of the falsity of the germ warfare campaign; when a real investigation had become possible, the USSR propaganda apparatus had hurriedly gone into reverse gear and, overnight, the International Committee of the Red Cross had become an alleged "tool" of Wall Street. Soviet newspapers and communist newspapers in widely scattered parts of the world had stepped up the charges of germ warfare. So-called investigation commissions had been set up; one, carefully selected from among Chinese communists to ensure its partiality, had announced as its purpose "to gather the various criminal facts on bacterial warfare waged by the American imperialists". Another had been staged by the International Association of Democratic Lawyers, made up of currently faithful followers of the Communist Party line, although its chairman and one of its members were former nazis. The directive given to the latter group had been "to investigate and establish the crimes committed by the interventionists in Korea, in violation of all international agreements". The so-called "peace partisans" in each country had followed parallel tactics, which, together with the repetition by communist newspapers throughout the world of stories and propaganda material emanating from Moscow, made clear the high degree of co-ordination and planning exercised by Moscow in the campaign. In the face of those facts, the representative of the United States went on, the USSR representative was staging a sit-down strike in the Council to prevent the latter from finding out the facts.

326. As would be expected, all independent scientists, including at least ten Nobel Prize winners, had publicly expressed complete scepticism of the charges. They had ridiculed the tales of spreading typhus and plague through the medium of infected fleas and lice in Korea's freezing winter temperatures. They had pointed to the established pattern of epidemics in that part of the world, where such diseases might be expected to assume epidemic proportions unless the authorities were tireless in controlling their natural carriers. The Chief United Nations Public Health Officer in Korea had recalled that the effort with which the United Nations had combated disease in the Republic of Korea had resulted in a reduction in the number of victims of those epidemics from between 15,000 and 30,000 to between 40 and 70 a month. It was typical of the United Nations attitude toward epidemics and disease that, when the charges of bacterial warfare had first been made the World Health Organization had offered to provide technical assistance in controlling the reported epidemics in North Korea. If the Soviet Union Government had had any regard for the

truth, recourse to the Security Council had always been open to it. Instead, the representative of the USSR had brought the charges to the Disarmament Commission, which was not competent to discuss them under its terms of reference

327. In asking for an investigation, the United States believed that much more was at stake than the establishment of the falsity of the charges. The strategy of aggression by lie demonstrated what could happen when a totalitarian State, possessed of modern means of mass communication, chose to whip up hostility against freedom-loving peoples. These charges were part of the campaign of lies which the Kremlin leaders had waged ever since the unprovoked communist attack of 25 June 1950, a campaign which had centred upon the big lie that the United States and the United Nations were the aggressors in Korea. It was a part of the campaign which pretended that the Soviet Union had taken an initiative for peace in Korea, when the truth was that at each step it had been the United Nations which had taken such initiative, whereas the leaders of the Soviet Union had aided in the aggression and had refused to say the word which could bring it to a halt. If that was not true, the Government of the USSR must allow the investigation to proceed; if it was true, then the Council would witness a calculated attempt to prevent the world from determining the real nature and purpose of those baseless accusations.

328. One could not know where the policy of hate would lead the Government of the Soviet Union; but one did know that the United Nations, and the world as a whole, must be vigilant and alert to the effect of that policy. For it constituted a revolt against the fundamental purpose of the Charter: to develop friendly relations among nations. Impartial investigation would wreck the germ warfare campaign. But if the USSR rejected an investigation, it would wreck the campaign just as surely, for then it would be confessing to the world that it knew that the charges would not bear the light of day.

329. At the 568th meeting (2 July), the representative of BRAZIL stressed that consideration of the charges of germ warfare did not belong in the Disarmament Commission, where they had originally been submitted by the representative of the USSR. He considered that the refusal to accept the proposal for an investigation by the International Committee of the Red Cross, without offering any reasonable alternative, lent credence to the assumption that the USSR feared that such an investigation would prove the falsity of the charges. The present course of Soviet propaganda was a clear and direct violation of the Purposes and Principles of the Charter.

330. The representative of the NETHERLANDS considered that the communist campaign of slander and hatred had the political purposes of creating confusion and division in the free world and of stirring up anti-Western feelings in Asia, which some day perhaps, might be exploited for aggressive aims. It had also the purpose of covering up hygienic shortcomings of Asian communist governments. The accusing parties had submitted charges which warranted an impartial investigation. They would have ample opportunity to explain their point of view to the investigating commission; and the question of the presence in the Council of representatives of the Governments of North Korea and the People's Republic of China might be raised again when the Commission presented its report to the Council.

331. The representative of GREECE felt that the representative of the USSR, when offered the opportunity to state his case, had preferred to shelter himself behind the subterfuge of a sit-down strike while announcing his ultimate intention to veto any decision of the Council which might lead to an impartial investigation of his accusations. Those accusations were formulated in relation to the military operations in Korea. However, they had never been aired by the accusers during the truce talks in Korea. That fact was not difficult to explain in view of the stubborn refusal of the communists even to hint at those charges whenever they ran the risk of having them investigated on the spot.

332. The representative of TURKEY considered that the confusion towards which the campaign charging the use of bacterial weapons by the United Nations forces in Korea was directed, obviously would not serve the purpose proclaimed in the Charter to the common end of developing friendly relations among nations. On the contrary, the bitterness which had already resulted from the campaign had caused concern among all peace-loving people and governments of the world.

333. The representative of FRANCE considered that the contention of the USSR that any commission appointed by the United Nations, which might be instructed to conduct an inquiry, would merely be a camouflaged espionage body was absurd and unfounded, since it was obviously impossible for anybody who was accused in advance of being an intelligence agent to prove the contrary. Never had the Government of the USSR and the governments which looked to it for inspiration expressed so crudely their pretentions to make themselves both the judges and the parties to the case. The representative of the USSR and his associates had the right not to be in favour of the International Red Cross and to propose another agency to carry out an investigation. The French delegation would not have objected to the discussion and consideration of another choice. But even that possibility had been denied to the Council. The accusers were themselves guaranteeing the truth of their charges and refused to submit them to the judgment of anyone who had not been appointed by themselves. The Council could therefore only note that situation, denounce it and submit it to the judgment of all men of good sense and free spirit throughout the world, whose opinion represented the supreme tribunal of the human conscience which all the statements and all the dialectics of the representative of the USSR could not upset.

334. The representative of CHINA expressed agreement with the statements of the representatives who had preceded him in the discussion. In addition to what they had said, he wished to draw the attention of the Council to a private, confidential communication he had received, according to which Japanese scientists who, during the Japanese occupation of Manchuria, had worked there on experiments in connexion with bacterial warfare, had recently been working, in co-

operation with Soviet and Chinese scientists, on further experiments. Certain areas in north-eastern China had been used by them for controlled experimentation, but some of that control had failed and, as a result, man-made epidemics had spread.

335. The representative of CHILE considered that the campaign of hatred conducted by the Soviet Union had created one of the most serious and most dangerous situations which had arisen in the world since San Francisco. What really mattered was not that through that campaign a battle out of many might be won in the cold war, but that irreparable division was created. affecting millions of human beings and endangering every advance made toward international co-operation and world peace and security since the war against nazism.

336. At the 587th meeting (3 July) the President, speaking as the representative of the UNITED KINGDOM, said that in defining the Soviet Union's position Mr. Malik had used three arguments. He had said said that the United States was afraid of the truth, in spite of the fact that the United States administration had from the outset declared that all it wanted was an impartial investigation of the charges. Mr. Malik had said that any United Nations inquiry was merely a trick to enable United States agents to enter foreign territory for purposes of collection of intelligence. If this Soviet argument were to be followed to its logical conclusion, it must mean that no inquiry could be impartial, in the Soviet sense of the word, unless it was conducted by Soviet nominees. Finally, Mr. Malik had argued that the facts could only by established by debate in the Security Council attended by Chinese and North Korean representatives; the Council had already rejected this view and maintained that what was required was an impartial investigation on the spot. Faced with that appalling manifestation of Soviet Union mentality, the free world should close its ranks and go on record as demanding an impartial inquiry. He expressed a last-minute hope that the representative of the USSR would not veto the United States draft resolution, but would abstain in the vote.

Decision: *At the 587th meeting, on 3 July 1952, the United States draft resolution (S/2671) was put to the vote. The vote was 10 in favour and one against (USSR). Since the negative vote was cast by a permanent member of the Council, the draft resolution was not adopted.*

337. The representative of the UNITED STATES OF AMERICA considered that the Soviet Union had revealed, by its veto, the true purpose of its campaign of lies and of hate. The only conclusion which could be drawn from the facts was that the charges of germ warfare must be presumed to be utterly false. He therefore submitted the following draft resolution (S/2688):

"The Security Council,

"Noting the concerted dissemination by certain governments and authorities of grave accusations charging the use of bacterial warfare by United Nations forces,

"Recalling that when the charges were first made the Unified Command for Korea immediately denied the charges and requested that an impartial investigation be made of them,

"Noting that the Chinese communist and North Korean authorities failed to accept an offer by the International Committee of the Red Cross to carry out such an investigation but continued to give circulation to the charges,

"Noting that the World Health Organization offered to assist in combating any epidemics in North Korea and China, and that the Unified Command for Korea agreed to co-operate,

"Noting with regret that the Chinese communist and North Korean authorities rejected the offer and refused to permit the entry of the World Health Organization teams into territories controlled by these authorities,

"Noting that the Government of the Union of Soviet Socialist Republics has, in the United Nations, repeated the charges that United Nations forces were engaging in bacterial warfare,

"Noting that the draft resolution submitted by the Government of the United States proposing an impartial investigation of these charges by the International Committee of the Red Cross was rejected by the Union of Soviet Socialist Republics and that by reason of the negative vote of the Union of Soviet Socialist Republics the Security Council was prevented from arranging for such an impartial investigation,

"1. *Concludes,* from the refusal of those governments and authorities making the charges to permit impartial investigation, that these charges must be presumed to be without substance and false;

"2. *Condemns* the practice of fabricating and disseminating such false charges, which increases tension among nations and which is designed to undermine the efforts of the United Nations to combat aggression in Korea and the support of the people of the world for these efforts."

338. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the position of his delegation had been, was, and would always continue to be that no question relating to the use of bacterial weapons in Korea and China by the United States armed forces could be discussed in the Security Council without the participation of official representatives of the People's Republic of China and the People's Democratic Republic of Korea. That was its legitimate and just position, firmly based on Article 32 of the Charter and reflected in rule 38 of the Council's provisional rules of procedure, providing for the participation of both sides in the discussion of a dispute considered by the Council.

339. The United States delegation and its Government, he continued, were trying to force on the Council their own American, and not the international, way of considering questions; they disregarded the rights of other States taking part in the discussion. That proved that the United States representative had been deceitful and hypocritical in his handling of the question of the Geneva Protocol submitted by the USSR delegation, that he had been equally deceitful and hypocritical during the discussion of the question submitted by his own delegation and, finally, that he was then being deceitful and hypo-

critical when his delegation had failed in its attempt to force an illegal resolution on the Council by means of its American methods of considering questions.

340. At the 588th meeting (8 July), the representative of the UNITED STATES OF AMERICA stated that despite their rejection and repudiation of an impartial investigation, the representative and the Government of the Soviet Union were continuing their practice of fabricating and disseminating false charges. As the trustees of the Charter, the Council could not afford to overlook that type of attack. The vast majority of the United Nations had expressed in the General Assembly its attitude towards what the Soviet Union representative and his Government generally referred to as warmongering. The false charges of germ warfare definitely belonged to the category of warmongering. After recalling the General Assembly resolutions 110 (II) of 3 November 1947, originally introduced and supported by the USSR delegation, and 381 (V) of 7 November 1950, both condemning propaganda against peace, the representative of the United States quoted a number of excerpts from USSR radio and press statements, as well as from sources in other countries, to show that the Government of the USSR was continuing to wage a worldwide campaign of hatred against the United States and the United Nations.

341. He said that the representative of the USSR had not hesitated to discuss the charges of germ warfare in the Disarmament Commission but had not suggested there that the North Korean and Chinese communist authorities should be invited to participate in that discussion. The contrast between the statements of the USSR representative in the Disarmament Commission and his disclaimer of responsibility in the Security Council were explained by the fact that under no circumstances did the Government of the Soviet Union want the charges to be studied by an impartial investigation on the spot.

342. The United States Government wanted to see the United Nations continue to hold true to its chief objective, namely, to rid mankind of the scourge of war, even in the face of aggressive acts against the Organization itself and the continual efforts of a small minority to throttle its work. By supporting the United States draft resolution, the members of the Council could demonstrate to the Government of the USSR the wisdom of dropping its campaign of hatred, and of getting back to work in the Disarmament Commission on a programme to reduce the armaments of the great Powers and to eliminate weapons of mass destruction.

343. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the Council had before it a number of official statements, received from the Governments of the Chinese People's Republic and the Korean People's Democratic Republic, which proved that the United States armed forces were using bacterial weapons in Korea and China. The USSR Press and the USSR radio broadcasts, to which the representative of the United States had falsely attributed those statements, merely set forth the facts cited in those official statements. He energetically protested against the provocative nature of the draft resolution and the proposals contained therein, which were designed to divert public attention from the question of the United States Government's responsibility for the use of bacterial weapons against the Korean and Chinese people. The United States' stubborn refusal in the Council to examine the question of the use of bacterial weapons by its forces against Korea and China in the presence of the representatives of those countries showed that the denials by the United States military command and Government referred to in the draft resolution were unconvincing and without any foundation.

