

**UNITED NATIONS**

**REPORT**  
**OF**  
**THE SECURITY COUNCIL**  
**TO**  
**THE GENERAL ASSEMBLY**

**Covering the period from 16 July 1949 to 15 July 1950**



**GENERAL ASSEMBLY**  
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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.

*[Original text: English]*

## TABLE OF CONTENTS

INTRODUCTION .....	Page vii
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### PART I

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

##### Chapter

1. THE INDONESIAN QUESTION .....	1
A. First interim report of the United Nations Commission for Indonesia pursuant to the Council's resolution of 28 January 1949 .....	1
B. Special report of the Commission on the Round Table Conference at The Hague .....	1
C. The Council's consideration of the special report on the Conference .....	2
D. Second interim report of the Commission to the Security Council ...	6
2. THE INDIA-PAKISTAN QUESTION .....	7
A. Third interim report of the Commission and minority report of the representative of Czechoslovakia .....	7
B. Mediation efforts by the President of the Security Council .....	8
C. Statements by the parties .....	10
D. Resolution of 14 March 1950 .....	13
E. Appointment of a United Nations representative .....	16
3. THE PALESTINE QUESTION .....	
A. Status of armistice and truce negotiations .....	16
B. Resolutions of 11 August 1949 .....	17
C. Demilitarization of Jerusalem .....	20
D. Reports of the United Nations Conciliation Commission and the Chief of Staff of the Truce Supervision Organization .....	21
4. COMPLAINT OF AGGRESSION UPON THE REPUBLIC OF KOREA .....	
A. Communication dated 25 June 1950 from the deputy representative of the United States of America .....	21
B. Resolution of 25 June 1950 .....	21
C. Resolution of 27 June 1950 .....	23
D. Resolution of 7 July 1950 .....	25
E. Communications received subsequent to the adoption of the resolutions of 25 and 27 June 1950 .....	26
F. Communication from the representative of the Union of Soviet Socialist Republics transmitting a statement made on 4 July 1950 by the Deputy Minister of Foreign Affairs of the USSR .....	28

### PART II

#### Questions considered by the Security Council concerning the control of atomic energy and the regulation and reduction of conventional armaments and armed forces

5. THE ATOMIC ENERGY COMMISSION .....	
A. The Commission's resolutions of 29 July 1949 .....	30
B. The Council's decisions of 16 September 1949 .....	33

<i>Chapter</i>	<i>Page</i>
6. COMMISSION FOR CONVENTIONAL ARMAMENTS	
A. Activities of the Commission during 1949 .....	35
B. Discussion of the question in the Security Council during 1949 .....	36
C. General Assembly resolution 300 (IV) relating to the regulation and reduction of conventional armaments and armed forces .....	40
D. Discussion of the question in the Security Council during 1950 .....	41
E. Activities of the Commission and its Working Committee in 1950 ...	41

### PART III

#### **Other matters considered by the Security Council and its subsidiary organs**

7. ADMISSION OF NEW MEMBERS .....	43
A. Continuation of the general discussion .....	43
B. Decision on the Argentine draft resolutions .....	46
C. Decision on the USSR draft resolution .....	47
D. Application of Nepal .....	48
8. APPLICATION OF LIECHTENSTEIN TO BECOME A PARTY TO THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE .....	50
9. THE PROBLEM OF VOTING IN THE SECURITY COUNCIL .....	51
10. THE QUESTION OF THE REPRESENTATION OF CHINA IN THE SECURITY COUNCIL	
A. Communications dated 18 November 1949 and 8 January 1950 from the Government of the People's Republic of China .....	51
B. Draft resolution submitted by the representative of the USSR .....	52
C. Proceedings following the withdrawal of the representative of the USSR .....	55
11. AMENDMENTS TO THE PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL .....	57
12. APPOINTMENT OF A RAPPORTEUR OR A CONCILIATOR FOR A SITUATION OR DISPUTE BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL .....	57
13. TRAVELLING EXPENSES AND SUBSISTENCE ALLOWANCES OF ALTERNATE REPRESENTATIVES ON CERTAIN SECURITY COUNCIL COMMISSIONS .....	59
14. FUTURE COSTS OF UNITED NATIONS MILITARY OBSERVERS IN INDONESIA	60

### PART IV

#### **The Military Staff Committee**

15. WORK OF THE MILITARY STAFF COMMITTEE	
A. The status of work of the Military Staff Committee .....	62
B. Committee meetings .....	62
C. Withdrawal of the USSR delegation from the 120th meeting .....	62

### PART V

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

16. THE QUESTION OF THE FREE TERRITORY OF TRIESTE .....	63
17. STRATEGIC AREAS UNDER TRUSTEESHIP .....	63

## PART VI

### Matters brought to the attention of the Security Council but not placed on the agenda

<i>Chapter</i>	<i>Page</i>
18. COMMUNICATIONS RECEIVED FROM THE ORGANIZATION OF AMERICAN STATES .....	64
A. The situation between Cuba and Peru .....	64
B. The situation in the Caribbean .....	64
C. Cases submitted by the Governments of Haiti and the Dominican Republic .....	64
19. PANEL FOR INQUIRY AND CONCILIATION .....	65

### APPENDICES

I. Representatives, and alternate and acting representatives accredited to the Security Council .....	66
II. Presidents of the Security Council .....	66
III. Meetings of the Security Council during the period from 16 July 1949 to 15 July 1950 .....	67
IV. Representatives, Chairmen and Principal Secretaries of the Military Staff Committee .....	68



## INTRODUCTION

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

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

As regards the membership of the Security Council during the period covered, it will be recalled that Argentina, Canada and the Ukrainian Soviet Socialist Republic retired on 1 January 1950. Those States were replaced by Ecuador, India and Yugoslavia, which had been elected as non-permanent members of the Security Council for a term of two years at the 231st plenary meeting of the General Assembly on 20 October 1949, during the fourth session. The newly elected members of the Security Council also took their place on the Atomic Energy Commission and on the Commission for Conventional Armaments, replacing the retiring members of the Security Council, except that Canada remained as a permanent member of the Atomic Energy Commission.

The period covered in the report is from 16 July 1949 to 15 July 1950. The Council held forty-six meetings during that period.

Part I of the report provides 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 the work of the commissions of the Security Council which deal with the control of atomic energy and with the general regulation and reduction of armaments.

Part III deals with the other matters which were considered by the Security Council and its subsidiary organs, including the admission of new Members and the question of the representation of China on the Security Council.

Part IV is devoted to the work of the Military Staff Committee.

Part V contains matters which were brought to the attention of the Security Council but not placed on its agenda.

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<sup>1</sup> This is the fifth annual report of the Security Council to the General Assembly. The previous reports in the same series were issued under the symbols A/93, A/366, A/620 and A/945.



## Part I

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

## Chapter 1

### The Indonesian Question

As indicated in chapter 1 of the last annual report (A/945), following discussions held between the parties under the auspices of the Commission, the Republican Government was re-established in Jogjakarta on 1 July 1949.

#### A. First interim report of the United Nations Commission for Indonesia pursuant to the Council's resolution of 28 January 1949

On 4 August 1949, the United Nations Commission for Indonesia submitted its first interim report (S/1373) summing up the following developments: adoption by the parties of cease-hostilities orders, a joint proclamation, and regulations governing the implementation of the agreement to cease hostilities, with a manual for implementation of the cessation of hostilities. The Chairmen of the delegations of the parties had formally confirmed and accepted the above-mentioned documents and manual on 1 August. The same documents had been fully endorsed by the Chairman of the Federal Consultative Assembly on behalf of representatives of the areas in Indonesia other than the Republic. Cease-hostilities orders, issued simultaneously to the respective armed forces by the Netherlands and Republican Governments on 3 August, would become effective in Java as from midnight, 10-11 August and in Sumatra as from midnight 14-15 August. The proclamation had been promulgated jointly by both Governments on 3 August.

The Commission's report stated that the regulations governing the implementation of the agreement to cease hostilities became effective simultaneously with the orders to cease hostilities. In conclusion the report pointed out that the following objectives of the Security Council's directive of 23 March 1949 had been fully attained: (1) the Republican Government had been restored to Jogjakarta; (2) the parties had reached agreement on the cessation of hostilities and had issued cease-hostilities orders to their respective forces; and (3) the time and conditions for the Round Table Conference at The Hague had been settled. The Commission also commented that the results achieved in thus concluding the preliminary discussions under the Council's directive indicated a restoration of confidence and mutual trust which augured well for the future.

#### B. Special report of the Commission on the Round Table Conference at The Hague

On 8 November 1949, the United Nations Commission for Indonesia submitted a special report (S/1417) on the Round Table Conference held at The Hague from 23 August to 2 November 1949.

##### 1. ORGANIZATION AND PROCEDURE

The Commission reported that it had participated in the Round Table Conference in accordance with the terms of reference established for the Commission by the Security Council. The rules of procedure of the Conference had provided that plenary meetings could be held only with the participation of the Commission. The rules had also permitted the Commission to take the initiative at any stage in the activities of the Conference.

The decisions of the Conference had been taken by unanimous vote, with the Commission undertaking mediation whenever a decision could not otherwise be reached.

##### 2. ACHIEVEMENTS OF THE CONFERENCE

The results of the Round Table Conference, according to the Commission's report, were covered in a resolution adopted by the final plenary meeting; to that resolution were attached the draft agreements and letters embodying the agreements reached. Those documents included three main agreements: the Charter of the Transfer of Sovereignty; the Union Statute, including appendices and special agreements on the principal subject of future co-operation between the Union Partners; and the Agreement on Transitional Measures, including special agreements on subjects requiring regulation as a consequence of the transfer of sovereignty. Various other issues were settled by an exchange of letters between the Chairman of the Netherlands delegation, on the one side, and the Chairman of the Republican and Federal Consultative Assembly delegations, jointly on the other side. Ratification of the covering resolution was to amount to ratification of the agreements. Ratification by a party was to become invalid if another party failed to ratify. The agreements were to come into force upon the transfer of sovereignty. The covering resolution provided that the United Nations Commission for Indonesia or another United

Nations agency would observe in Indonesia the implementation of the agreements reached.

The Charter of the Transfer of Sovereignty provided for unconditional and irrevocable transference of complete sovereignty from the Netherlands to the Republic of the United States of Indonesia. The latter accepted such sovereignty on the basis of a Constitution drawn up by the Indonesian delegations at the Conference following principles agreed upon at the Inter-Indonesian Conference held from 22 July to 2 August 1949 in Jogjakarta and Batavia. The transfer was to take place at the latest on 30 December 1949. However, the residency of New Guinea was excepted from the above with the stipulation that within a year from the date of the transfer of sovereignty, the political status of New Guinea should be determined and the disputes on this matter terminated through negotiations between the Republic of the United States of Indonesia and the Netherlands.

The Union Statute provided that the Netherlands-Indonesian Union effectuated the organized co-operation between the independent and sovereign partners on the basis of free will and equality in status with equal rights. The co-operation aimed at the promotion of common interests in the fields of foreign relations and defence and, as far as necessary, finance and also in regard to subjects of an economic or cultural nature. The Statute, in special agreements attached to it, embodied provisions regarding the terms of the above co-operation. The Agreement on Transitional Measures provided, *inter alia*, for realization of the right of self-determination of peoples, and for the withdrawal of armed forces. Under this agreement the Netherlands agreed to support the application of the United States of Indonesia for membership in the United Nations.

In submitting its report, the Commission stated that the negotiations conducted at The Hague had, in its judgment, been eminently successful. Having participated in the Conference in compliance with the Security Council's directive of 23 March 1949, and having assisted the parties to reach agreement, the Commission would continue to carry out its functions in accordance with its terms of reference, and would observe in Indonesia the implementation of the agreements reached at the Round Table Conference.

### **C. The Council's consideration of the special report on the Conference**

The Indonesian question was placed on the provisional agenda for the 454th meeting of the Council (18 November 1949). The agenda was not adopted, however, since several members of the Council requested more time for study of the Commission's special report on the Round Table Conference.

Discussion of the report commenced at the 455th meeting (12 December 1949). The President, speaking as the representative of CANADA, stated that on the basis of the special report, and in the light of the views expressed to his delegation by the parties, the delegation had prepared a draft resolution which he submitted to the Council as follows (S/1431):

*"The Security Council*

*"Notes with satisfaction the special report of the United Nations Commission for Indonesia, dated 10*

November 1949, concerning the successful conclusion of the Round Table Conference at The Hague;

*"Congratulates the parties on having reached agreement;*

*"Welcomes the forthcoming establishment of the Republic of the United States of Indonesia as an independent, sovereign State;*

*"Commends the United Nations Commission for Indonesia for the assistance which it is rendering to the parties;*

*"And requests the United Nations Commission for Indonesia to continue to discharge the responsibilities entrusted to it by the Security Council, and, in particular, to observe and assist in the implementation of the agreements reached at the Round Table Conference, and to report thereon to the Security Council."*

The Canadian delegation considered the agreement reached at The Hague to be dramatic evidence of, among other things, the ability of the Council to discharge its functions under Chapter VI of the Charter concerning the pacific settlement of disputes. The main credit for what had been accomplished remained with the parties; nevertheless, the Council's role in that matter had been an important one. As the Canadian representative, the President wished to place on record his delegation's satisfaction with the outstanding contribution rendered by the Council's representatives in Indonesia.

The representative of the NETHERLANDS stated that it was clear that the initiative taken by his Government in convoking a Round Table Conference had proved to be a wise and fortunate one. Paying tribute to the Indonesian delegations and the Commission for their respective contributions to the Conference, he stated that his Government had not, however, changed its opinion on the question of the competence of the United Nations to deal with the dispute. Moreover, although his Government was grateful for the useful part played by the Commission, it should not be forgotten that there always had been on the part of the Government and people of the Netherlands a great and sincere willingness fully to meet the aspirations of the Indonesian peoples toward self-government and independence. The disagreement had been over the method and the timing, not over the goal. For that reason his Government was profoundly convinced that, without the assistance of the Council, a just and satisfactory agreement would have been reached. Referring to the helpful attitude of several Governments, he singled out the Government of Belgium especially for its friendship and constructive understanding.

The Netherlands representative said that the considerable concessions and even sacrifices to which his Government had consented at the Conference had been made to obtain a well-balanced agreement, freely entered into by Indonesia as an equal partner and hence having a stable and enduring character. His Government sincerely hoped that, when the time came, the Republic's application for membership in the United Nations, which the Netherlands Government had undertaken to support, would receive the unanimous approval of both the Security Council and the General Assembly.

He quoted article 2 of the Agreement on Transitional Measures which provided the inhabitants of the different

territories of Indonesia with the means of exercising their right of self-determination, a right to which his Government and people attached great importance. He stated that the Second Chamber of the Netherlands Parliament, when it had approved the results of the Conference, had adopted an amendment which, while not touching upon ratification, imposed upon the Netherlands Government the duty of doing everything within its power to ensure, after close consultation with the Government of Indonesia, the practical realization of the principle of self-determination. His delegation agreed to the substance of the Canadian draft resolution and believed that its adoption by the Security Council would be helpful to all parties concerned in carrying out The Hague agreements.

The representative of the REPUBLIC OF INDONESIA, summing up the results of the Conference, emphasized that all concessions made by his Government's delegation had been made only in order to achieve the transfer of real, complete and unconditional sovereignty. That aim had been secured. The Indonesian-Netherlands Union was an organ of two individual, fully sovereign States which would be utilized by the two parties for co-operation within fields of mutual interest. In her capacity of Head of the Union, the Queen of the Netherlands would have no executive authority whatsoever. Similarly, in agreements concerning foreign relations, trade and finance, and other matters, the principle of consultation in no way infringed the sovereignty of the two partners. His Government had maintained its freedom to determine on which particular points it would co-operate. Having concluded The Hague agreements, his Government was determined to implement them fully and in good faith.

Despite the concessions made, the Republic of the United States of Indonesia would join the family of nations as a completely sovereign State thanks to the endurance and heroism of the Indonesian people and also to the valuable assistance of the Security Council. Sovereignty alone was not the ultimate goal, however, but was an instrument which would provide the only possible basis on which to secure the betterment of the living conditions of his people, as well as to secure and safeguard political, economic and social justice. Indonesia would use its sovereignty to work for the independence of all peoples still struggling to free themselves from colonial domination and to assist in the establishment of world peace and prosperity, within the framework of the United Nations.