344. The proposal for an investigation by the "International" Committee of the Red Cross had been rightly rejected by the Governments of the Chinese People's Republic and the Korean People's Democratic Republic, since that Committee was by no means an international body, but merely a group of persons who were tools of United States policy. It was a Swiss national organization, although it had appropriated the title "International Committee of the Red Cross". During the Second World War that Committee had not uttered a word in the defence of the victims of the Hitlerite misdeeds. In practice, the Committee had thereby concealed the Hitlerites' war crimes, just as by its failure to speak up it was covering up the monstrous crimes of the United States aggressors on Koje island. It went without saying that such a Committee could not act impartially as an international organization should. The proposal for an investigation by such a committee of the question of the use of bacterial weapons by the United States forces against the Korean and Chinese peoples was designed to prevent the examination of the question by the Council with the participation of Chinese and Korean representatives.

345. The attempt to refer to the World Health Organization was further proof of the utter worthlessness of the United States draft resolution. The Security Council had at its disposal the cablegram, dated 21 April 1952, from the Minister for Foreign Affairs of the Korean People's Democratic Republic to the Secretary-General (S/2684), which stated that his Government had succeeded in preventing the rise of epidemics and expressed confidence that in the future also it would be able to frustrate all the machinations of the foe, and that it would not require the assistance of an organization like the World Health Organization, since that organization had not the necessary international authority, and had been unable over a number of years to carry out the tasks incumbent on it in connexion with preventing and combating disease. Thus the reference in the United States draft resolution to the so-called World Health Organization was of no value and was merely intended to cover up the refusal of the United States Government to prohibit the use of bacterial weapons.

346. The representative of the USSR considered that in the light of the facts adduced from the official documents submitted to the United Nations and the Security Council by the Governments of the People's Republic of China and the Korean People's Democratic Republic and by a number of international democratic organizations, it was particularly necessary to emphasize in the Council that the facts of the use of bacterial weapons by the United States armed forces in Korea and China had been established by authoritative

commissions and were generally known throughout the world. The United States representative had attempted to give a false picture of the situation in the Disarmament Commission, implying that the USSR representative had not there submitted any proposal about invitations. The reason why he had not done so, however, was that it had been impossible, because the United States representative and his colleagues in the aggressive Atlantic bloc had rejected the USSR proposals regarding the consideration of that matter in general.

347. It was a well-established tradition of the Security Council to invite all interested parties to attend when any disputed question was being considered. What justification did the United States representative have for drawing a parallel between the procedure for dealing with items in the Disarmament Commission and the procedure for dealing with items in the Security Council? It was sufficient to raise that question in order to disclose the falsity of the argument adduced by the United States representative.

348. Having been defeated in the attempt to impose upon the Council the adoption of a decision in obvious contradiction to the Charter, the United States representative was again attempting to impose upon the Council a similar illegal and unilateral procedure, in flagrant violation of the Charter, for considering another proposal which was openly provocative and slanderous. The USSR delegation was therefore unable also to participate in the discussion of the second United States draft resolution, which it would vote against. During the Council's one-sided consideration of the question submitted by the delegation of the United States, the United States had continued to refuse, as it had always done during the discussion of bacterial weapons, to condemn bacterial warfare. That could only be explained by the fact that the United States was anxious to remain free to use those disgraceful weapons in the future.

349. At the 589th meeting (8 July), the representative of GREECE considered that the targets of the communist propaganda campaign were the confidence in the forces fighting under the United Nations banner in Korea, and the collective security system of the United Nations. He hoped that approval of the United States draft resolution by the non-communist members of the Council would lead the sponsors of the campaign to the conviction that their methods did not pay.

350. The representative of the NETHERLANDS considered that, far from being afraid to face the truth, as alleged by the representative of the USSR, the greatest possible majority of the Council desired to have the truth established by an impartial body. The Soviet veto had not only made an impartial investigation impossible, but had even made it impossible for the Governments of the People's Republic of China and of North Korea to reconsider whether they might wish to accept an investigation, as proposed by ten Council members. The USSR representative had remained entirely silent on the question of what would constitute an impartial investigating body, and his veto enabled him to say no more about it.

351. The charges of germ warfare were more than likely intended to stir up feelings of hatred which were likely to provoke or encourage threats to the peace, breaches of the peace or acts of aggression. Such practices endangered the possibilities of peaceful and constructive co-operation among nations and should be condemned by the Council, even in the face of the threatened Soviet veto, just as the General Assembly had condemned similar practices in a more general manner.

352. The representative of CHINA considered that the conclusions of the statement of the representative of the USSR had a threatening character, since he had in fact told the Council that the Soviet Union and its satellites would continue to make false charges while refusing an impartial international investigation. The threatened veto should not paralyse the Council: a decisive vote would deprive the veto of its point.

353. The representative of FRANCE said that the use of unproved charges to arouse hatred among peoples could only deserve the formal censure of the Council. Although reluctant to join in the censure of a permanent member of the Council, his delegation would do so with a clear conscience because the representative of that member had left it with no other choice by preventing an impartial investigation of the charges. He had studied carefully the documents of the Association of Democratic Lawyers and had not found in them a shadow of a proof. The whole campaign was a clumsy exploitation of erroneous scientific ideas. The arguments were of a *post hoc, ergo propter hoc* variety, alleging that epidemics had started after aircraft had flown over and had supposedly dropped insects. Epidemics had existed in China before the advent of aircraft, however. It was interesting to note that, before the charges had first been made, the Peking *Journal* had reported large numbers of victims of epidemics in the province adjacent to Peking and Manchuria, ascribing the epidemics to the inadequate rain and snow of the winter and spring and charging that certain Chinese health services had not performed their duties with sufficient vigour. Only several days later had anyone thought of ascribing the epidemic to alleged bacterial warfare. The parallel between such charges and the analogous campaign of hatred being waged in China against missionaries, and, in particular, against nuns, was evident.

354. The representative of BRAZIL considered that the Council could not evade its responsibility under the Charter in a matter which had such a close connexion with the maintenance of international peace and security. It must draw the necessary inference from the accusations proffered and from the negative vote cast by the Soviet Union.

355. The representative of PAKISTAN stated that his delegation would abstain in the vote. His Government thought that it would be somewhat difficult to treat a matter which one wanted investigated as though the investigation had taken place and as though the guilt had been proved. However, he wished to stress that, if the proposal to have an impartial investigation had been accepted, the discussion on the item would not have finished. It would have come back to the Council at a much riper stage. Therefore, accepting that proposal would not have shut the door on an invitation to the authorities of the People's Republic of China and of North Korea.

356. The representative of CHILE considered that, whatever doubts one might entertain concerning the power of the United States draft resolution as an effective instrument for arresting the growing ideological and moral split in the world, it was the moral duty of the Security Council to back the forces which were fighting to defend collective security, when they were subjected to attacks as unjust as they were serious.

357. At the 590th meeting (9 July), the President, speaking as the representative of the UNITED KINGDOM, rejected the allegations of the representative of the USSR regarding the International Committee of the Red Cross and the World Health Organization. The USSR, he stressed, had declined to join any of the United Nations specialized agencies which were concerned with promoting the economic, social, or cultural betterment of the world.

358. The crux of the matter was that the Soviet Union was resolutely opposed to any form of impartial inquiry. Of course, one could not then offer absolute proof of the falsity of the accusations since such proof could only result from an investigation on the spot; and that was precisely the reason why the Soviet Union would in no circumstances permit such an investigation to take place. One was fully entitled to say, however, that those charges must be presumed to be without substance and false.

359. That particular aspect of current USSR propaganda was only one feature of the tactics employed by the Government of the USSR and it must be judged in relation to the whole Soviet system. It was not so much the germ warfare campaign that mattered as the hate warfare campaign. The basic weakness in the body politic of the Soviet Union was the hideous theory that the end justified the means. Because that country's leaders believed that a certain type of society was desirable, they concluded that anything which, in their view, tended in the direction of the achievement of that type of society was good and that anything which hindered its establishment was bad. The conclusion was clear: aggression must be resolutely opposed, whatever the storm of abuse and hate that might result; but it must loudly be asserted that the Soviet Union itself had nothing to fear if it ceased to oppose United Nations principles and procedures.

360. The representative of TURKEY considered that, since the North Korean and Chinese communist authorities had refused to allow an investigation, and since hopes of having such an investigation had been destroyed by the Soviet veto, his delegation had been compelled to draw the conclusions embodied in the United States draft resolution.

Decision: *At the 590th meeting, on 9 July 1952, the United States draft resolution (S/2688) was put to the vote. The vote was 9 in favour, one against (USSR), and one abstention (Pakistan). Since the negative vote was cast by a permanent member of Council, the draft resolution was not adopted.*

PART II

Other matters considered by the Security Council and its subsidiary organs

Chapter 6

ADMISSION OF NEW MEMBERS

A. Adoption of the agenda

361. By a letter dated 10 December 1951 (S/2435), addressed to the President of the Security Council, the Secretary-General transmitted the text of General Assembly resolution 550 (VI) of 7 December 1951, on the question of the full participation of Italy in the work of the Trusteeship Council. The General Assembly recommended that the Council should give urgent consideration to that resolution, with a view to recommending the immediate admission of Italy to membership in the United Nations.

362. At the 568th meeting (18 December 1951), the Security Council had before it the following provisional agenda:

"1. Adoption of the agenda.

"2. Letter dated 10 December 1951 addressed to the President of the Security Council from the Secretary-General, transmitting the text of a resolution, concerning the admission of Italy to membership in the United Nations, adopted by the General Assembly at its 352nd plenary meeting (S/2435).

"3. Letter dated 6 December 1950 addressed to the President of the Security Council from the Secretary-General, transmitting the text of resolution 495 (V), concerning the admission of new Members, adopted by the General Assembly at its 318th plenary meeting (S/1936)."

363. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS proposed that the order of items 2 and 3 of the provisional agenda should be reversed so that item 3 would be dealt with first, since it related to the earlier of the two Assembly resolutions referred to. Moreover, in so doing the Council would also be taking up the question included under item 2, namely, the admission of Italy to membership in the United Nations.

364. The PRESIDENT explained that the items had been placed in that order on the provisional agenda owing to the fact that the resolution approved by the General Assembly on 7 December 1951 was of an urgent nature, whereas the resolution of 4 December 1950 made no mention of urgency.

365. The representative of the UNITED KINGDOM associated himself with the President's remarks and pointed out that the resolution of 4 December 1950 merely requested the Council to keep the various applications under consideration. Until the USSR delegation had given some indication of a change of attitude on the question, there did not seem to be much prospect that the Council could make any headway with respect to that resolution.

366. The representative of FRANCE noted that no new facts had emerged to make discussion of the general question of the admission of new Members likely to lead to any rapid results. The special question of Italy was an urgent one and should be given priority over the general question of the admission of new Members.

367. The representative of the UNITED STATES OF AMERICA saw no reason why the general question of membership should be raised whenever a single application was before the Security Council. The question of the admission of Italy was itself a problem and was entitled to urgent and respectful treatment as a question put to the Council by the General Assembly. The resolution of 7 December 1951 had not contained any reference to the resolution of 4 December 1950. He also pointed out that when the Indonesian application for membership had been considered by the Security Council, no suggestion had been made that the general question of membership should be discussed as part of or in relation to that application.

368. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS noted that the question of urgency was a relative one. If the Council considered item 3 first and recommended the admission of all thirteen applicants, the problem of the admission of Italy would be solved rapidly and both urgency and justice would be respected. Reference to the case of Indonesia was wholly irrelevant since that had been a special case. No reason existed, however, for treating Italy's admission as a special question. While the States signatories to the Treaty of Peace with Italy had assumed the obligation of supporting its admission to the United Nations, they had undertaken a similar obligation under the Treaties of Peace with Bulgaria, Hungary and Romania. The fact that the United States considered it generally inadvisable to make a general examination of the question of admission of new Members to the Organization indicated that United States policy was aimed at closing the question and placing obstacles in the way of admitting new Members, other than Italy.

369. The representative of the NETHERLANDS agreed that the Indonesian case was a special one but felt that

the case of Italy was also special since the United Nations had charged the latter with special responsibilities as the Administering Authority of the Trust Territory of Somaliland. Italy could not execute its duties completely and fully without having the full rights of a Member of the United Nations. The Netherlands had always been of the opinion that the Security Council should consider every application for membership on its own merits, a view confirmed by the advisory opinion given by the International Court of Justice on 28 May 1948.

370. The representative of YUGOSLAVIA, while concurring in the view that Italy was undeniably the most important candidate for admission, considered the general problem of admission of new Members to be equally important. He suggested that the Council inscribe only one item on its agenda, namely, the admission of new Members.

371. The representative of INDIA endorsed the suggestion made by the representative of Yugoslavia.

372. The representative of the UNITED STATES OF AMERICA, replying to the statement of the representative of the USSR, declared that the United States had warmly supported and continued strongly to favour the admission of applicants which met the requirements of Article 4 of the Charter. The USSR representative's reference to the contractual obligations under the peace treaties was, obviously, merely an argument brought up to suit the occasion. Thus, there was no question of such obligations in connexion with the Mongolian People's Republic, which was included as one of the applicants whose admission was favoured by the USSR. The United States representative also pointed out that the resolution of 4 December 1950 referred not to thirteen but to nine membership applications. In connexion with the suggestion made by the representative of Yugoslavia, the representative of the United States submitted that, for reasons given explicitly to the Council by the General Assembly, the matter to be accorded the first priority was the question of the admission of Italy. To ignore the reasons for which the Assembly had called for special consideration of that question would be to do violence to the Assembly's clear intention.