Referring to the final paragraph of the Commission's special report on the Round Table Conference, he stressed the fact that the Commission would continue to carry out its functions in accordance with its terms of reference. Inasmuch as the issue of New Guinea must be solved within one year, the assistance of an experienced mediating body would be indispensable in view of the divergent viewpoints of the two parties. A speedy and satisfactory solution of the New Guinea question would be vital for facilitating the very co-operation which both parties had agreed upon at The Hague. He therefore supported the Canadian draft resolution.

In conclusion, the Indonesian representative paid tribute to the Security Council and its organs. He was sure that the Security Council and the General Assembly

were as grateful as his delegation was to India and Australia for having brought the matter before them and thus having given the United Nations the opportunity to intervene and to exercise its valuable influence. He also paid tribute to the Netherlands representative and expressed appreciation for the reception accorded by the Dutch to the Indonesian delegations at The Hague.

The representative of NORWAY associated himself with the congratulations being extended to the participants in the Round Table Conference on their signal achievement. He paid tribute to both parties for their statesmanship and remarked that his Government hoped very soon to be able to welcome the new Republic as a Member of the Organization. It was also a matter of particular gratification that the two parties had pledged themselves to continue their former collaboration on a voluntary and equal basis in the Netherlands-Indonesian Union. Emphasizing the value of the work done by the United Nations Commission for Indonesia, he agreed that it should be relied upon to give further assistance in observing the implementation of The Hague agreements. He would therefore support the Canadian proposal.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC stated that, despite what had been said, the agreements reached at the Conference were not capable of leading to a solution of the question. He did not understand how other representatives could assert that those agreements would lead to the development of friendship and co-operation within the framework of an independent and sovereign Indonesia, in view of the fact that the warfare against the Indonesian people, supported by the United States and the United Kingdom, was raging on as furiously as ever. Referring to the military action taking place in various parts of Indonesia, he submitted that the responsibility for what was occurring rested primarily on the United States and the United Kingdom, which had been pursuing their own economic aims and military and strategic interests in Indonesia. He recalled that his delegation, in January 1946, had first drawn the attention of the Security Council to events occurring in Indonesia. The failure of the majority of the Council at that time to adopt the Ukrainian proposal to send a Council commission to Indonesia had been practically tantamount to co-operation with the aggressive actions of the Netherlands. Despite the systematic deterioration of the situation, the Security Council, throughout its consideration of the matter, had not only failed to adopt any effective decision to halt Netherlands aggression against the Indonesian Republic, but had actually protected the actions of the Netherlands.

Reviewing the history of the question in the Security Council, he stated that the United States, the United Kingdom and other representatives of colonial Powers in the Council had repeatedly exposed themselves as sponsors and supporters of the Netherlands in its struggle against the Indonesian people and for the restoration of the colonial regime. Thus, the three-Power Committee of Good Offices had turned out to be an instrument of United States policy in Indonesia rather than a Security Council organ which should have endeavoured to solve and settle the situation. Citing the economic and military aid furnished to the Netherlands by the United States and the United Kingdom,

the Ukrainian representative stated that the policy of those two countries in Indonesia was incompatible with the basic purposes and objectives of the Charter.

The Ukrainian delegation opposed The Hague agreements, which were not in accord with the interests of the Indonesian people. Reviewing the provisions of those agreements, he concluded that with respect to foreign policy, economics, finance and trade, and military matters the United States of Indonesia was utterly deprived of the rights of a sovereign State. Analysis showed that the main purpose of the Round Table Conference had been to restore the old colonial order. A comparison of texts would demonstrate that the provisions of all the Netherlands ultimatums of the last two years had been reproduced in the agreements in one way or another. Those agreements had therefore roused warm response from some of the members of the Council, who realized that implementation of the agreements would safeguard the political and economic interests of the colonial Powers in general and of the United States in particular. Citing opposition in Indonesia to the agreements reached at The Hague, he stated that the Security Council ought to condemn the agreements, reject the Canadian draft resolution and proceed to adopt effective measures for settling the Indonesian-Netherlands conflict in the interests of the Indonesian people. He therefore submitted the following draft resolution (S/1433):

*"The Security Council*

*"With a view to regulating the position in Indonesia,*

*"Deems it essential that the following measures be taken:*

"1. As a first step, to withdraw the Netherlands forces to the positions occupied by them before the commencement of hostilities in December 1948;

"2. To demand that the Netherlands Government release the Indonesian political prisoners and put an end to the campaign of terror waged by the Netherlands occupation authorities against the Indonesian people;

"3. To propose the establishment of a United Nations Commission, composed of representatives of the States, members of the Security Council, which should observe the implementation of paragraphs 1 and 2 above and also to investigate the activities of the Netherlands authorities which have taken the form of brutal terrorism, murder and persecution of the democratic leaders of the Indonesian people;

"4. To instruct the Commission to prepare, and submit to the Security Council within three months, proposals for the settlement of the conflict between the Netherlands and the Indonesian Republic on the basis of the recognition of the independence and sovereign rights of the Indonesian people;

"5. To dissolve the United Nations Commission for Indonesia."

The representative of PAKISTAN stated that his delegation viewed with profound satisfaction the settlement that had been achieved. A great deal remained to be done, however; his delegation was therefore gratified that the Canadian draft resolution requested the United Nations Commission for Indonesia to continue to discharge the responsibilities entrusted to it by the Security Council. His delegation felt assured that the parties

would now proceed to implement those agreements and to settle the issues still outstanding. He hoped that the United States of Indonesia would be admitted to membership in the United Nations as soon as possible.

The representative of CHINA associated himself with the tribute paid to the three delegations which had taken part in the Round Table Conference and to the United Nations Commission for Indonesia. Referring to the statement of the Netherlands representative, he emphasized that the mere participation of the United Nations Commission in the negotiation at The Hague was itself a guarantee of the fairness of those agreements. Were the question of competence to be judged by results, therefore, he felt that the Security Council had been right on that question and that the delegation of the Netherlands had been wrong. Turning to the statement of the representative of the Ukrainian SSR, he said that he had not found anything constructive in it, or in the proposal submitted by the Ukrainian SSR delegation. The questions dealt with in that proposal had been or would be settled by the agreements reached at The Hague, and there was every reason to renew the mandate of the present Commission. His delegation would therefore support the Canadian draft resolution, not that submitted by the Ukrainian SSR.

At the 456th meeting (13 December 1949), the representative of INDIA expressed appreciation of the agreement reached at The Hague. The matter was one of special gratification to India because of his country's part in the New Delhi Conference on Indonesia which had been held early in 1949 and which had materially influenced the subsequent course of events. The concessions required of both sides should be recognized as wise and generous rather than be used as an occasion for recrimination. The Canadian draft resolution said nothing which was not amply warranted by the facts, and his delegation endorsed it.

The representative of CUBA recalled that the cause of Indonesia had been supported from the outset by his delegation. His country welcomed the entry of the Indonesian Republic into the family of nations, and reaffirmed its policy of defending the rights of other peoples to be freed from colonial rule. Paying tribute to the work of the parties and of the United Nations Commission, he stated that his delegation would vote in favour of the Canadian draft resolution.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the delegation of the Soviet Union saw no grounds for the expression of the satisfaction and even enthusiasm manifested by some delegations with regard either to The Hague agreements or the work of the United Nations Commission for Indonesia. An analysis of The Hague agreements not only gave no grounds for optimism, but, on the contrary, inspired justified concern as to the future fate of Indonesia.

It was apparent from the text of those agreements that they had been adopted in the interests of the Netherlands and that their purpose was to destroy the sovereignty of the Indonesian Republic and strengthen Netherlands domination in Indonesia. The aim of The Hague agreements was:

To maintain the supreme sovereignty of the Netherlands over Indonesia for many generations, so long as

there were any successors of the Queen of the Netherlands; and the right of the Netherlands to represent Indonesia in its external relations with other countries;

To leave the Netherlands troops and fleet in Indonesia and to ensure that control over the sovereign forces of Indonesia would be in the hands of the Netherlands.

The financial and economic agreements signed at The Hague made it impossible for the United States of Indonesia to take any independent step in the sphere of economics, finance or currency circulation without the agreement of the Netherlands Government.

The Hague agreements were humiliating to the Indonesian people in that they obliged the Indonesian people to guarantee excess profits to foreign monopolists, primarily for the monopolists of the United States of America and the Netherlands. The Hague agreements showed that the fetters of colonial slavery had again been placed on the Indonesian people.