373. The representative of TURKEY considered that a number of other countries should be admitted as well as Italy, but felt that the Security Council should first comply with the General Assembly's recommendation that urgent consideration be given to the resolution of 7 December 1951.

374. The representative of CHINA considered that the Council should be guided by that resolution, which had a special and prior claim. Even if the United Nations were to accept the doctrine of universality, the application of that doctrine should not be mechanical.

375. The representative of BRAZIL noted that the resolution of 7 December 1951 had made very clear the Assembly's intention to give separate and urgent treatment to Italy's application in view of some special and important circumstances. The Security Council was bound to accept the new ground upon which the Assembly had placed the whole question of admission. He could not, therefore, accept the position taken by the delegation of the USSR, or the suggestion made by the representative of Yugoslavia and India.

Decisions: *At the 568th meeting, on 18 December 1951, the proposal of Yugoslavia and India that both General Assembly resolutions be discussed together under the heading of "Admission of new Members" was rejected by 6 votes to 3 (India, USSR, Yugoslavia), with 2 abstentions (China, Ecuador).*

The USSR amendment reversing the order of items 2 and 3 of the provisional agenda was rejected by 7 votes to one (USSR), with 3 abstentions (Ecuador, India, Yugoslavia).

The agenda was then adopted by 8 votes to one (USSR), with 2 abstentions (India, Yugoslavia).

B. General discussion and decisions of 6 February 1952

376. At the 569th meeting (19 December 1951), the representative of FRANCE introduced the following draft resolution (S/2443):

"*The Security Council,*

"*Considering* the resolution of the General Assembly dated 7 December 1951,

"*Takes into account* the arguments adduced in this resolution;

"*Notes* that Italy is a peace-loving State which fulfils the conditions laid down in Article 4 of the Charter; and consequently

"*Recommends* the admission of Italy to membership in the United Nations."

377. Explaining his draft resolution, the representative of France stressed the contribution of Italy to the development of civilization. Apart from the intrinsic merits of its candidature, there were other reasons, more direct in their impact, which rendered Italy's membership essential. The United Nations had entrusted to Italy a task involving several responsibilities on behalf of all the United Nations, namely those of an Administering Authority; obviously, in assigning that task, the United Nations had implicitly recognized that Italy fulfilled the qualifications for membership which were set forth in the Charter. A country considered fit to exercise one of the few mandates conferred by the United Nations was, *a fortiori*, worthy to be admitted to the Organization.

378. The representative of BRAZIL supported the French draft resolution. He failed to understand how those who disputed Italy's right to admission could reconcile that attitude with the wording of Article 4 of the Charter. Fifty-four Members of the Organization had recognized that Italy satisfied the conditions prescribed in Article 4, paragraph 1, of the United Nations Charter. Arbitrary use of the so-called right of veto in refusing Italy's admission to membership was juridically inconsistent with the letter and spirit of the Charter. The principle of unanimity recognized in Article 27, paragraph 3, could not have been meant to confer upon the permanent members of the Security Council unrestricted power to act in direct opposition to the Purposes and Principles of the Charter. The fact that Italy had been charged with the administration of

a Trust Territory, and the consequent necessity for its full participation in the Trusteeship Council explained the urgency for action by the Security Council, though that fact could not by itself be construed as motivating the recommendation for Italy's admission to the United Nations.

379. The President, speaking as the representative of ECUADOR, said that a single vote had paralysed the repeatedly expressed wish of 90 per cent of the Members of the Organization that Italy should be admitted to the United Nations. The Council should do all it could to produce a unanimously favourable recommendation. If it did not do so, the interpretation to be given to the relevant provisions of the Charter would remain in doubt, as it seemed that several Members were not sure of the interpretation to be given to the relevant Articles of the Charter. He added that the advisory opinion of the International Court of Justice, of 3 March 1950, left fundamental questions in suspense, for nobody knew that the Court might have replied if it had been consulted, in the Court's own words on "how the Security Council should apply the rules governing its voting procedure in regard to admissions, or, in particular, whether the negative vote of a permanent member is effective to defeat a recommendation which has obtained seven or more votes". For its part, the Ecuadorean delegation would be prepared to vote for the French draft resolution. He urged that time be allowed to enable the members of the Council to consider more thoroughly all the possible means and methods of avoiding a refusal to admit Italy and other States to membership in the United Nations.

380. The representative of the NETHERLANDS recalled that his delegation had always supported the proposal to admit Italy to membership. He attached great value to the advisory opinion which the International Court of Justice had given in May 1948, to the effect that Members of the United Nations were not juridically entitled to make their consent to admission dependent upon conditions not expressly provided by paragraph 1 of Article 4 of the Charter. Moreover, the Security Council was faced with a new and very important fact, namely, the opinion expressed by the General Assembly that Italy should become a full member of the Trusteeship Council. Under the Charter, admission to full membership was the only logical way of fully associating a non-member State with the work of one of the main organs of the Organization. What would be the situation if Italy should fail to gain admission to the United Nations but should still be expected to carry the burden of a responsible Power in a Trust Territory?

381. The representative of INDIA said that there were a number of States such as Ceylon and Nepal which, in the judgment of his Government, were qualified for admission under the terms of Article 4, paragraph 1, of the Charter. Without prejudice to that general position, he supported the General Assembly's special resolution of 7 December in favour of Italy's admission.

382. The representative of CHINA considered that Italy had a perfect moral right to membership in the Organization. Its importance in the world could not be denied and it fulfilled all the requirements for membership set forth in the Charter. Moreover, the United Nations had asked Italy to be the Administering Authority in Somaliland. He therefore supported the French draft resolution.

383. The representative of the UNITED KINGDOM said that the singling out of Italy must not be construed as weakening the case of a number of other countries, which had just as good a claim to membership as Italy. The basis for the General Assembly's request drawing the Council's attention to special reasons for early admission of Italy was simple; it was obvious that, if Italy was to carry out its responsibilities as Administering Authority in Somaliland with the maximum of efficiency, it had to be a member of the Trusteeship Council, for which purpose the Charter required it to be a Member of the United Nations.

384. The representative of TURKEY considered that Italy fulfilled all the conditions for admission which were required by the Charter and fully deserved to be admitted to membership. Moreover, Italy had assumed important responsibilities on behalf of the United Nations. The General Assembly resolution of 7 December 1951 reflected the will of the overwhelming majority of the States Members of the United Nations. He supported the French draft resolution.

385. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the Assembly's resolution of 7 December testified to the fact that attempts were still being made to depart from the normal procedure laid down by the Charter and the rules of procedure for considering the question of the admission of new Members since the purpose of that resolution was to prevent consideration of the question on the basis of justice and impartiality. The draft of that resolution had been submitted in the Fourth Committee, although the question of the admission of new Members did not lie within the competence of that Committee, which was not empowered to examine or propose any draft resolutions or recommendations on that question. The question fell within the scope of the First Committee and should have been transmitted to it for consideration.

386. The baseless and artificial nature of the argument that Italy's responsibility for the administration of a Trust Territory required that only the application of Italy should be considered was obvious. The admission of new Members was not governed by the consideration that, if a given State was an Administering Authority of a Trust Territory, it must, *ipso facto*, be admitted to membership in the United Nations. A State could administer a Trust Territory without being a Member of the United Nations.

387. Declaring that the General Assembly could not dictate to the Security Council, the USSR representative said that the twelve other applicant States, several of which—for example, Bulgaria, Hungary, Romania and Finland—had been, during the war and since the conclusion of peace treaties with them, in exactly the same position as Italy as regards their admission to membership in the United Nations, were as entitled to membership as Italy was. There was no justification for giving exceptional priority to the latter's application while the applications of States which had applied for admission earlier were shelved. Thus, what lay behind

the examination, out of turn, of the question of the admission of Italy was not the Charter nor the desire to extend and reinforce the United Nations in the interest of peace and to raise its prestige, but the military and political considerations of the United States, the United Kingdom and France, considerations which had nothing in common with the Principles and Purposes of the United Nations. The Council should give immediate and thorough consideration to the question of the admission of new Members and should decide how the whole question might be considered in a positive manner, without discrimination or favoritism.

388. The objections of the Anglo-American bloc to the simultaneous admission of all thirteen applicant States to the United Nations represented nothing more than a convenient disguise for the policy of discrimination conducted by that bloc against a number of States whose domestic systems did not please the ruling circles of the United States and the United Kingdom. But that could not serve as a valid basis of objection, the USSR representative continued, since the Charter did not provide that all States must have the same social and political structure as the United States in order to be admitted to membership in the United Nations. In pursuing such tactics the United States, the United Kingdom and France had, in fact, voted on every occasion against proposals for the admission to membership in the United Nations of all thirteen States, including Italy. Thus, if the United States, the United Kingdom and France had adopted an impartial, non-discriminatory and just attitude in the Council in conformity with the provisions of the Charter, and had not acted from selfish motives in applying one treatment to certain States which obediently followed them, and an entirely different treatment to those States which did not wish to be subservient to them, Italy and the other States would long since have been admitted to the United Nations.

389. The Soviet Union had never opposed, nor was it at that time opposing the admission of Italy to membership in the United Nations. Italy could be admitted to the United Nations without delay, equally with other States that had a legal right to, and had applied for admission. In accordance with the position as stated, the representative of the USSR submitted the following draft resolution (S/2449):

"The Security Council,

"Having examined the applications of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, the Hashemite Kingdom of Jordan, Austria, Ceylon and Nepal for admission to membership in the United Nations,

"Recommends the General Assembly to admit the afore-mentioned States to membership in the United Nations."

390. The representative of the Soviet Union observed that the demand of the United States that particular countries should change their internal systems and domestic policies to accord with the wishes of the United States of America, was at variance with Article 2, sub-paragraph 7, of the Charter of the United Nations.

391. The delegation of the Soviet Union appealed to the members of the Security Council to put an end to the policy of discrimination and favoritism, which was incompatible with and contrary to the aims and objectives of the United Nations Charter and which had led to a deadlock, and to adopt the draft resolution submitted by that delegation.

392. The representative of the UNITED STATES OF AMERICA, recalling that the General Assembly had on several occasions expressed its judgment that Italy fulfilled the requirements of Article 4 of the Charter, stated that the Security Council should pay the greatest deference and respect to the judgment of the Assembly. To characterize that judgment as a "dictate to the Security Council" was to say that the clearly expressed wish of the majority was entitled to no weight and to no respect. Moreover, he could not agree that it was either irrelevant or indecisive to note the special responsibility assumed by Italy on behalf of the United Nations. It was an act of utter irresponsibility for any member of the Security Council to ignore or to reject the repeated expressions of opinion on that question by a large majority in the Assembly.

393. The Government of the United States favoured separate consideration of applications for membership; to operate upon any other theory would be to deny careful consideration of the merits of each application. The USSR representative refused to acknowledge the existence of Article 4 of the Charter and therefore misunderstood the United States delegation's statements with regard to the necessity for a change of policy in order to enable certain applicants to qualify for membership. The USSR statement that it would vote against the admission of Italy unless other applications were considered at the same time was a public confession of a policy flatly contrary to the International Court's advisory opinion of 28 May 1948.

394. The United States representative also pointed out that the representative of the USSR had referred merely to thirteen applicants although there were actually fourteen. All of them had been referred to by the General Assembly in its 1950 resolution, and the Assembly had found that nine qualified for admission. The case of Italy was a special one, and he supported the French draft resolution.

395. At the 573rd meeting (6 February 1952), the President, speaking as the representative of GREECE, declared that Italy was a peace-loving State, meeting the requirements of the Charter, and that its absence from the Organization would be unjust and regretable. Italy's non-participation in the United Nations, and consequently in the Trusteeship Council, would be out of keeping with the mission entrusted to it of leading Somaliland towards independence. The clearly expressed will of nine-tenths of the Members of the Organization was paralysed by a single vote in the Security Council.

396. To justify that negative attitude, the representative of Greece continued, the USSR delegation had put forward a new principle, on which its draft resolution was based. That proposal, which would undermine the very foundation of the Charter and might open the way to endless abuse, was a false interpretation of the

principle of universality because it would involve a purely automatic and mechanical system of admission, contrary to the terms of Article 4 of the Charter. Since the USSR draft resolution did not include all of the applicant States, it also constituted discrimination. Moreover, the USSR delegation's interpretation of its own principle was quite arbitrary, as indicated by its favourable attitude in 1949 and 1950 on the admission of Israel and Indonesia. Acceptance of the solution of automatic wholesale admissions would be an expedient which would run counter to Article 6 of the Charter, since it was difficult to see why the Organization should be more severe towards Members than towards candidates.

397. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the debate on the admission of new Members which had recently taken place in the First Committee and at plenary meetings of the General Assembly had demonstrated that a majority of the Members of the United Nations favoured the USSR proposal, and that the United States refusal to permit admission of all fourteen States was evoking increasing dissatisfaction. If the total population of all sixty Member States were taken to be 100 per cent, it would be found that 83 per cent of the population of the Member States had voted in favour of the USSR proposal or had abstained from voting—that is, did not oppose it—in the First Committee. The USSR had never objected to the admission of Italy on an equal footing with other States qualified for admission. Italy's non-admission was due to the Governments of the United States, the United Kingdom and France, whose attitude was at variance with the principle of equality of States. He submitted the following revised text of the USSR draft resolution (S/2449/Rev.1):

"The Security Council,

"Having examined the applications of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya for admission to membership in the United Nations,

"Recommends the General Assembly to admit those States simultaneously to membership in the United Nations."

398. The representative of CHILE believed that the modern democratic Italy fulfilled all the requirements laid down in Article 4 of the Charter for membership in the United Nations. He agreed with other representatives that the reasons which the representative of the USSR had adduced against taking a separate decision in the case of Italy were not consistent with either the spirit or the letter of the Charter, as interpreted by the International Court of Justice. It was true that a majority in the General Assembly had been in favour of reconsidering the applications before the Security Council, but it had been made clear that the view of that majority was that those applications should be examined separately and on their merits. He would not vote for the USSR draft resolution although, on some later occasion, he would be prepared to take part in a discussion of all pending applications, including those enumerated in the USSR draft resolution.

399. The representative of the UNITED KINGDOM stated that his Government attached great importance to the broadening of the base of the United Nations. A country such as Ceylon, which was a member of the Commonwealth and was incontestably qualified for admission, should no longer be debarred from membership. He also had in mind the many applicant States of Europe, such as the Republic of Ireland and Portugal, which certainly ought to be Members of the United Nations. The Organization should include countries with different ideologies and systems of government, since the greatest value of the United Nations was that it constituted a meeting-place where views could be exchanged and differences between countries could be hammered out and reconciled; he could not, however, accept the extreme thesis of universality, namely that an applicant had only to be a State in order to secure more or less automatic admission to the United Nations. The Council must, in accordance with Article 4 of the Charter and the opinion of the International Court of Justice, be satisfied that each applicant State met the conditions laid down in Article 4. Nevertheless, it was both important and urgent that the deadlock on the question should be broken and that the base of the United Nations should be broadened as much as possible. He would not vote against the USSR draft resolution, but would abstain.

400. The representative of BRAZIL stated that he would vote against the USSR draft resolution, since it was based on a false conception of universality which did not take into consideration the conditions set forth in Article 4 of the Charter, and since it placed the question of admission exclusively on a basis of power politics.

Decision: *At the 573rd meeting, on 6 February 1952, the French draft resolution (S/2443) was put to the vote. There were 10 votes in favour and one against (USSR). The draft resolution was not adopted since the negative vote was that of a permanent member.*

401. The representative of FRANCE stated that the USSR representative had reasserted his fixed determination to link Italy's admission to conditions which were inconsistent with the letter and the spirit of the Charter. The USSR seemed to be guilty of a real abuse of power. What made the ostracism of Italy especially outrageous was that it affected a nation whose qualifications were incontestable. The USSR draft resolution would create a dangerous precedent which might be invoked in the future for the wholesale and indiscriminate admission of candidates linked together in a purely artificial and arbitrary manner.

402. The representative of the UNITED KINGDOM stated that it was indeed lamentable that a great and civilized country like Italy should not be allowed to make its valuable contribution to the endeavours of the Organization. The sole factor which had on several occasions prevented Italy from entering the United Nations had been the veto cast by the Soviet Union. In his view, the significance of the fact would not be lost on the people of Italy.

403. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the Government of France did not need Italy in the United Nations so

much as a Member State as Italy was needed as a collaborator in preparing a new world war and as a member of the aggressive Atlantic bloc which was conducting a frenzied armaments race and preparing plans for such a war. The French representative, like the United States representative, had based his arguments on military and strategic considerations, not on general political or peace considerations, when he had insisted on a special and exceptional procedure for Italy's admission to the United Nations. But that attitude was incompatible with the Charter and did not serve the cause of peace and international security. It was argued that Italy had fought on the side of the Allies towards the end of the Second World War, but Italy was not the only State which had taken part in the War on the side of the Allies; so had Romania, Bulgaria, Hungary and Finland. In the Treaties of Peace with Bulgaria, Hungary, Romania and Italy, the Allied and Associated Powers had promised to support the admission of those countries to membership in the United Nations. The identical commitment had been made to all four countries, and the USSR opposed discrimination with regard to it.

404. Although the participation of Italy and Portugal in the Atlantic bloc was entirely at variance with the requirements to be met by States desiring to become Members of the United Nations, and although the USSR had serious objections to a number of other States, it was observing the principle of equal treatment of all fourteen States. With regard to the remarks of the United Kingdom representative that the Italian people would note the meaning of the USSR veto, the representative of the USSR stated that there could be no doubt that the Italian people would note the fact that three States—the United States, the United Kingdom and France—had provoked yet another veto at the Security Council's meeting on 6 February 1952 and that they had thereby prevented the admission to the United Nations both of Italy and of the other thirteen States, which the Soviet Union delegation insisted upon.

405. In conclusion, the representative of the USSR stated that most of the countries of Europe were not yet Members of the United Nations because the United States was conducting a policy of discrimination against European States. The United States was afraid that if the number of European States in the United Nations were increased, the specific gravity of the Latin American bloc, on which the United States relied, would be reduced and it would therefore be more difficult for the United States to impose its will on the United Nations. The United States was not sure that all the European States admitted to the United Nations would be as obedient as the majority of the Latin-American countries.

406. That was the situation with regard to that long-drawn-out problem, and it was the duty of the Security Council to find a solution. The USSR draft resolution indicated how that solution could be reached, in a way which was most acceptable, most equitable and most compatible with the Charter, and which was based on the principle of the equality of States. If the Security Council were to adopt that draft resolution, the question would be settled and all fourteen States would be recommended for membership in the United Nations.

Decision: *At the 573rd meeting, on 6 February 1952, the revised USSR draft resolution (S/2449/Rev.1) was rejected by 6 votes to 2 (Pakistan, USSR), with 3 abstentions (Chile, France, United Kingdom).*

C. Further consideration by the Security Council

407. At the 577th meeting (18 June 1952), the Security Council had before it the following item, submitted by the representative of the Union of Soviet Socialist Republics as item 3 of the provisional agenda:

> "Adoption of a recommendation to the General Assembly concerning the simultaneous admission to membership in the United Nations of all fourteen States which have applied for such admission."

The Council also had before it the following USSR draft resolution (S/2664):

> *"The Security Council*
>
> *"Recommends* that the General Assembly should simultaneously admit to membership in the United Nations the following States which have applied therefor: Albania, Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Hashemite Kingdom of Jordan, Austria, Ceylon, Nepal and Libya."

408. After some discussion, the USSR proposal to include the matter as item 3 of the agenda was rejected by 7 votes to one (USSR), with 3 abstentions (China, Pakistan, United Kingdom). The Council adopted unanimously a proposal submitted by Chile and the Netherlands which included the USSR-proposed item as sub-paragraph (*a*) under the heading "Admission of new Members", with the following added as sub-paragraph (*b*): "Consideration of General Assembly resolution 506 (VI)".

409. The Council continued its discussion of the question at the 590th meeting (9 July), when the representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that many of the States listed in the USSR draft resolution had submitted their applications for membership in the United Nations as long ago as five years, but the question of their admission had still not been decided. His delegation had once again pointed out that the simultaneous admission of all fourteen States which had submitted applications would be a fair and objective decision on the question, without discrimination against certain countries and favouritism towards others. Discussion of the question at the sixth session of the General Assembly had shown that that view was supported by the majority of the Members of the United Nations. The USSR proposal had been approved by a majority vote in the First Committee and had been widely welcomed in the world Press. Only by procedural tricks and pressure on countries dependent upon it had the United States succeeded in preventing the General Assembly from adopting that draft resolution. It was also in line with paragraph 2 of General Assembly resolution 506 (VI), which recommended that the Council should reconsider all pending applications for the admission of new Members.

410. The representative of GREECE pointed out that there were other applications besides the fourteen specified in the USSR draft resolution. He therefore believed that the Council should not comply with the USSR proposal, particularly since the Council had been requested by the General Assembly to report to it at its seventh session on the status of applications still pending. He proposed that the Council should postpone consideration of the question of the admission of new Members until 2 September 1952, in order to permit close examination of all the applications pending before the Council. The Committee on the Admission of New Members could then consider the applications and report back to the Council before the time-limit set by rule 59 of the provisional rules of procedure.

411. The representative of CHILE, noting that paragraph 3 of the General Assembly resolution 506 (VI) requested the permanent members of the Council to confer with one another with a view to assisting the Council to come to positive recommendations in regard to the pending applications for membership, asked whether those conferences had been held or were planned, and what arrangements had been made for them.

412. The President, speaking as the representative of the UNITED KINGDOM, said that no such meeting had yet been held, probably because none of the permanent members had thought that a meeting held at that stage was likely to have any fruitful result. He was sure that such a meeting would be held, however, before the General Assembly met again.

413. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS observed that the remaining applications were hardly on the same level as the fourteen listed in the USSR draft resolution. Some had been received very recently, while it was unlikely that agreement would be reached on the others. In view of those facts, there was no foundation for the view that the USSR draft resolution did not include all of the specific applications on which a decision could be reached.

414. It appeared, however, that certain quarters desired a postponement of the consideration of the question. In objecting to a postponemen of consideration of that question, the representative of the USSR pointed out that, as it was, the United Nations and its organs were too much and too often prone to synchronize and co-ordinate their work in line with the development of internal political events in the United Nations host country. The proposal to that effect was unjustified, the USSR representative continued, since there was always the possibility that the Council would have new problems to attend to by September. Thus, there was no assurance that the question of the admission of new Members would be considered then. On the other hand, there was no reason to put off consideration at that time since the Council's agenda was exhausted. Moreover, the possibility was not excluded that a special session of the General Assembly would be called in the near future. What would prevent that special session from considering the question of the admission of new Members, if the Council decided to recommend the admission of fourteen new Members to the Assembly? Such a development would represent a great step forward in strengthening international collaboration and raising the prestige of the Organization. The United States Government, in one of its official documents, had admitted that there was a growing desire in the United Nations to find a way out of the deadlock on the question of the admission of new Members. The acknowledgement of that fact was inconsistent with that Government's endeavour to block examination of the question.

415. As for the matter of consultations among the permanent members, the USSR representative felt that the time was always appropriate for such consultations. There was nothing in the General Assembly resolution, however, which required that the consultations be held before the question of the admission of new Members was discussed in the Council. If the Security Council took a decision on simultaneous admission of the fourteen States there would be no need for a meeting of the permanent members of the Council concerning those applications. Consultations might become necessary on other applications and there would be nothing to prevent them from being held. The USSR delegation for its part was always ready to take part in such consultations and felt that any time was appropriate for them. In view of the above consideration, the USSR delegation felt that the postponement of consideration of the question of admission of new Members until shortly before the seventh session of the General Assembly would be unjust and illegal and would constitute a precedent contrary to the established practice of the Security Council.

416. At the 591st meeting (9 July), the representative of CHILE said that his delegation considered it essential that the permanent members of the Security Council should consult with one another in a serious effort to achieve progress in the consideration of the question under discussion. The USSR proposal could not be regarded as a new way out of the impasse, since it had been submitted on previous occasions and had been rejected by a majority of the Council. He did not wish to prevent any country from discussing any item if it considered such discussion appropriate; he therefore could not support the Greek proposal for adjournment.

417. The representative of GREECE said that his proposal for postponement, in conjunction eventually with the implementation of paragraph 3 of General Assembly resolution 506 (VI), could ultimately open new horizons for the applicants to be judged on their respective merits. On the other hand, the Council would be in a position to report to the seventh session of the General Assembly on all pending applications. With regard to the question of a special session, he submitted that nothing barred the representative of the USSR, should a special session be convened, from requesting a meeting of the Council in due time for the examination of all pending applications.

418. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the USSR proposal was not new, but it was correct, just, legitimate and well-founded. There was a more direct way of settling the problem than consultation among the permanent members of the Council. If none of the permanent members of the Council objected to the admission of all the fourteen States listed in the USSR draft resolution, there would be no need for consultation. The simul-

taneous admission of all fourteen States to membership was the best, the most just and the most acceptable way out of the situation.

419. The representative of PAKISTAN said that, while he was in agreement with the proposal that discussion should be postponed, his delegation expected that, during the resulting interval, the permanent members of the Council would confer with one another in order to resolve the issue. His delegation, along with that of Chile, therefore submitted the following draft resolution (S/2694):

"The Security Council,

"Recalling paragraph of the resolution 506 (VI) of the General Assembly, which requested the permanent members of the Security Council to confer with one another on the subject of the pending applications for membership in the United Nations,

"1. *Considers* that the fulfilment of this request will be of great assistance to the Security Council in coming to positive recommendations on this subject;

"2. *Urges* the five permanent members of the Security Council to give their earnest attention to the above-mentioned request of the General Assembly."

420. The representative of the UNITED STATES OF AMERICA said that his Government had always been prepared to hold consultations such as were called for by General Assembly resolution 506 (VI). That resolution was not unique, since a series of resolutions, in several sessions of the General Assembly, had called upon the permanent members of the Security Council to carry out such consultations. He considered that the difficulty which had arisen in the Council was that the USSR representative, some four and one-half months after the adoption of General Assembly resolution 506 (VI), had suddenly placed the problem on the agenda without any prior intimation and without any suggestion for consultation. He pointed out that the joint draft resolution was unnecessary; no further resolutions of the Council were necessary to accomplish the purpose of the General Assembly resolution.