His delegation could not endorse the evaluation of The Hague agreements and of the activities of the Commission which had been set forth in the Canadian draft resolution, which did not reflect the true state of things in Indonesia or meet the principles, purposes and functions of the United Nations. The USSR delegation would therefore vote against the Canadian proposal and in favour of that submitted by the Ukrainian SSR, which represented the minimum that must be done to secure a settlement which would redound to the interests of the Indonesian people rather than to those of the colonial Powers.

The representative of EGYPT stated that his country had been among the first to recognize the Indonesian Republic, to conclude a treaty of friendship with that Republic and to establish diplomatic relations with it. He therefore welcomed the agreements reached at The Hague, which, even if they did not fulfil all hopes, might constitute a suitable beginning on a new era of peace and prosperity in an important part of the world. He would vote in favour of the Canadian draft resolution.

The representative of BELGIUM pointed out that, as had already been remarked, the antagonism that had existed between the parties had not related to the final objective, the independence of the Indonesian people, but only to the ways and means of attaining that objective. The course of events had shown that faith in the final solution had been justified. As regards the criticism voiced by certain representatives, the most dreaded threat to the independence of the people was not the colonialism of previous days but the new imperialism of the present. The Ukrainian draft resolution was based on out-dated presumptions and completely ignored the results of the Round Table Conference. In conclusion he stated that, should the Canadian proposal be adopted by the Council, his Government would continue in the United Nations Commission for Indonesia to contribute whatever services might be required of it.

The representative of the UNITED STATES OF AMERICA said that the settlement reached at The Hague, a striking example of how the primary purpose of the Organization could be carried into action, should be regarded as a substantial contribution to the advance-

ment of the purposes and principles of the Charter. Analysing the results of the Round Table Conference as well as the events which had led up to it, he stated that his Government was happy to have been associated with the majority of the Members of the United Nations who had, at each of those important stages in the history of Indonesia's emergence as a sovereign State, given their approval to the policies which had now led to success. He joined other representatives in recognition of the restraint and moderation of both parties, who deserved the respect of the international community. The Indonesians had shown that they were qualified to take their place along with other peace-loving nations in the United Nations. The settlement that had been reached was an example of the constructive role which mediation could play in the solution of such disputes. The Commission's report indicated the part that it had played in the achieving of agreement on the unconditional and irrevocable transfer of sovereignty.

He could not understand how the representatives of the Ukrainian SSR and the USSR could be opposed to The Hague agreement, which had been reached through the voluntary action of the parties themselves. That agreement meant that the people of Indonesia were free to choose their own form of government and their own people to man that government. The Soviet Union had so far been seeking to thwart the efforts of the parties to reach agreement, to vilify the leaders of the Indonesian people, and to twist the meaning of the documents comprising the agreement reached at The Hague. However, the meaning of those documents could not be twisted for those who had actually read them or for those who would soon be benefiting from them. He regretted that the USSR apparently did not find it possible to join with the majority of the Members of the United Nations in making a positive contribution. It could only be assumed that the USSR was trying desperately to hide the fact that an agreement had been reached between the leaders of the Netherlands and of Indonesia by which the people of Indonesia would be free within a matter of days. The assertions that hostilities between the Dutch and the Indonesians were continuing were patently untrue. While there might be sporadic outbursts from certain extremist elements, that would be no more surprising at that time than it had been when, in the midst of one of Indonesia's most tense periods in its fight for freedom, the communists had chosen to revolt against the Government of the Republic of Indonesia. It might well be that the communists in Indonesia would find it difficult to accept the fact that Indonesia's independence had been achieved by peaceful means.

Expressing confidence that a satisfactory solution for the problem of New Guinea would be reached within a year, the United States representative agreed that it was suitable for the Security Council to note its approval of the Commission's intention to continue exercising its responsibilities. He therefore supported the Canadian draft resolution. As regards the Ukrainian proposal, his Government had not altered the opinion, expressed in the General Assembly regarding a similar proposal, that that draft resolution added nothing to the consideration of the problem and in no way reflected the development and progress of the previous year.

The representative of BURMA endorsed the Canadian draft resolution and expressed gratification at the

understanding reached by the parties and the contribution made by the United Nations Commission. When two parties to a dispute had reached an agreement which was about to be implemented, the intervention of such a proposal as that of the Ukrainian SSR deserved to be termed mischievous. The statement of the representative of the USSR showed that one needed to be saved from one's so-called friends as much as from one's sworn enemies. The Burmese representative hoped and believed that the problem of New Guinea would be pursued and solved in the same spirit of good will and friendship that had characterized the deliberations of the Round Table Conference.

The representative of the UNITED KINGDOM associated himself with the tributes paid to the parties and to the United Nations Commission. He would support the Canadian draft resolution. He asked members to make some allowances for the speeches made by the USSR and Ukrainian SSR representatives, who were surprised and annoyed that the excellent solution reached at the Round Table Conference had limited their possibilities of making trouble and maintaining strife, which were their principal concern in that part of the world.

The representative of FRANCE welcomed the wisdom displayed by the Netherlands and Indonesia and stated that he would vote for the Canadian draft resolution.

The representative of ARGENTINA stated that he would support the Canadian draft resolution. He had some doubts, however, regarding the last paragraph; the reservation he made had to do with the question of the Council's competence. If the draft resolution were voted on in parts, he would abstain from voting on the last paragraph. The Argentine representative congratulated the parties on the good will which they had demonstrated and which was a good omen for the solution of the problem of New Guinea.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC said that the discussion showed that the representatives adhering to the views of the colonial Powers had studiously avoided any consideration of the substance of the matter or of the facts of the case. The Conference at The Hague and the agreements reached there represented a flagrant violation of the basic principles of the Charter of the United Nations and deprived the Indonesian people of their right to independence and self-determination. The Hague agreements met all the demands of the colonial Powers and were a shameful instrument imposed upon the Indonesian people. His delegation's proposal was designed to rectify the situation obtaining in Indonesia and to help the Indonesian people set up their own independent and sovereign State. The proposal submitted by the Canadian delegation, on the other hand, was designed to impose upon the Indonesian people agreements which deprived them of all rights. In conclusion, the Ukrainian SSR representative stated that the Security Council, if it rejected the draft resolution submitted by his delegation, would be subscribing to all the brutal and shameful actions of the Netherlands occupation authorities in Indonesia.

The representative of the PHILIPPINES associated himself with the other representatives who had expressed satisfaction at the successful completion of the Round Table Conference. His Government hoped that that agreement would be fully and completely imple-

mented, and that any deviations therefrom would take place only with the consent of both parties concerned.

**Decision:** *At the 456th meeting on 13 December 1949, the Canadian draft resolution (S/1431) was voted upon in parts and was not adopted. The first part received 9 votes in favour and 2 against (Ukrainian SSR, USSR). The second part, comprising the last paragraph of the proposal, received 8 votes in favour and 2 against (Ukrainian SSR, USSR), with one abstention (Argentina). The draft resolution was rejected owing to the negative vote of a permanent member of the Council.*

In reply to a question put by the United Kingdom representative, the PRESIDENT stated that rejection of the Canadian draft resolution had no effect on previous decisions taken by the Council, which remained in full force and effect.

**Decision:** *Also put to the vote at the 456th meeting, the Ukrainian SSR draft resolution (S/1433) was rejected by 9 votes to 2 (Ukrainian SSR, USSR).*

The President, speaking as representative of CANADA, regretted that the USSR representative should have chosen to prevent the congratulations expressed by the vast majority of the members of the Council from being conveyed officially to the parties and to the members of the United Nations Commission for Indonesia. He was confident, however, that the views of the overwhelming majority of the Council would become known and be understood. He was confident also that, under the terms of the previous resolutions of the Council, which remained in full effect, the United Nations Commission for Indonesia would continue to discharge its remaining obligations to the Council and to render assistance to the parties. Nor would the chagrin of the Soviet Union be able to prevent the peoples of Indonesia and of the Netherlands from proceeding along the course on which they had embarked through that agreement.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, referring to the statement made by the President, said that his points had flowed directly from the provisions of the agreements and therefore nobody could disprove the consistency of those points. The USSR Government had always favoured the peaceful solution of disputes, but had never favoured and never would favour agreements that redounded to the exclusive benefit of aggressors and of colonial Powers and that violated the legitimate interests of the colonial peoples in their struggle for liberation and freedom. One other reason for his delegation's negative attitude was that the Canadian proposal would have extended the activities of the United Nations Commission for Indonesia, which had already compromised itself as a tool of the foreign policy of the United States in particular and of the colonial Powers in general. It was thanks to the zealous activities of the Commission that the interests of the Netherlands had been secured and cemented at The Hague.