421. The representative of CHINA supported the proposal submitted by the representative of Greece. He recalled that his delegation had voted against a proposal identical in substance to the USSR proposal; and he said that he had not found any reason for changing that stand. A discussion at that time did not appear likely to produce results, whereas a delay might help to lead to a solution.

422. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that, in view of the situation which had arisen, he insisted that the USSR draft resolution should be considered and voted upon in accordance with the Council's practice and its provisional rules of procedure. The Greek proposal was unacceptable, since it would delay the consideration and decision of the question for no reason and he would vote against it. The joint draft resolution was also unfounded in the absence of objections from the permanent members of the Security Council. He considered that the joint draft was not a procedural one and that the Council had no grounds for creating the precedent of regarding such proposals as procedural. In connexion with the United States representative's remarks, he pointed out that General Assembly resolution 506 (VI) did not stipulate that the question of the admission of new Members must first be discussed by the permanent members of the Council. The General Assembly had merely expressed a wish: in the first place, it recommended that the Security Council reconsider all pending applications and then it requested the permanent members of the Council to confer with one another. Thus, from the formal point of view, the United States representative had no grounds for accusing the USSR of violating the resolution.

423. In the course of further discussion, the President expressed the opinion that the Greek proposal should be put to the vote first, and that the joint draft resolution could not be regarded as an amendment to that proposal.

Decision: *At the 591st meeting, on 9 July 1952, the Greek proposal to postpone consideration of the question of the admission of new Members until 2 September 1952 was adopted by 8 votes to one (USSR), with 2 abstentions (Chile, Pakistan).*

D. Applications for membership

424. During the period under review, membership applications were received as indicated below. Some of the communications constituted renewals of applications made earlier.

(i) *Application of Vietnam*

By a letter dated 17 December 1951 (S/2446), addressed to the Secretary-General, the President of the Government and Minister for Foreign Affairs of Vietnam applied for membership in the United Nations.

(ii) *Application of Libya*

By a letter dated 24 December 1951 (S/2467), addressed to the Secretary-General, the Minister for Foreign Affairs of the United Kingdom of Libya submitted the application of his Government for admission to the United Nations.

By a letter dated 17 January 1952 (S/2483), addressed to the President of the Security Council, the representative of Pakistan requested that the question of Libya's admission to the United Nations should be placed on the agenda of one of the forthcoming meetings of the Council. He enclosed the following draft resolution:

"The Security Council,

"Having considered the application of the United Kingdom of Libya for admission to membership in the United Nations,

"Takes into account that on 24 December 1951, in pursuance of General Assembly resolution 289 (IV) of 21 November 1949 and 387 (V) of 17 November 1950, the United Kingdom of Libya has been constituted as an independent and sovereign State;

"Decides that in its judgment the United Kingdom of Libya satisfies the conditions for membership in

the United Nations laid down in Article 4, paragraph 1, of the Charter; and

"*Recommends* to the General Assembly that it admit the United Kingdom of Libya to membership in the United Nations."

(iii) *Application of the Democratic Republic of Vietnam*

By a cablegram dated 29 December 1951 (S/2466), addressed to the Secretary-General, the Minister for Foreign Affairs of the Democratic Republic of Vietnam recalled his Government's request of 22 November 1948 for admission to the United Nations and requested that the application be considered as soon as possible.

(iv) *Application of the Republic of Korea*

By a letter dated 22 December 1951 (S/2452), addressed to the Secretary-General, the Prime Minister of the Republic of Korea renewed his Government's membership application of 19 January 1949 (S/1238), in accordance with Article 4 of the Charter.

(v) *Application of the People's Democratic Republic of Korea*

By a telegram dated 2 January 1952 (S/2468), the Minister for Foreign Affairs of the People's Democratic Republic of Korea, recalling his Government's application of 9 February 1949 (S/1247) for admission to the United Nations, stated that his Government was applying for a second time.

(vi) *Application of Cambodia*

By a letter dated 15 June 1952 (S/2672), the President of the Council of Ministers and Minister for Foreign Affairs of Cambodia applied on behalf of his Government for admission of the Kingdom of Cambodia to membership in the United Nations.

(vii) *Application of Japan*

By a letter dated 16 June 1952 (S/2673), the Minister for Foreign Affairs of Japan submitted his Government's application for admission to membership in the United Nations.

(viii) *Application of the People's Republic of Romania*

By a cablegram dated 25 June 1952 (S/2685) addressed to the President of the Security Council, the President of the Council of Ministers of the People's Republic of Romania, noting that Romania had submitted on 12 October 1948 its application for membership in the United Nations, supported the USSR proposal for simultaneous admission of fourteen States to membership in the United Nations.

(ix) *Application of the People's Republic of Albania*

By a cablegram dated 12 July 1952 (S/2701), the President of the Council of Ministers and Minister for Foreign Affairs of the People's Republic of Albania resubmitted his country's request for admission as a Member of the United Nations.

Chapter 7

ELECTION OF MEMBERS TO THE INTERNATIONAL COURT OF JUSTICE

425. Article 13, paragraph 1, of the Statute of the International Court of Justice stipulates that the members of the Court are elected for nine years and may be re-elected, but provides, *inter alia,* that the terms of office of five of the fifteen judges elected at the first election "shall expire at the end of six years". Since the terms of those judges were to come to an end on 5 February 1952, the first election having been held on 6 February 1946, regular elections were required at the sixth session of the General Assembly to fill the vacancies.

426. On 29 May 1951, the Security Council noted that a vacancy in the International Court of Justice had occurred because of the death, on 7 May, of the incumbent Judge José Philadelpho de Barros e Azevedo (Brazil), and decided under Article 14 of the Court's Statute that the election to fill the vacancy for the remainder of the term of the deceased—until 5 February 1955—should take place during the sixth session of the General Assembly prior to the regular elections to be held at the same session.

427. Accordingly, at its 567th meeting (6 December 1951), the Security Council unanimously elected, in place of the deceased judge, Mr. Levi Fernandez Carneiro (Brazil) from the list of nominees circulated by the Secretary-General (S/2338 and Corr.1 and Add.1). The General Assembly, voting independently, at its 350th plenary meeting on 6 December, also elected Mr. Carneiro, and its President, in view of the election of Mr. Carneiro by both the Security Council and the General Assembly, declared him elected to fill the vacancy.

428. Following its election of Mr. Carneiro, the Security Council proceeded at the same meeting to elect five candidates from the list of nominees circulated by the Secretary-General (S/2339 and Add.1-5). On the first ballot the following six candidates received an absolute majority: Mr. Green Haywood Hackworth, United States of America, 11 votes; Mr. Sergei Alexandrovitch Golunsky, Union of Soviet Socialist Republics, 9 votes; Mr. Helge Klaestad, Norway, 8 votes; Sir Benegal Narsing Rau, India, 7 votes; Mr. Enrique C. Armand Ugon, Uruguay, 7 votes; and Mr. Charles De Visscher, Belgium, 7 votes.

429. A discussion took place concerning the procedure to be followed in the absence of any provisions in the rules of the Security Council and in the Statute of the Court for the contingency of six candidates obtaining the necessary majority when only five are to be elected.

430. The PRESIDENT, in view of Articles 8 and 13 of the Statute of the International Court, ruled against submitting to the General Assembly the names of all six candidates who had received an absolute majority.

431. Other alternatives suggested included (*a*) voting again for five candidates with a view to succeeding in electing only five, either from among all the nominees or from the six who had obtained an absolute majority; (*b*) regarding as elected those three candidates who had received the largest number of votes and voting again for only two candidates, either from among the three who had each received seven votes or from all of the other nominees.

432. The representative of INDIA proposed that the Council should await the receipt of the result of the ballot in the General Assembly before again voting on the matter.

Decision: *At the 567th meeting, on 6 December 1951, the Security Council rejected the proposal of the representative of India, the vote being 2 in favour (India, Yugoslavia), 4 against (China, France, Turkey, United Kingdom), and 5 abstentions (Brazil, Ecuador, Netherlands, USSR, United States).*

433. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS insisted that the three candidates receiving the highest number of votes had been unquestionably elected and that the remaining two should be chosen from the other three who had received seven votes.

434. The representative of the UNITED STATES OF AMERICA proposed that the Council should take another vote for the election of the required five candidates from among all the nominees.

435. While recognizing the Security Council's responsibility for electing independently five candidates, several representatives inquired about the results of the General Assembly election, expressing the view that it would be proper to take such facts into account. The PRESIDENT said that the Council would be informed about those results after the Council had made its own decision on the matter.

Decision: *The Security Council adopted the United States proposal by 9 votes to one (USSR) with one abstention (India).*

436. On the second ballot, only five candidates received an absolute majority. Two of them, Mr. Hackworth and Mr. Klaestad, were among the retiring members of the Court. The General Assembly had, meanwhile, at its 350th meeting, elected the same five candidates. The following judges have thus been duly elected as members of the International Court of Justice for a period of nine years:

Mr. Seigei Alexandrovitch Golunsky (Union of Soviet Socialist Republics);

Mr. Green Haywood Hackworth (United States of America);

Mr. Helge Klaestad (Norway);

Sir Benegal Narsing Rau (India);

Mr. Enrique C. Armand Ugon (Uruguay):

Chapter 8

COMMISSION FOR CONVENTIONAL ARMAMENTS

437. During the year ending 15 July 1952, the Commission for Conventional Armaments held no meetings.

438. By a letter dated 12 January 1952 (S/2478), the Secretary-General transmitted to the Security Council the text of General Assembly resolution 502 (VI), adopted on 11 January 1952, which included a recommendation to the Council that it should dissolve the Commission for Conventional Armaments. In accordance with that recommendation, the Security Council, at its 571st meeting (30 January 1952), adopted the following draft resolution (S/2516 and Corr.1), submitted by the President (the representative of France):

"The Security Council,

"In view of the recommendation contained in paragraph 2 of the resolution adopted on 11 January 1952 by the General Assembly,

"Dissolves the Commission for Conventional Armaments."

PART III

The Military Staff Committee

Chapter 9

WORK OF THE MILITARY STAFF COMMITTEE

439. The Military Staff Committee has been functioning continuously under its draft rules of procedure during the period under review. It held a total of twenty-six meetings, but without making further progress on matters of substance.

PART IV

Matters submitted to the Security Council which were not admitted to its agenda

Chapter 10

THE TUNISIAN QUESTION

A. Communications from the Tunisian Government and from the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Pakistan, the Philippines, Saudi Arabia and Yemen

440. On 31 March 1952, at the request of the representative of Pakistan, copies of several communications from the Tunisian Government were circulated as Council documents (S/2571). In the first communication, dated 12 January 1952, the Prime Minister of Tunisia stated that the domestic sovereignty of the Bey had been maintained intact under the 1881 Treaty by which the French Government had been authorized provisionally to occupy certain points in Tunisia. However, the French authorities had established a system of direct administration in Tunisia which had led to constant unrest. To remedy that state of affairs, the French Government had undertaken to abandon direct administration and to permit the development of Tunisian political institutions to the point of internal autonomy. On that basis the Bey had entrusted the Prime Minister, in August 1950, with the task of forming a "Ministry for negotiations to lead Tunisia to internal autonomy". After long and difficult negotiations it had become apparent that the position of the French Government, including insistence on the participation of French citizens in Tunisia, a foreign colony, in that country's political institutions, was contrary to the 1881 Treaty. In view of France's desire to impede the establishment of true democracy in Tunisia, the Tunisian Government considered that the situation created a dispute the settlement of which by direct negotiation had proved impossible. The attitude of the French Government was likely to prejudice the development of "friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples" (Article 1, paragraph 2, of the Charter). The Tunisian Government therefore brought the dispute before the Security Council on the basis of Article 35, paragraph 2.

441. In subsequent communications the Tunisian representatives stated, *inter alia,* that the French authorities had exerted pressure on the Tunisian sovereign to disavow his Government's approach to the Council; that there had been serious incidents marked by death and injuries; and that the French authorities were arbitrarily arresting political leaders in order to stifle the aspirations of the Tunisian people.

442. In letters dated 2 April 1952 (S/2574 to S/2584) the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Pakistan, the Philippines, Saudi Arabia and Yemen brought the situation in Tunisia to the attention of the Security Council under Article 35, paragraph 1, of the Charter. They stated that, since the Tunisian application of 12 January, the Prime Minister and other Ministers of the Tunisian Government had been arrested and the deteriorating situation was seriously endangering the maintenance

of international peace and security, thereby falling within the scope of Article 34 of the Charter. Accordingly, they requested the Council to consider the matter urgently, with a view to taking the necessary measures provided by the Charter to put an end to the existing situation. The representatives of Afghanistan, Egypt, India, Indonesia, Iran, Iraq, the Philippines, Saudi Arabia and Yemen requested that they be called upon, under rule 37 of the Council's provisional rules of procedure, to participate in the discussion. Explanatory notes submitted with those letters reviewed relations between Tunisia and France and stated that the French Government's violation of the 1881 Treaty had deprived the people of Tunisia of their right of self-government and self-determination. In Asian and African countries it was keenly felt that the domination of weak nations by colonial Powers had no moral justification and was contrary to the spirit of the times.