#### **D. Second interim report of the Commission to the Security Council**

On 9 January 1950, the Commission submitted to the Council its second interim report (S/1449) describing negotiations and activities in relation to the implementa-

tion of the cease-hostilities agreement, the release of political prisoners and prisoners of war, questions of administration and supply in Indonesia, and the arrangements for the transfer of sovereignty, which was stated to have taken place on 27 December 1949. The report

concluded that the Commission, in virtue of its terms of reference and in accordance with the covering resolution of the Round Table Conference, would observe and assist in the implementation of the agreements reached at The Hague.

## Chapter 2

### The India-Pakistan Question

*Introductory note:* Consideration of the India-Pakistan question by the Security Council, from the introduction of the question at the 226th meeting on 6 January 1948 through 15 July 1949, is dealt with in chapter 5 of the Council's report to the General Assembly covering the period 16 July 1947 to 15 July 1948 (A/620), and in chapter 2 of the report covering the period from 16 July 1948 to 15 July 1949 (A/945). As stated in the latter report, the Governments of India and Pakistan declared the cessation of hostilities in the State of Jammu and Kashmir as of 1 January 1949. Following the presentation of its second interim report (S/1196), the United Nations Commission for India and Pakistan returned to the Indian sub-continent on 4 February 1949 to assist the Governments of India and Pakistan in the implementation of the Commission's resolutions of 13 August 1948 (S/1100, paragraph 75) and 5 January 1949 (S/1196, paragraph 15).

#### A. Third interim report of the Commission and minority report of the representative of Czechoslovakia

On 5 December 1949, the United Nations Commission for India and Pakistan submitted its third interim report (S/1430), which was placed on the agenda for the 457th meeting of the Council (17 December 1949). The report described the Commission's activities in the light of its assigned task, discussed the different means of negotiation employed, and analysed the main problems. The conclusions reached were:

(1) The issues of the disposal of the *Azad* Kashmir forces, the withdrawal of troops, and the defence and administration of the northern area, made of the truce an end in itself; the difficulty in disposing of them to the satisfaction of both Governments had been out of proportion to their real importance, if those issues were judged independently of other implications and as preliminaries to a plebiscite.

(2) An advance had been made toward a final settlement with the cease-fire and demarcation of the cease-fire line, as well as the efforts of both Governments to observe the cessation of hostilities and maintenance of this line.

(3) The Commission's function of investigating the facts had been completed, and the issues were in sharp focus.

(4) The Commission employed a variety of methods in its efforts to bring about agreement of the two parties to the implementation of the undertakings. It con-

ducted separate negotiations with the representatives of the parties, sponsored joint talks, submitted to the parties the Commission's own proposals based on frequent consultations, and suggested arbitration of their differences with respect to the truce. Within the framework of its terms of reference, the Commission believed that the possibilities of mediation open to it had been exhausted. Kashmir had not been demilitarized, as envisaged in the Security Council resolution of 13 August 1948; and until this was achieved, the conditions necessary to the holding of a plebiscite could not begin to be established.

(5) The Commission doubted that a five-member body was the most flexible and desirable instrument to continue in the task. A single person could now more effectively conduct the negotiations which, to be successful, must be carried out in active and constant consultation with the two parties. This single person should be given broad authority to endeavour to bring the two Governments together on all issues: he should also have an undivided responsibility. Moreover, he should probably have authority, on consent of the parties, to act as an arbitrator of outstanding issues which impeded creation of conditions for the holding of the plebiscite.

On 16 December, the representative of Czechoslovakia on the Commission submitted a minority report (S/1430/Add.3), which was also included in the agenda for the 457th meeting. The minority report criticized certain aspects of the work of the Commission, in particular, for not being free from outside influences and called for the establishment of a new United Nations Commission for India and Pakistan to be composed of representatives of all States members of the Security Council in order to guarantee the full independence of the Commission. The new Commission, taking advantage of being in possession of all the necessary facts, duly evaluated by the Security Council itself, would be in a position to carry out its mediation task without delay at Lake Success in an atmosphere much more suitable for reaching the Truce Agreement than when on the sub-continent. The report also recommended a meeting at Lake Success of the representatives of the Governments of India and Pakistan with a view to reaching an understanding on differences in connexion with the Commission's resolutions of 13 August 1948 and 5 January 1949. The minority report agreed with the report of the majority in suggesting that broader terms of reference were needed than those possessed by the present Commission.

The Chairman of the UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN in presenting the Commission's third interim report to the Council at the 457th meeting, recalled that the primary objective of the Security Council, namely, the cessation of hostilities in the State of Jammu and Kashmir, had been achieved as of 1 January 1949 on the basis of proposals communicated by the Commission to the Governments of Pakistan and India on 11 December 1948.

Since the return of the Commission to the sub-continent, no substantial progress had been made in the implementation of part II of the Commission's resolution of 13 August 1948; part II dealt with the truce and was principally concerned with the withdrawal of troops. The Commission had therefore deemed it advisable to refer the matter back to the Security Council. The Commission held the view that the most important issues to be settled at the present stage were the withdrawal of troops from the State of Jammu and Kashmir, the disposal of the *Azad* Kashmir forces in the western part of the State and the administration and defence of the northern area of the State. The Commission considered that the mediation pattern it had hitherto followed had become unsuited to the factual situation and that a single individual could more expeditiously undertake further efforts towards a settlement of those issues. It hoped that consultations to this end would take place with the representatives of India and Pakistan.

#### **B. Mediation efforts by the President of the Security Council**

The representative of NORWAY suggested that the President of the Security Council should meet informally with the two parties to examine the possibility of finding a mutually satisfactory basis for dealing with the problems at issue. The President should be requested to report back to the Council for its consideration any proposal which might develop during those conversations.

The Norwegian proposal was endorsed by the representatives of the UNITED KINGDOM and FRANCE.

The PRESIDENT considered the Norwegian proposal as adopted.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared, however, that before the Norwegian proposal was decided upon by the Council, its members might wish to grant a hearing on the matter to the representatives of the parties.

The PRESIDENT remarked that, in view of the fact that the representatives of the parties had not requested to be heard, he had concluded that the Norwegian proposal had been adopted by consent of the Council. Since the statement of the representative of the USSR was tantamount to a challenge of this conclusion, however, he would put the matter to the vote.

**Decision:** *At the 457th meeting, the Norwegian proposal was adopted by 9 votes, with 2 abstentions (Ukrainian SSR, USSR).*

At the 458th meeting (29 December 1949), the PRESIDENT reported on his meetings with the parties since 17 December. He had also held a meeting with the members of the United Nations Commission for India

and Pakistan, with the personal representative of the Secretary-General on the Commission and with the Commission's military and legal advisers. On 22 December, he had submitted a proposal to the two parties.

In the course of those conversations, he had reached the conclusion that the area of disagreement was essentially concerned with the various stages of demilitarization which should take place during the period prior to a plebiscite in the State of Jammu and Kashmir, and that this question must be treated as a unified whole. The President's proposal attached to his report on the conversations (S/1453) was accordingly designed to provide a basis for an agreed programme of demilitarization.