B. Adoption of the agenda

443. The Tunisian question was included in the provisional agenda of the Security Council's 574th meeting (4 April 1952).

444. The representative of FRANCE stated that the application to the United Nations by the members of the former Tunisian Government was invalid because of the absence of the Bey's seal and was also not receivable under the terms of the Charter. If the representatives who had been approached by the Tunisian emissaries had pointed out that their governments could not take cognizance of a matter which did not threaten either their own security or peace in general, the French and Tunisian authorities would have found a common ground for legitimate and necessary agreements much more quickly. However, the encouragement of the emissaries' excessive claims had promoted an atmosphere of uneasiness and crisis leading to an increase in acts of violence.

445. The representative of France said that the Resident-General's decision concerning the former Ministers had been based primarily on the need to ensure, in his conversations with the Bey, an atmosphere without constraint in which he could freely express his views and be heard. Furthermore, it had been impossible to leave in power men who for several months had paralysed the entire administrative machinery through their inefficiency and had encouraged every kind of breach of the peace. The French Government had taken the decision demanded by its overriding responsibilities under the Regency, a decision for which it was accountable to no one. The plan of reforms which had been submitted to the Bey went beyond all the legitimate aspirations of Tunisian nationalism, and did not bring into question the Bey's sovereignty or the internal autonomy of his kingdom. The plan provided for the establishment of assemblies representing all the interests in the country and sought, by freely conducted negotiations, to reconcile continued French co-operation with the necessary growth of the Tunisian people's participation in and responsibility for the conduct of its own affairs. The stages of implementation were established and a definite date was set for the opening of negotiations. The Bey had given his consent to the programme and had instructed an independent and respected person to form a new government. The calm situation in Tunisia showed that the people had heeded the Bey's appeal that it should follow the new course opened in peace and with respect for public order.

446. The representative of France said that the eleven Powers had chosen to disregard the existing situation and had presented a sketchy, inaccurate and tendentious picture of the past. It was difficult to pick out, from the propaganda and historical untruths, the practical results which the complainants intended to achieve. If the Council was being called upon to open the way to a better understanding between the Tunisian and French peoples, the agreement between the Resident-General and the Bey was the best proof of the achievement of mutual understanding. Since that agreement removed anything that could be regarded as a situation or dispute, the Council need not include in its agenda a question which no longer existed.

447. The representative of CHILE supported inclusion of the item in the agenda without prejudice to his Government's position on the substance and on the question of competence. Noting that the Security Council acted on behalf of all Member States, he emphasized the number and importance of the countries which favoured inclusion of the item. Rejection of the request of the eleven Powers would be a serious denial of justice and would supply a cogent argument to those who claimed that the United Nations could not protect the interests of weak nations when they conflicted with those of powerful States. Rejection would accentuate divisions based on differences of race and economic and social development. The struggle of Asia, Africa and Oceania for political and economic liberation should be examined with great attention and respect, since the attitude of the rest of the world would determine whether that struggle was to be expressed in international co-operation or in isolated and aggressive action.

448. The President, speaking as the representative of PAKISTAN, said that the opposition of the representative of France to adoption of the agenda, after a speech which had been made as though the agenda had been adopted, showed the desire to deny the same opportunity for full discussion of the question to the ten other Member States who had asked to participate and who had been accused in the speech, together with Pakistan, of slandering the French Government. Recalling that the question of Morocco had not been inscribed on the agenda of the sixth session of the General Assembly he said that the decision to bring this matter up before the Security Council had been taken after great deliberation. He gave a detailed account of the deterioration of the situation since the submission of the application to the Security Council and said, *inter alia,* that on 15 January the Resident-General had demanded that the complaint be withdrawn. On being instructed by the Bey to reply, the Prime Minister had stated that he had been authorized by the Bey to bring the complaint to the United Nations. On 24 March the Resident-General had informed the Bey that the French Government was prepared to resume negotiations, on condition that the Cabinet be dismissed and the complaint withdrawn. When the Bey had refused, the Resident-General had produced a document, signed by the

French Foreign Minister, giving him full powers to re-establish law and order and to protect French interests. The Bey had drawn the attention of the President of the Republic of France to the pressure exerted by the Resident-General and had demanded his recall. That night the Resident-General had arrested the Tunisian Cabinet—the Cabinet which had been set up, as a result of the agreement between the two Governments, to negotiate reforms. Hundreds of persons had been arrested, all nationalist newspapers had been suppressed and martial law had been applied. The Bey's palace had been surrounded by troops. After a private interview the following morning, the Resident-General had declared that the Bey had consented and that a decree would be issued in his name. So far as was known, the decree had not carried the Bey's signature. A figurehead Prime Minister had been appointed who had not yet been able to muster one Minister for a Cabinet. The French authorities were said to have reform schemes and plans of autonomy; however, it was necessary to enquire whether they wished to negotiate only with their own puppets. The representative of Pakistan asked how the functions of the Security Council were to be understood if a suppressed people could not raise its voice there through eleven responsible nations representing practically the whole of Asia. Those nations were not making any extreme demands; they were simply asking the Council to discuss the question.

449. The representative of BRAZIL stated that, consistently with the Security Council's procedure in the Anglo-Iranian Oil Company case, he would vote for inclusion of the item in the agenda without prejudging the merits of the case or the Council's competence. If eleven Member States regarded the situation as a danger to peace, that was in itself a fact of great importance deserving the Council's close attention. However, it would not seem that a protracted discussion would serve any useful purpose at that stage, when the peaceful means provided for in Article 33 of the Charter for reaching a solution had not been exhausted. There was no reason to question the sincerity of the assurances given by the French Government. Accordingly, the Brazilian delegation would be receptive to a proposal for the postponement of consideration of the item after its inclusion in the agenda.

450. At the 575th meeting (10 April), the PRESIDENT informed the Security Council that he had received letters from the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, the Philippines, Saudi Arabia and Yemen rejecting the French representative's allegations concerning their intentions and motives in sponsoring the Tunisian case. All but one had expressed the hope that the Council would permit them to reply to those charges.

451. The representative of the UNITED KINGDOM considered that a satisfactory solution of the problem was likely to result only from peaceful negotiations between France and Tunisia, not from any solution imposed by the Security Council. He could not agree that the process of negotiation was at an end. The new Prime Minister was a highly respected figure in Tunisia. The Bey was prepared to negotiate and the French Government had made concrete suggestions for a plan of reform which would lead Tunisia towards internal autonomy. Even if the Council limited itself to debate, the United Kingdom representative doubted whether it could assist in a peaceful settlement and avoid inflaming passions still further. For these practical reasons he would vote against the adoption of the agenda. Furthermore it appeared that, in view of the instruments governing the position, the matter fell within France's domestic jurisdiction and the Council was debarred from intervening by Article 2, paragraph 7, of the Charter.

452. The representative of the UNITED STATES OF AMERICA said that his Government had always considered that the organs of the United Nations should be available for the examination of any problem which caused serious friction in international relations. At the same time it was clear that under the Charter the parties to a controversy were obliged first to seek a solution by negotiation. The United States Government believed that it was more useful at that time to concentrate on the problem of facilitating negotiations than to engage in debate at the Council table. The United States did not wish to pass judgment upon the most recent developments in Tunisia; however, it could not condone the use of force by either party. The French programme appeared to constitute a basis for resumption of negotiations for the establishment of home rule in Tunisia, and it was fervently hoped that France would bring about far-sighted and genuine reforms. Therefore, without dealing with the question of the Council's competence, he would abstain on the question of including the item in the agenda. His Government would reassess the situation if a Member again brought the question before the Council.

453. While reserving his position on the point of competence and on the merits of the question, the representative of CHINA pointed out that it had always been the Security Council's practice to give the benefit of the doubt to a party proposing a new agenda item. Furthermore, the Chinese delegation could not oppose the proposal of eleven friendly neighbours of China, which were associated with Tunisia by geographical, historical or religious ties. Few, if any, of those States would seek to inflame public opinion in Tunisia or to encourage immoderate expectations. Similarly, the majority of the members of the Council were friendly to France and would wish to be constructive and objective. The representative of China pointed out that rejection of the proposal of the eleven States might have unfavourable effects on the situation in Tunisia and throughout Asia and Africa. If it appeared that the agenda could not be adopted, the second best course would be to postpone a decision on its adoption.

454. The representative of GREECE felt that the Security Council would be failing in its duty if it included a situation in its agenda without first considering whether such a procedure was timely. Noting that the Anglo-Iranian Oil Company case had been cited as a precedent, he pointed out that it was possible to question whether the Council's haste in that matter had strengthened its prestige or contributed to settlement of the dispute. The genuine desire to see the Tunisian case justly settled prompted the hope that the interested parties might still reach directly a fair agreement. For that reason, it was felt that the inclusion of the Tuni-

sian question in the agenda would serve no purpose. However, because of the adherence of the Greek Government to the principle of the open door, he would not cast a negative vote but would abstain.

455. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that Tunisia was a Non-Self-Governing Territory in regard to which France had the obligation, under Article 73 of the Charter, to promote to the utmost the well-being of the inhabitants, to develop self-government and to assist in the progressive development of free political institutions. The appeal of the eleven Powers had indicated that the French Government, by pursuing an undemocratic policy in Tunisia and by repressing the national liberation movement, had created a situation endangering the maintenance of international peace and security. It was the duty of the Security Council to investigate that situation, to hear both sides, and to take the necessary action. However, the representatives of France and the United Kingdom had declared that they were opposed to the inclusion of the Tunisian question in the Council's agenda. The statement of the United States representative that he would abstain from voting on that proposal actually constituted a vote against the item's inclusion since, by abstaining, he would be making it impossible to muster the necessary seven votes. Thus, the representatives of the United States, the United Kingdom and France not only opposed a just settlement of the Tunisian question, but did not even want to discuss the matter in the Security Council, despite the request submitted by eleven States and supported by a number of Council members. That was reflection of the imperialist policy of the colonial Powers toward the colonial and dependent countries. These actions of the Governments of the United States, the United Kingdom and France, which had united in an aggressive military alliance, had demonstrated once more the real nature of the aggressive Atlantic bloc which they were using to maintain their traditional privileges in the colonies, and were thus emphasizing the undemocratic, reactionary and aggressive character of that alliance.

456. The representative of the USSR recalled that, at the sixth session of the General Assembly, only three Powers, the United States, the United Kingdom and France, had voted against the USSR proposal for inclusion in the Covenant on Human Rights of an article concerning the grant of the right of self-determination to all peoples, including the peoples of Non-Self-Governing and Trust Terirtories. The refusal of the Anglo-American bloc in the Council to consider the Tunisian question demonstrated once again to the peoples of the whole world and above all to the peoples of Asia and Africa, that the ruling circles of the United States, the United Kingdom and France were trampling upon the legitimate rights of Members of the United Nations, in an attempt to convert the Organization and its organs into an instrument of aggressive policy and to use them for the purpose of suppressing national liberation movements in colonial and dependent countries. The USSR delegation supported the appeal of the eleven States for the consideration by the Security Council of the situation in Tunisia, and considered that all the States which had submitted the request should be given an opportunity to address the Security Council.

457. The representative of the NETHERLANDS said that, generally speaking, his Government believed that it was the task of the Security Council to examine any dispute or situation which, in the opinion of the States bringing such a matter to the Council's attention, might lead to international friction or give rise to a dispute. However, when there was doubt about the formal existence of a dispute and about the possible tranquillizing and constructive effect of such consideration, the Council might well question the desirability of including such an item in its agenda. Bearing in mind the new French proposals, his Government believed that a fair chance should be given to the current efforts of the parties to find common ground, without intervention by others who had no direct responsibility for the development of a relationship which was founded upon a legal mutual engagement. Reserving his position on the question of competence, the representative of the Netherlands said that he would abstain when the provisional agenda was put to the vote.

458. The representative of TURKEY said that it would have been easier to support inclusion of the item if all the peaceful means of settlement referred to in Article 33 of the Charter had been exhausted. He stressed the fact that, both in France and in Tunisia, new governments had recently come into office. Direct negotiation, if conducted in a constructive and intelligent way, could meet the aspirations of the Tunisian people, but bitter debates could only make that delicate task more complicated. However, if a majority of the Security Council believed that the solution of the question would be made easier by its inclusion in the agenda, the Turkish delegation would not object, provided the question of competence remained to be settled at a later stage. He would therefore abstain from voting.

459. The President, speaking as the representative of PAKISTAN, said that failure to include the item in the agenda had laid the foundations for the suppression of free discussion in the United Nations. He quoted from earlier statements of the representatives of France, the United Kingdom and the United States of America to show that their decision not to support the inclusion of the Tunisian item on the agenda was a reversal of policy. Referring to the United States he said that the reversal of its policy of free discussion came as a disappointment to liberal opinion all over the world. However there had also been some heartening parts of the United States statement. The use of force had been condemned and the abstention had been limited to the present time. The representative of Pakistan said that the French authorities were working not in the interests of France, with its great tradition of liberalism, but on behalf of the 150,000 French settlers who had enormous vested interests in Tunisia. The interests of France lay in coming to a peaceful understanding, not with puppets, but with the real Tunisian people.