The principal considerations underlying that proposal were that the future of the State should be determined by a free and impartial plebiscite, to take place as early as possible; that agreements already reached between the parties should be preserved; and that discussion of disputed issues of the past should be avoided. The demilitarization should include the withdrawal of the regular forces of Pakistan; the withdrawal of the regular forces of India not required for the security of the maintenance of law and order on the Indian side of the cease-fire line; and also the reduction of local forces including, on the one side, the armed forces and militia of the State and, on the other side, the *Azad* forces. The administration of the northern area should, subject to United Nations supervision, be continued by the existing local authorities. The Government of Pakistan should give unconditional assurance to the Government of India that it would deal effectively within its own borders with any possibility of tribal incursions into the State and should undertake to keep the Senior United Nations Military Observer informed and to satisfy him that the arrangements to this end were, and continued to be, adequate. The Governments of India and Pakistan should confirm the inviolability of the cease-fire line. Agreement should be reached between the Governments of India and Pakistan on the basic principles of demilitarization; on the minimum forces required for the maintenance of security and of local law and order and on their general disposition; on a date by which the reduction of forces was to be accomplished and on the progressive steps to be taken in reducing and redistributing the forces to a level sufficiently low so as not to constitute a restriction on the free expression of opinion for the purpose of the plebiscite. The two Governments should further agree that a United Nations representative be appointed by the Secretary-General to supervise the progressive steps of the demilitarization programme and to interpret the agreements between the parties on the following matters: demilitarization, minimum forces and their general disposition; the date of reduction of forces; and the progressive steps in reducing and redistributing the forces. When this programme had been accomplished to the satisfaction of the United Nations representative, the Plebiscite Administrator should proceed to exercise the functions assigned to him by the Commission's resolution of 5 January 1949. The United Nations representative should be authorized to make any suggestions to the parties, which, in his opinion, would be likely to contribute to the expeditious and enduring solution of the dispute and to place his good offices at their disposal.

The President noted that difficulties of communication with the sub-continent had, however, resulted in delays in the receipt of the replies from the two Governments. What was now requested was that the parties should proceed with their negotiations under whatever auspices they and the Council might desire.

The representative of NORWAY considered the President's proposals to have been inspired by the desire to strike a just balance between the conflicting interests. He suggested that the President's mediation should continue, if necessary, and if he was willing, after the expiration of his term of office as President of the Security Council on 31 December.

The representative of the UNITED KINGDOM considered it a fundamental prerequisite to the holding of a plebiscite that the armed forces of the State be so reduced and so disposed as to afford a guarantee to the people that they would be left free to exercise their votes without any form of anxiety or pressure. With regard to the northern area, he recalled that all except one of the members of the United Nations Commission for India and Pakistan felt that the Government of India ought to be willing to waive a claim which had to be considered afresh in connexion with the preparation of conditions for the holding of a plebiscite. He would say to the parties that the proposal submitted by the President seemed to correspond broadly to the views of well-disposed and impartial observers of the Kashmir scene.

The representative of FRANCE supported the suggestion made by the representative of Norway.

The representative of the UNITED STATES OF AMERICA stated that the proposal submitted by the President constituted a reasonable solution to the problem based upon the principle accepted by the parties that the future of the State should be determined by the will of its people. He expected that the parties would continue their consultations along those lines under the guidance of General McNaughton; that he understood to be the sense of the Council's mandate of 17 December and the desire of both parties.

The representative of CHINA emphasized the fact that the President's endeavours had the sole objective of ensuring an impartial plebiscite. His delegation would like the President to continue the discussions with the two parties, both during the remainder of his term as President and later, if necessary.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that various procedural aspects were involved at the present stage of the discussion. He wished first to stress that the President's proposals ought to be judged first of all by the parties. He regarded as contrary to the Charter, to the practice of the Organization and to the rules of procedure of the Council, the proposals of General McNaughton providing for the appointment of a United Nations representative by the Secretary-General and for the maintenance of the functions and powers of a plebiscite administrator in accordance with the Commission's resolution of 5 January 1949. The view of the delegation of the USSR was that the United Nations representative, mediator, arbitrator or Plebiscite Administrator ought to be appointed by the Security Council, not by the Secretary-General, and that the

functions and powers of such a representative ought also to be determined by the Council and that he should be appointed in agreement with both parties.

He considered that the Council, in vesting the President with the function of preparing proposals without granting a hearing to the parties beforehand, had at the 457th meeting departed from its customary procedure. The proposal submitted by the representative of Norway at the present meeting went even further since it would assign mediation functions to the representative of a country which in a few days would no longer be a member of the Security Council. That was not provided for in the Charter, in the Council's rules of procedure or in the practice and records of the United Nations, and was incompatible with them. Accordingly, the delegation of the USSR could not support the Norwegian proposal.

The PRESIDENT considered that if he were to undertake a mediation mission as suggested, it would be appropriate that this function be carefully and specifically defined by the Council in full agreement with the parties. He thought that the proper and expeditious handling of the matter would make it advisable to defer consideration of the problem until the Security Council had begun to function under its new membership in the new year.

The representative of the UNITED KINGDOM, supporting a continuation of the President's mediation efforts, suggested that if negotiations were to continue beyond the latter's term of office as President of the Council, he might, at the request of the Council, appear before it as Rapporteur in his individual capacity, on the assumption that such a procedure was agreeable to the parties.

The representative of the UNITED STATES OF AMERICA, replying to the statement of the representative of the USSR, stressed the importance of the wishes of the parties in the selection of those means, under Article 33 of the Charter, which would seem to them most effective to settle their dispute by peaceful means. No procedural decision had been taken at that meeting. The possibility of raising at a subsequent meeting the question whether the resolution of 17 December did not constitute a valid basis for continuing the authority of General McNaughton to mediate, had therefore not been foreclosed.

The representative of PAKISTAN, after paying tribute to the President's mediation efforts, expressed the agreement of his delegation regarding the continuation of those efforts and its readiness to agree to their continuance beyond 31 December 1949 if such a procedure was approved by the Council.

The representative of INDIA expressed his delegation's appreciation of the work done hitherto by the President. He understood the sense of the Council to be that General McNaughton should continue negotiations for the remainder of his term as President of the Council and should thereafter report the result to the newly reconstituted Security Council in such a manner as that Council might determine. The delegation of India would certainly abide by any procedure which the Council might adopt.

In response to an invitation agreed upon by the Council at its 462nd meeting on 17 January 1950,

General McNaughton communicated on 3 February a full report of his negotiations with the parties since 17 December (S/1453). In that report, General McNaughton stated that, after the expiration of his term as President of the Council on 31 December, he had acted solely as a channel of communication between the parties. In reply to his proposals of 22 December, the Governments of India and Pakistan had both suggested different amendments which, however, had later been declared mutually unacceptable by the parties. In those circumstances, General McNaughton considered that continued activity on his part in the matter would serve no useful purpose since there was no evidence that such activity would assist the parties in reaching an agreed course of action.

### C. Statements by the parties

At the 463rd to 466th meetings inclusive (7, 8, 9 and 10 February 1950), the representatives of the parties expressed their views in detail.

The representative of INDIA began by inviting attention to certain facts which he thought had often been ignored. He recalled that the dispute started with a complaint by India under Article 35 of the Charter in which it was alleged that a dangerous international situation existed owing to the aid which invaders of Kashmir, consisting of Pakistani nationals and tribesmen from the adjacent territory, were receiving from Pakistan. The State of Jammu and Kashmir had acceded to and was a part of India. These allegations were denied by the representative of Pakistan but it was now admitted that early in May 1948, within a fortnight of the discussions in the Security Council, Pakistani troops had moved into Kashmir. Pakistan, he charged, had created obstacles to the holding of a plebiscite; first, by sending troops into Kashmir in disregard of the Security Council resolution of 21 April 1948; secondly, by creating or assisting the *Azad* Kashmir forces between October 1948 and the spring of 1949, contrary to the understanding that Pakistan would not use this period for consolidating its position or increasing its military potential; thirdly, by penetrating into the northern area and obtaining control of it with the assistance of "local authorities". Instead of securing the withdrawal of the Pakistani forces from the State, the Security Council, in November 1948, had merely desired the Commission to continue its efforts for a peaceful solution. Pakistan was not only an invader, but in actual occupation of nearly half the area of the State. By sanctioning the administration of the northern area by the existing local authorities, the present proposal recognized and helped to perpetuate the unlawful occupation of those areas by Pakistan. The proposals sprung from a false assumption of analogy between the Pakistan Army and the Indian Army, as also between the *Azad* Kashmir forces and the Kashmir State Forces.

India had accepted the proposals contained in the Commission's resolutions of 13 August 1948 and 5 January 1949 on the assurances that the sovereignty of the Jammu and Kashmir Government would not be brought into question; that no recognition would be afforded to the so-called *Azad* Kashmir Government; that the territory occupied by Pakistani troops would not be consolidated to the disadvantage of the State; that there would be a large-scale disarming and dis-

banding of the *Azad* Kashmir forces and that the question of the northern area would receive consideration in the implementation of the Commission's proposals. Under the present proposals, however, the sovereignty of the Jammu and Kashmir State was in fact eliminated from the areas on the other side of the cease-fire line. The administration of those areas by "the existing local authorities" was recognized. The consolidation effected by the Pakistani troops was allowed to remain. The disarming and disbanding of the *Azad* Kashmir forces was neutralized by the similar disarming and disbanding of the State forces and the State militia. The claim made by the Government of India in respect of the northern area was dismissed. The net effect of the proposals was thus to eliminate or neutralize every one of the assurances relied upon by India.