460. Replying to certain arguments advanced by the President when he had spoken as the representative of Pakistan, the representative of FRANCE said that he would leave it to the Security Council to decide if it was he who had broached the substance of the question, or the States which had brought the matter before the Council. He felt that the terms used in his criticism

of the communications of the eleven Member States had not gone beyond the limits imposed by international courtesy on the representative of a country whose honour had been impugned.

461. At the 570th meeting (14 April), the delegation of Pakistan submitted the following draft resolution (S/2598):

"*The Security Council,*

"*Considering* the communications dated 2 April 1952, addressed by the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, the Philippines, Saudi Arabia and Yemen to the President of the Security Council (S/2579, S/2581, S/2575, S/2580, S/2574, S/2582, S/2576, S/2583, S/2578, S/2584),

"*Noting* the subsequent communications addressed by the above-mentioned representatives to the President of the Security Council which were read out to the Council by the President in the 575th meeting of the Council held on 10 April 1952,

"*Decides* to invite those of the above-mentioned representatives who have expressed the hope that the Council will provide them with a suitable opportunity to answer certain remarks made about them by the representative of France in the 574th meeting of the Council held on 4 April 1952, to take part in the proceedings of the Council for that purpose."

462. The representative of CHILE said he was anxious that the item should be placed on the agenda to safeguard two fundamental principles vital to the very existence of the United Nations: the principle of freedom of discussion, and the principle of the equality of rights of all Member States whether great or small. He said that the Council's power not to place an item on its agenda should be exercised with extreme caution and only in such circumstances as bad faith or obvious error on the part of the country asking for the inclusion of the item. He expressed concern that the Council, which was already limited in its powers by the principle of unanimity, should be limiting its moral power by restricting debate, a limitation which might in the future even be imposed by the vote of a minority. Unfortunately, disregard of the proposals of small and medium-sized countries had recently become apparent in the United Nations. It would be the end of the Organization if there was a division among the United Nations based on differences of race or economic and social development. It was also advisable to consider what the future of the Organization would be if those who possessed a given power did not take even a small step to approach the position of other Members. The representative of Chile felt that it was necessary to bear in mind the situation of the minority of European origin living in Africa, both by dealing with justified Asian and Arab requests and by helping that minority to explore any solution which would prevent it from becoming the victim of racial tragedy. For those reasons he submitted the following draft resolution (S/2600):

"*The Security Council*

"*Decides* to include in its agenda consideration of the communications submitted by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Pakistan, the Philippines, Saudi Arabia and Yemen with regard to the situation in Tunisia, on the understanding that such action does not imply any decision regarding the competence of the Council to consider the substance of the question;

"*Decides* to postpone consideration of the communications referred to for the time being."

463. The representative of Chile expressed confidence that, if it became clear after a reasonable period, that the position had improved or seemed likely to improve, the complainants would not insist that the Council should discuss the matter. They would ask for immediate consideration only if some grave development made United Nations intervention urgent.

464. The representative of the UNITED KINGDOM said that the Chilean statement was a criticism not of five or six countries for preventing discussion of the question, but of the structure of the Security Council and the rules under which Members had agreed to enter the Organization. He would vote against the Chilean proposal since it would have the effect of putting the question on the agenda. He was also opposed to the Pakistani draft resolution since it would be contrary to the Council's practice to invite countries not members of the Council to take part in discussion on the adoption of the agenda. Furthermore, it would be wrong to adopt some device which would enable debate to be continued on a subject which the Council as a whole did not, at that time, consider suitable for inclusion in the agenda precisely because it thought that such a debate would do more harm than good. As to the moral right of reply, the United Kingdom representative pointed out that the first move had been made by the eleven powers and, if anyone had the right of reply, it was France. In so far as any reply to the statement of the French representative had been called for, the President himself had done all that was necessary on behalf of the eleven countries.

465. The representative of BRAZIL reserved his position on the Pakistan draft resolution, pointing out that the question of participation by the complainant Powers would automatically be solved under rule 37 by the adoption of the agenda.

466. The representative of the NETHERLANDS considered that direct discussion between the parties would not be facilitated by the adoption of Pakistan's proposal. He also opposed the Chilean proposal, since he felt that its adoption would create a disturbing influence in the atmosphere of goodwill which was indispensable for direct negotiations between the parties.

467. The representative of CHILE said that, in the absence of any legal objection and in view of a basic desire to uphold the principle of free discussion, he would vote in favour of the Pakistani draft resolution.

468. The President, speaking as the representative of PAKISTAN, replied to various arguments which had been advanced against the draft resolutions submitted by Chile and Pakistan. He said that he would support the Chilean proposal because it preserved the honour, the dignity and the sense of justice on which the United Nations was supposed to be built.

469. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the French representative had discussed the question in an undemocratic manner and had made a series of attacks against the eleven States which had requested the inclusion of the Tunisian question in the agenda. In that representative's lengthy statement on the substance of the question, he had explained the French point of view on the matter but had stated that he would vote against inclusion of the question in the agenda. Thus, the French representative, taking advantage of his right as a permanent member of the Council, was attempting to deprive the representatives of ten States which were not members of the Council of an opportunity to give the views of their governments on the Tunisian question. The representative of the USSR pointed out that there was nothing in the rules of procedure of the Council to prevent the ten States from being heard at that time. On the contrary, the interests of the applicant States were "specially affected", within the meaning of rule 37, and their representatives should be granted the right to address the Council.

470. Although reserving his position on the applicability of rule 37, the representative of CHINA supported the draft resolutions submitted by Pakistan and Chile. He could not see how adoption of the latter could impair the negotiations.

Decision: *At the 576th meeting, on 14 April 1952, the draft resolution of Pakistan (S/2598) was rejected. The vote was 5 in favour, 2 against (France, United Kingdom), and 4 abstentions (Greece, Netherlands, Turkey, United States).*

471. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS requested separate votes on parts of the Chilean draft resolution, since that proposal, as a whole, did not meet the request of the eleven Powers. The representative of Chile having objected, under rule 32, to the proposal for division, the representative of the Soviet Union explained that his intention had been to vote in favour of the provision for inclusion of the item in the agenda; to abstain from voting on the reservation relating to the Council's competence; and to vote against the provision postponing consideration of the item.

Decisions: *At the 576th meeting, on 14 April, the Chilean draft resolution was rejected. The vote was 5 in favour, 2 against (France, United Kingdom) and 4 abstentions (Greece, Netherlands, Turkey, United States). The provisional agenda was then also rejected. Five votes were cast for the adoption of the provisional agenda, 2 against (France, United Kingdom) and 4 abstentions (Greece, Netherlands, Turkey, United States).*

472. The President, speaking as the representative of PAKISTAN, explained his vote. He reviewed Franco-Tunisian relations since the Treaty of 1881, and pointed out that article 2 of the Treaty provided that French military occupation would cease when the French and Tunisian authorities agreed that the local administration was in a fit position to maintain order. However, the protectorate had gradually deprived a free country of its autonomy. A policy of peopling Tunisia with French settlers had been pursued and the best land had passed into the hands of colonists. Since the beginning of the twentieth century, the Tunisian nationalist movement had become increasingly dynamic; but it had met with the opposition of foreign vested interests and the short-sighted use of force by the colonial Power. He analysed the developments since the end of the Second World War and concluded that the hopes created by the reforms of 1950 had been completely destroyed by French vested interests in Tunisia. The Tunisian Cabinet, which had been formed to negotiate with the French Government for the restoration of Tunisian autonomy, had been made ineffectual by the intrigues of French settlers and by interference in the day-to-day work of the Tunisian Ministers. Current reports indicated that once again the French Government was silencing aspirations for self-determination in order to produce an illusory calm to fit the short-sighted policy of the colonial Power. In preparation for the inevitable withdrawal, France still had time to prepare a structure of co-operation to replace the structure of dominion. It was the earnest hope of all peace-loving nations that such a withdrawal would be orderly, involving the least possible moral or physical destruction, and would leave happy memories on both sides. In voting for the inclusion of the item in the agenda, the aims of the delegation of Pakistan had been to check the wave of emotion that was mounting in Africa and Asia, to seek the Council's good offices to save the Tunisians from their hardships, and to resolve the deadlock that was destroying friendly relations between the French and the Tunisians.

473. The representative of FRANCE said that, after the Council's vote had terminated a procedural discussion concerning the agenda, the President had made a speech dealing with a great number of questions completely irrelevant to that discussion. The President's comments on France's achievements in Tunisia had been partial, unjust and inaccurate.

PART V

Matters brought to the attention of the Security Council but not discussed in the Council

Chapter 11

COMMUNICATIONS RELATING TO THE KOREAN QUESTION

Note: As indicated in the Council's last annual report (A/1873), the item "Complaint of aggression upon the Republic of Korea" was removed from the agenda of the Council on 31 January 1951. Communications relating to the Korean question, received between that date and 15 July 1951, were dealt with in that report.

474. During the period covered by the present report, the representative of the United States of America transmitted to the Council reports on the course of action taken under the United Nations Command, including information on the armistice negotiations which had commenced on 10 July 1951 between representatives of the opposing military commanders in Korea and which were proceeding at Panmunjom, Korea, at the end of the period, as well as communiques issued by the headquarters of that Command. The contents of other communications addressed to the Council, relating to the Korean question, are summarized below.

475. In a cablegram dated 14 July 1951 (S/2231), the representative of Greece advised that his Government had decided to double the strength of its unit operating in Korea.

476. In a letter dated 5 July (S/2232), the representative of the United States of America denied the charges contained in a paper entitled "Report of the Women's International Commission for the investigation of atrocities committed by United States and Syngman Rhee troops in Korea" (S/2203, S/2212). He observed that the International Committee of the Red Cross was the proper organization to carry out investigations of such charges.

477. In a cablegram, dated 11 August 1951 (S/2296), the Minister for Foreign Affairs of the People's Democratic Republic of Korea charged that United States aircraft had dropped bombs containing poison gas on localities in the People's Republic.

478. By a letter dated 22 August 1951 (S/2317), the representative of the USSR transmitted a letter dated 25 July from the Women's International Democratic Federation requesting that the above-mentioned report of the Women's International Commission should be transmitted to the General Assembly for consideration, and that a delegation of the Federation should be admitted to the Assembly during the discussion on the question.

479. In a letter dated 24 November 1951 (S/2418), the representative of the United States of America charged that a United Nations bomber, which had not returned from a weather reconnaissance flight over the Sea of Japan, on 6 November, had been intercepted and attacked by Soviet fighter planes without warning while over international waters.

480. In a letter dated 4 December 1951 (S/2430), the representative of the USSR denied the charges reported in the foregoing paragraph, and stated that the bomber in question had violated the USSR State frontier and had thereafter opened fire on two Soviet fighter aircraft which had been attempting to compel it to land on a Soviet airfield. The fighters had returned the fire, whereafter the bomber had flown towards the sea and disappeared.

481. In a note dated 28 April 1952 (S/2617), the acting representative of the United States of America informed the Council of the appointment of General Mark W. Clark to replace General Matthew B. Ridgway as Commander of the United Nations forces in Korea. In a lettter dated 13 May 1952 (S/2633), the representative of the United States of America indicated that the effective date of the change-over in the Command was 12 May, Tokyo time.

Chapter 12

REPORTS ON THE TRUST TERRITORY OF THE PACIFIC ISLANDS

482. On 29 January 1952, the Secretary-General transmitted to the Security Council the report on the Trust Territory of the Pacific Islands (S/2501) for the period from 1 July 1950 to 30 June 1951, received from the representative of the United States of America to the United Nations.

483. On 16 April 1952, the Secretary-General transmitted to the Council the report (S/2599) of the Trusteeship Council on the same Trust Territory for the period from 17 March 1951 to 1 April 1952.

Chapter 13

COMMUNICATIONS RECEIVED FROM THE ORGANIZATION OF AMERICAN STATES

484. By a letter dated 11 September 1951 (S/2344), addressed to the Secretary-General, the acting Secretary-General of the Organization of American States transmitted to the Security Council, in compliance with Article 54 of the Charter, the text of the Final Act of the Fourth Meeting of Consultation of Ministers of Foreign Affairs.

485. By a cablegram dated 28 November 1951 (S/2325), the Minister of State of the Cuban Republic informed the Security Council, in accordance with Article 54 of the Charter, that his Government had submitted to the Inter-American Peace Committee a dispute which had arisen between it and the Government of the Dominican Republic in connexion with the arrest and sentencing of five Cuban members of the crew of a Guatemalan vessel proceeding from a port in Cuba to one in Guatemala. Before bringing the matter to the Committee's notice, the Cuban Government had exhausted the possibilities of bilateral negotiations.

486. By a letter dated 7 January 1952 (S/2494), addressed to the Secretary-General, the acting Chairman of the Inter-American Peace Committee brought to the knowledge of the Security Council the records of the Committee's special session held on 25 December 1951. Included in the records was the text of a declaration, signed by the Governments of the Republic of Cuba and the Dominican Republic, which indicated that the differences between the two Governments had been satisfactorily and amicably settled.

487. The Council also received several other communications from the Cuban and the Dominican Republic relating to the action of the Committee in the above matter (S/2460, S/2480, S/2495, S/2511).

Chapter 14

COMMUNICATIONS CONCERNING THE RECEPTION OF A DELEGATION OF THE WORLD PEACE COUNCIL BY THE PRESIDENT OF THE SECURITY COUNCIL

Note: Previous communications on the present subject were dealt with in chapter 21 of the Council's last annual report (A/1873).