Another important point was that the State in its entirety should accede to one of the parties and could therefore not be disrupted before the holding of a plebiscite.

The present proposals rested satisfied with Pakistan's assurances to deal effectively with any tribal incursions, without stating what would happen if the United Nations observers did not consider the arrangements made by Pakistan to be adequate. With regard to the question of demilitarization, the present proposals suggested that the Kashmir State forces should be disbanded or disarmed. That provision was new, as was also the mention of the State militia. The Government of India had therefore proposed two main amendments besides a few clarifying or consequential ones.

The conflict in Kashmir was in no way a Hindu-Muslim one, and large sections of the Muslims in Kashmir favoured accession to India. The accession of the State of Jammu and Kashmir had taken place in full conformity with the Constitution of India in force at the time. Nevertheless, India went out of its way and imposed upon itself the obligation that, as the accession took place at a time of grave disorder, the question should be settled by a reference to the people as soon as law and order had been restored and the soil of the State cleared of the invader. That pledge subject to its conditions still stands. Other misconceptions detrimental to India's case were that the Maharaja's accession to India had been the source of the conflict. In fact, accession had been forced by the invasion of 22 October 1947. He pointed out that the instrument of accession had been dispatched on 26 October.

India had not sent its army into Kashmir to help the Ruler against the people, as had been repeatedly alleged. The Indian Army had been sent to Kashmir to cope with the invaders, as was borne out by the accounts of eye-witnesses of certain incidents which took place at Baramulla.

The representative of India considered the positions of the two parties fundamentally irreconcilable. While India stood by its offer of plebiscite upon certain conditions amounting to restoration of the State to its normal condition prior to the holding of the plebiscite, Pakistan, on the other hand, appeared to desire plebiscite under the present abnormal situation prevailing in the State.

India was, however, animated by a spirit of co-operation with a view to restoring peace by settlement. India realized that history, culture and geography compelled

both India and Pakistan to live in friendly co-operation with each other.

The representative of PAKISTAN, in reply to the representative of India, stated that the first object of an appraisal of the problem should be the considerations governing the accession of the Indian States to India or Pakistan. In the case of Hyderabad and Junagadh, where there were Muslim rulers and a non-Muslim majority in the population, the Indian Government had explained its position as being that the wishes of the people with regard to the question of accession had to be ascertained and that the Rulers should then take action in accordance with those wishes. Thus, the Government of India had stated that holding a plebiscite in Hyderabad would be a fraud since a small group would control the outcome, and yet it was a similar kind of plebiscite that India had endeavoured to persuade the Security Council and the Commission to let it hold in Kashmir. With regard to Junagadh, the Indian Government had proposed that the question be settled by negotiations, which would have implied admission of India's claim to the accession of that State, or by a plebiscite organized under the joint control of the State of Junagadh and the Government of India. In Kashmir, on the other hand, the accession of the Ruler to India was used by India to justify its claims.

The consequences of the Indian Government's view that a State with a non-Muslim majority in its population must accede to India would demand that a State with Muslim majority should accede to Pakistan. In that connexion he recalled that India had sent troops into Junagadh and had held a plebiscite there under its military occupation. That plebiscite had resulted in the formal incorporation of the State into the Indian Union, while negotiations concerning Junagadh had still been proceeding between the Governments of India and Pakistan, and notwithstanding the fact that Pakistan's complaint regarding Junagadh had still been pending before the Security Council.

Recalling that Lord Mountbatten, then Viceroy and Governor-General of India, had advised the Indian States to base their decision with regard to accession on factors of geographical compulsion and strategic and economic importance, he stated that the geographical position and the communication system indicated integration of Kashmir into Pakistan as the natural solution. Thus, the main items of export from that State were either sold in Pakistan or had to pass in transit through that country. The main commodities needed in Kashmir were obtained in Pakistan. The economy of the whole of western Pakistan was based almost entirely on the irrigation system originating from three rivers across whose course ran the boundary between Kashmir and Pakistan. If Kashmir acceded to India, India would be in a position to control that system. Pakistan's apprehensions in that respect were well-founded, as appeared from the fact that India on 1 April 1948 had taken the position that it was entitled to cut off the entire water supply on which the irrigation system of West Punjab depended.

In the strategic field, India had nothing to fear from Kashmir since there was scarcely any possibility of direct communication between Kashmir and India. The defence of West Pakistan, on the other hand, was based upon two main road and railway systems which

ran parallel to and within a few miles of the Kashmir border, making Pakistan's position on that flank untenable in case of conflict.

The representative of Pakistan pointed out that, of the four million inhabitants of the State of Jammu and Kashmir as a whole Muslims constituted 77 per cent. In view of those facts, and also of the cultural and religious bonds between Kashmir and West Pakistan, he concluded that whether accession was decided on the basis of the factors stressed by Lord Mountbatten or on the basis of those insisted upon by India, Kashmir ought to accede to Pakistan.

The facts concerning the origin of the dispute were that, with the establishment of Pakistan on 15 August 1947, Kashmir's principal political organization, the Muslim Conference, had declared itself in favour of accession to Pakistan. The Maharaja had entered into a stand-still agreement with the Government of Pakistan on 15 August 1947. This proved, however, to be a device to lead the population into believing that the agreement would ripen into accession to Pakistan.

The date of 22 October had been stressed by the representative of India as the one on which the dispute originated, through a tribal incursion. The fact was, however, that weeks before that date, a vigorous freedom movement had already started within the State. The tribal incursion had taken place as a direct consequence of suppression of that movement by the troops of the Maharaja.

Reviewing subsequent events, the representative of Pakistan stated that his Government had endeavoured in vain to reach a peaceful settlement. Although there had been agreement between the parties that the question should be decided by free and unfettered plebiscite, there had been consistent differences about what would constitute the conditions for such a referendum.

As minimum conditions, Pakistan had insisted that all foreign troops and other fighting elements which had entered the State should be withdrawn, that a non-partisan administration should be established in the State, and that the plebiscite should be organized and conducted by and under the authority of the United Nations.

The representative of Pakistan then gave a detailed analysis of the developments which had taken place in Kashmir since the Security Council had become seized of the question and of the main proposals which had been submitted to the parties. He declared that India had delayed the holding of a plebiscite, by interrupting discussions in the Security Council in February 1948 and then by refusing to accept the Council's proposals of 6 February 1948. India had built up its forces in Kashmir in spite of the appeal not to aggravate the situation. The fact was that between 600,000 and 700,000 Muslims whose homes had been in the part of Kashmir now occupied by India, had fled to Pakistan following India's offensive early in April 1948. India had also rejected the Council's resolution of 21 April 1948 and was not willing to hold a plebiscite under conditions which would ensure a free and impartial plebiscite. India's avowed object had been to occupy the whole State militarily and thus vitally endanger Pakistan. In the beginning of May, Pakistani troops had moved in in order to avoid the imminent danger

which threatened Pakistan's security and economy. This step had been communicated to the United Nations Commission for India and Pakistan as early as feasible. Later, after the entering into force of the cease-fire, Pakistan had secured the evacuation of the tribesmen and of such Pakistani nationals as had entered the State for the purpose of fighting. It had done so although, under the Commission's resolutions of 13 August 1948 and 5 January 1949, the obligation to this effect was to be imposed and to become applicable only in the truce stage, as the first step during that stage. As the second step, the Pakistan Army was to begin its withdrawal. When that had begun, the Indian Army was to begin withdrawing the bulk of its forces. It was not until the plebiscite stage that the final disposal should take place of the remaining Indian forces and of the State Armed forces, on the one hand, and of the *Azad* Kashmir forces on the other hand. There was no ambiguity in those provisions and they had been accepted by both parties.

With regard to the administration of the State, it was essential that there should be an impartial authority for the whole of the State or a coalition government. An administration under Sheikh Abdullah, on the one hand, and one under the *Azad* Kashmir and the local people on the other, would not be balanced in view of the fact that Sheikh Abdullah's government controlled two-thirds of the population of the State.