488. In a letter dated 19 July 1951 (S/2255), the representative of the Union of Soviet Socialist Republics rejected a statement, contained in a note dated 10 July (S/2242) from the representative of the United States of America, to the effect that the Government of the United States was not required, under the terms of the Headquarters Agreement, to issue visas which had been requested by members of the delegation of the World Peace Council.

489. By a note dated 8 August 1951 (S/2284), the representative of the USSR communicated the text of a letter, dated 31 July 1951, from the Secretary-General of the World Peace Council transmitting the text of a protest adopted by the Bureau of the World Peace Council at its session held in Helsinki from 20 to 23 July 1951, regarding the refusal of the United States Government to grant the visas in question.

490. By a note dated 23 August (S/2307), the representative of the United States of America communicated, for the information of members of the Security Council, the text of the letter which he had addressed on 22 August to the representative of the USSR. The letter stated, *inter alia*, that the Headquarters Agreement required the Government of the United States to issue visas only to persons invited by the United Nations on official business. The invitation extended to the representatives of the World Peace Council by the representative of the USSR, in his capacity as President of the Security Council for the month of June, was not an invitation by the United Nations or by the Security Council. The office of President of the Security Council did not give the holder the right or power to invite as the United Nations. The President was not the whole Council. In order to represent it, he must be delegated by it.

491. On 4 September 1951, the acting representative of the Union of Soviet Socialist Republics requested the United Nations Secretariat to circulate among the permanent missions to the United Nations the text of his reply of the same date (S/2327/Rev.1) to the representative of the United States of America. The USSR representative stated therein that: (1) the State Department of the United States was not competent to determine or interpret the scope of the powers and functions of the President of the Security Council; and (2) the delegation of the World Peace Council had addressed its request to be received not to the Security Council as a whole, but directly to the President of the Council, Mr. Malik. Acting within the limits of his powers, the President of the Council had agreed to receive the delegation. It went without saying, the letter continued, that the President of the Council, in order properly to discharge his duties, was fully entitled to receive delegations or private individuals approaching him on questions of peace and security, irrespective of whether or not they resided in the United States.

Chapter 15

REPORT OF THE COLLECTIVE MEASURES COMMITTEE

492. The Collective Measures Committee, established by General Assembly resolution 377 A (V) of 3 November 1950, submitted its report (A/1891), dealing with the activities of the Committee, in October 1951. In the first paragraph of the introduction, it was stated that the report was submitted to the Security Council and the General Assembly.

Chapter 16

REPORT OF THE CONCILIATION COMMISSION FOR PALESTINE

493. In accordance with paragraph 13 of resolution 194 (III), adopted by the General Assembly on 11 December 1948, the Conciliation Commission for Palestine, on 29 November 1951, submitted to the Secretary-General a progress report covering its activities during the period from 23 January 1951 to 19 November 1951 (S/2642).

Chapter 17

METHODS WHICH MIGHT BE USED TO MAINTAIN AND STRENGTHEN INTERNATIONAL PEACE AND SECURITY IN ACCORDANCE WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER (GENERAL ASSEMBLY RESOLUTION 503 (VI))

494. By a letter dated 22 January 1952 (S/2496), the Secretary-General transmitted to the President of the Security Council the resolutions entitled "Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter". The resolutions had been adopted by the General Assembly on 12 January 1952.

495. The second of the resolutions (503 B (VI)) recommended that the Council, in accordance with Article 28 of the Charter, should convene a periodic meeting to consider what measures might ensure the removal of the tension existing in international relations among countries whenever such a meeting would usefully serve those ends in furtherance of the Purposes and Principles of the Charter.

Chapter 18

REPORT OF THE DISARMAMENT COMMISSION

496. By a letter dated 29 May 1952 (S/2650), addressed to the Secretary-General, the Chairman of the Disarmament Commission, pursuant to paragraph 7 of General Assembly resolution 502 (VI), transmitted to the Security Council the Commission's first report concerning its work.

Chapter 19

COMMUNICATION FROM THE DELEGATION OF THE USSR CONCERNING THE FREE TERRITORY OF TRIESTE

497. By a communication dated 3 July 1952 (S/2692), the delegation of the Union of Soviet Socialist Republics requested that the text of the USSR note of 24 June 1952 to the Governments of the United States of America and the United Kingdom on the question of the Free Territory of Trieste be distributed to the Member States of the United Nations.

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:

Brazil
M. João Carlos Muniz
M. Alvaro Teixeira Soares

Chile[1]
Sr. Hernán Santa Cruz
Señora Ana Figueroa

China
Dr. Tingfu F. Tsiang
Dr. C. L. Hsia
Dr. Shuhsi Hsu

Ecuador[2]
Dr. Antonio Quevedo
Dr. Miguel Albornoz
Dr. Teodoro Bustamente

France
M. Jean Chauvel (until 1 February)
M. Henri Hoppenot (from 1 February)
M. Francis Lacoste
M. Pierre Ordonneau

Greece[1]
Mr. Alexis Kyrou
Mr. George B. Kapsambelis
Mr. Stavros G. Roussos

India[2]
Sir Benegal N. Rau
Mr. Rajeshwar Dayal
Mr. Gopala Menon
Mr. A. S. Mehta

Netherlands
M. D. J. von Balluseck
Dr. J. M. A. H. Luns
Baron S. van Heemstra

Pakistan[1]
Prof. Ahmed S. Bokhari
Mr. M. Asad

Turkey
Mr. Selim Sarper
Mr. Adnan Kiral
Mr. Ilhan Savut
Mr. Hdil Derinsu

Union of Soviet Socialist Republics
Mr. Yakov A. Malik
Mr. Semen K. Tsarapkin
Mr. A. A. Soldatov

United Kingdom of Great Britain and Northern Ireland
Sir Gladwyn Jebb
Mr. J. E. Coulson

United States of America
Mr. Warren R. Austin
Mr. Ernest A. Gross
Mr. John C. Ross

Yugoslavia[2]
Dr. Ales Bebler
Mr. Vlado Popovic
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:

United Kingdom of Great Britain and Northern Ireland
Sir Gladwyn Jebb (1 to 31 July 1951)

United States of America
Mr. Warren R. Austin (1 to 31 August 1951)

Yugoslavia
Dr. A. Bebler (1 to 30 September 1951)

Brazil
Mr. J. C. Muniz (1 to 31 October 1951)

China
Dr. T. F. Tsiang (1 to 30 November 1951)

Ecuador
Dr. Antonio Quevedo (1 to 31 December 1951)

France
M. Jean Chauvel (1 to 31 January 1952)

Greece
Mr. Alexis Kyrou (1 to 29 February 1952)

Netherlands
M. D. J. von Balluseck (1 to 31 March 1952)

Pakistan
Mr. A. Bokhari (1 to 30 April 1952)

Turkey
Mr. Selim Sarper (1 to 31 May 1952)

Union of Soviet Socialist Republics
Mr. Yakov A. Malik (1 to 30 June 1952)

United Kingdom of Great Britain and Northern Ireland
Sir Gladwyn Jebb (1 to 31 July 1952)

III. Meetings of the Security Council during the period from 16 July 1951 to 15 July 1952

Meeting	*Subject*	*Date*
		July 1951
549th	The Palestine question	26
		August 1951
550th	The Palestine question	1
551st	The Palestine question	
552nd	The Palestine question	16
553rd	The Palestine question	
554th (private)	Report of the Security Council to the General Asembly	23
555th	The Palestine question	27
556th	The Palestine question	29
557th (private)	Report of the Security Council to the General Assembly	31
		September 1951
558th	The Palestine question	1
		October 1951
559th	Complaint of failure by the Iranian Government to comply with provisional measures indicated by the International Court of Justice in the Anglo-Iranian Oil Company case	1
560th	Same as 559th meeting	15
561st	Same as 559th meeting	16
562nd	Same as 559th meeting	17
563rd	Same as 559th meeting	
564th	The India-Pakistan question	18

[1] Term of office began on 1 January 1952.
[2] Term of office ended on 31 December 1951.

Meeting	Subject	Date
		October 1951
565th	Complaint of failure by the Iranian Government to comply with provisional measures indicated by the International Court of Justice in the Anglo-Iranian Oil Company	19
		November 1951
566th	The India-Pakistan question	10
		December 1951
567th	Election of members of the International Court of Justice	6
568th	Admission of new Members	18
569th	Admission of new Members	19
		January 1952
570 th	The India-Pakistan question	17
571st	The regulation and reduction of conventional armaments and armed forces The India-Pakistan question	30
572nd	The India-Pakistan question	31
		February 1952
573rd	Admission of new Members	6
		April 1952
574th	The Tunisian question	4
575th	The Tunisian question	10
576th	The Tunisian question	14
		June 1952
577th	Question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons	18
578th	Same as 577th meeting	20
579th	Same as 577th meeting	
580th	Adoption of the agenda (question of a request for investigation of alleged bacterial warfare)	23
581st	Question of an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons	25
582nd	Same as 581st meeting	
583rd	Same as 581st meeting	26
		July 1952
584th	Question of a request for investigation of alleged bacterial warfare	1
585th	Same as 584th meeting	
586th	Same as 584th meeting	2
587th	Same as 584th meeting	3
588th	Same as 584th meeting	8
589th	Same as 584th meeting	
590th	Same as 584th meeting Admission of new Members	9
591st	Admission of new Members	9

IV. Representatives, Chairmen and Principal Secretaries of the Military Staff Committee

(16 July 1951 to 15 July 1952)

REPRESENTATIVES OF EACH SERVICE

	Period of service
Delegation of China	
Lt. General Mow Pong-tsu, Chinese Air Force	16 July 1951 to 7 December 1951
Commodore Kao Ju-fon, Chinese Navy	16 July 1951 to present time
Delegation of France	
Général de brigade M. Penette, French Army	16 July 1951 to present time
Capitaine de frégate Pierre Mazoyer, French Navy	16 July 1951 to present time
Commandant Louis Le Gelard, French Air Force	16 July 1951 to present time
Delegation of the Union of Soviet Socialist Republics	
Major General Ivan A. Skliarov, Soviet Army	16 July 1951 to present time
Lt. General A. R. Sharapov, USSR Air Force	16 July 1951 to present time
Delegation of the United Kingdom of Great Britain and Northern Ireland	
Air Vice-Marshal G. E. Gibbs, Royal Air Force	16 July 1951 to 3 October 1951
Group Captain A. M. Montagu-Smith, Royal Air Force	4 October 1951 to present time
Captain R. G. Mackay, RN	16 July 1951 to 30 June 1952
Commander R. H. Graham, RN	1 July 1952 to present time
Colonel J. G. E. Reid, British Army	16 July 1951 to 3 October 1951
Major-General W. A. Dimoline, British Army	4 October 1951 to present time
Delegation of the United States of America	
Lt. General Willis D. Crittenberger, United States Army	16 July 1951 to present time
Vice Admiral O. C. Badger, United States Navy	16 July 1951 to 13 May 1952
Vice Admiral A. D. Struble, United States Navy	14 May 1952 to present time
Lt. General H. R. Harmon, United States Air Force	16 July 1951 to present time

Chairman and Principal Secretaries

Meeting	*Date*	*Chairman*	*Principal Secretary*	*Delegation*
	1951			
	July			
160th	26	Colonel J. G. E. Reid, British Army	Colonel N. F. Heneage, British Army[1]	United Kingdom
161st	9	Lt. General Willis D. Crittenberger, USA	Captain R. W. Allen, USN	United States of America
162nd	23			
	September			
163rd	6	Commodore Kao Ju-fon, CN	Major Shaw Ming-Kao, CA	China
164th	20			
	October			
165th	4	Général de brigade M. Penette, French Army	Commandant G. Brochen, French Army	France
166th	18			
	November			
167th	2	Major General Ivan A. Skliarov, Soviet Army	Colonel P. T. Gituljar, Soviet Army	Union of Soviet Socialist Republics
168th	15			
169th	29			
	December			
170th	13	Major-General W. A. Dimoline, British Army	Colonel N. F. Heneage, British Army	United Kingdom
171st	27			
	1952			
	January			
172nd	10	Lt. General Willis D. Crittenberger, USA	Captain R. W. Allen, USN	United States of America
173rd	24			
	February			
174th	7	Commodore Kao Ju-fon, CN	Major Shaw Ming-Kao, CA	China
175th	21			
	March			
176th	6	Général de brigade M. Penette, French Army	Commandant G. Brochen, French Army	France
177th	20			
	April			
178th	3	Major General Ivan A. Skliarov, Soviet Army	Colonel P. T. Gituljar, Soviet Army	Union of Soviet Socialist Republics
179th	17			
180th	30			
	May			
181st	15	Captain R. G. Mackay, RN	[2]	United Kingdom
182nd	29	Major-General W. A. Dimoline, British Army	[2]	
	June			
183rd	12	Lt. General Willis D. Crittenberger, USA	Captain R. W. Allen, USN	United States of America
184th	26			
	July			
185th	10	Commodore Kao Ju-fon, CN	Major Shaw Ming-Kao, CA	China

[1] Not present; acting for Secretary (United Kingdom) and Principal Secretary: Group Captain A. M. Montagu-Smith, RAF.

[2] Post of Secretary (United Kingdom) vacant; acting for Secretary (United Kingdom) and Principal Secretary: Group Captain A. M. Montagu-Smith, RAF.