On the question of demilitarization prior to the plebiscite, it appeared that although the Indian forces in the State were double the strength of the Pakistani forces, the Government of India, against the withdrawal of twenty-eight Pakistani battalions, was only prepared to withdraw twelve Indian battalions.

With regard to the disposal of the *Azad* forces, it should be noted that they consisted of nationals of Jammu and Kashmir and were entirely an infantry force. The facts concerning India's contention that Pakistan had augmented its forces in Kashmir in disregard of the Commission's resolution of 13 August 1948 were that undertakings in that respect would arise only on acceptance of that resolution, and that the clause concerning that aspect of the matter was obviously to apply when a cease-fire had come into force. Such provisions should also apply to both parties. India, however, had mounted an offensive in November 1948, in contravention of the Commission's resolution of 19 September 1948 to which both sides had agreed. As a result of that offensive, certain areas had been taken by India and were now on the Indian side of the cease-fire line. Under such circumstances, it could not be expected that the *Azad* Kashmir forces should not be built up.

It appeared from the language of the Commission's resolutions of 13 August 1948 and 5 January 1949, and also from the explanations given by the Commission to the Government of India and from the communications of the Government of India to the Commission, that the Government of India understood that the disarming and disbanding of the *Azad* Kashmir forces was not contemplated during the truce stage. From 10 March 1949, however, the Government of India had begun to shift its position on that point, until it demanded that the disbanding should take place during that stage.

The representative of Pakistan considered that the guarantees given for the security of the northern area against tribal incursions should be satisfactory to India, since, according to the McNaughton proposals, the military adviser would have to be satisfied that the arrangements were adequate.

Nothing had happened in that area between 13 August 1948 and 5 January 1949 which could justify any claims for posting Indian forces there. The Commission itself had stated that such a step would lead to a resumption of fighting. Furthermore, the very object of the cease-fire line was that neither side should cross it.

The Commission, when it stated that it could not re-ject the sovereignty and integrity of the State of Jammu and Kashmir as a whole, had specifically stressed that the statement should not be construed as envisaging the introduction, into the area to be evacuated by Pakistani troops, of civil or military officials of the Government of the State or of the Government of India for the purpose of administration or control.

The argument raised by the representative of India as to how the Plebiscite Administrator could derive his powers from the State of Jammu and Kashmir if the State had no authority over the northern area could not stand. The Commission had explained that all it had contemplated in that respect was that, as a matter of legal technicality, the Plebiscite Administrator should be deemed to have derived his powers from the State of Jammu and Kashmir, considered as a legal entity. There was no mention of the Government of Jammu and Kashmir or of the *Azad* Kashmir Government in that connexion.

If by "integrity", the Government meant that the whole of the State should be under its military control and under the administration of Sheikh Abdullah's Government, the Government of Pakistan could obviously not agree to that and that was not what was meant by the Council nor by the Commission.

The Commission had proposed that the parties agree to arbitrate their differences over the truce agreement. Pakistan had agreed to arbitration, whereas India had declined to accept that procedure.

The representative of India had declared that the positions of the two parties were fundamentally irreconcilable. That argument was now inadmissible since the parties had solemnly agreed and accepted the Commission's resolutions of 13 August 1948 and 5 January 1949. There were now differences between the parties with regard to the interpretation of certain matters to which they had agreed. The Security Council might pronounce itself and recommend its decisions to the two Governments. General McNaughton had made proposals which the Security Council, if it considered them fair, should call upon the parties to carry out.

The representative of INDIA, replying to the statement made by the representative of Pakistan, drew special attention to one of the reasons given by the British Commander-in-Chief of Pakistan for the sending of the Pakistan Army into Kashmir: "An easy victory of the Indian Army . . . is almost certain to arouse the anger of the tribesmen against Pakistan for its failure to render them more direct assistance and might well cause them to turn against Pakistan". This was a

most damaging admission, proving that despite the protestations of the representative of Pakistan in the Security Council, Pakistan was in fact rendering some assistance to the tribesmen even before 20 April 1948. That was conclusive proof that India's complaint to the Security Council, in January 1948, was completely true.

Pakistan could not justify the sending of its troops into Kashmir as an act of self-defence. There had been no armed attack on Pakistan and it had not reported its action to the Council, as prescribed in Article 51 of the Charter. If the Council had been advised of the action, the Pakistan Army would certainly not have been allowed to enter the State and the subsequent unfortunate developments would have been avoided.

It was interesting to note that, while Pakistan contended that it had rendered no assistance whatsoever to the raiders, it had found it necessary to enter Kashmir to hold the line when it found that they were on the point of being expelled by India.

The consistent view of India had been that the *Azad* Kashmir forces should be disarmed and disbanded before India was called upon to withdraw the bulk of its army. Whether this disarming and disbanding took place during the truce stage or during the plebiscite stage was not the real point at issue.

India had received assurances from the Commission that the provisions for the administration of the northern area by the local authorities after the evacuation of the Pakistani troops would not be interpreted or applied in practice so as to bring into question the sovereignty of the Jammu and Kashmir Government over those areas.

There was a fundamental difference between the cases of Hyderabad and Junagadh on the one hand, and the case of Kashmir on the other. That difference was that a large section of the Muslims in Kashmir were themselves in favour of remaining in India, whereas there existed no aspirations towards Pakistan on the part of the non-Muslim population of Hyderabad and Junagadh.

The accession of Kashmir to India or Pakistan could not be decided on the basis of the economic or strategic importance of the State to either Dominion, but had to be decided on the basis of the wishes of the people of the State.

The figures on Kashmir's imports from territories now included in the two Dominions were, for instance, during the year 1946-1947, 82 per cent from territories now included in India, and 18 per cent from those now included in Pakistan. During the same year, 80 per cent of Kashmir's exports had come to what was now India, against 20 per cent to what was now Pakistan.

On the question of the cutting off of the water supply by India on 1 April 1948, the fact was that the Government of Pakistan, despite reminders, had taken no steps to enter into a fresh agreement on continuance of the supply before the existing agreement had expired on 31 March.

The fight of the *Azad* Kashmir forces was not a battle for the freedom of Kashmir. That battle had commenced twenty years earlier and had been continu-

ously waged since then by the present Head of the People's Government, Sheikh Abdullah.

The presence in Pakistan of a large number of refugees from Kashmir had been referred to by the representative of Pakistan, but there were also hundreds of thousands of Hindu and even Muslim refugees who had streamed across the Indian side of the cease-fire line.

The representative of PAKISTAN, in a concluding statement, stressed that the two parties had agreed to the Commission's resolutions of 13 August 1948 and 5 January 1949. Situations anterior to those resolutions could therefore not be put forward today as obstructing their implementation.

Replying to the Indian representative's statement that India's view had consistently been that the *Azad* Kashmir forces should be disbanded before the bulk of the Indian Army was withdrawn, the representative of Pakistan stressed that the withdrawal had been provided for in part II of the resolution of 13 August 1948, whereas the disbanding of the *Azad* Kashmir forces had been provided for in sub-paragraph 4 (b) of the resolution of 5 January 1949.

With regard to the differences concerning explanations and clarifications given to the parties by the Commission, Pakistan's position was that such differences should be arbitrated.

On the question of water supply, the representative of Pakistan stated that during the month of March 1948 every effort of the Pakistani engineers to get in touch with the Indian engineers in order to arrange for the further working of the head works had been frustrated.

Summing up the position of his Government, he declared that Pakistan was ready to accept the draft resolution submitted to the Security Council on 6 February 1948 and the resolution adopted by the Security Council on 21 April 1948. His Government was also prepared to submit to arbitration of the differences which had arisen with regard to the implementation of part II of the Commission's resolution of 13 August 1948 and to accept the McNaughton proposals.

#### D. Resolution of 14 March 1950

At the 467th meeting (24 February 1950), the representatives of CUBA, NORWAY, the UNITED KINGDOM and the UNITED STATES OF AMERICA submitted the following draft resolution (S/1461):

*"The Security Council,*

*"Having received and noted the reports of the United Nations Commission for India and Pakistan, established by the resolutions of 20 January and 21 April 1948*

*"Having also received and noted the report of General A. G. L. McNaughton on the outcome of his discussion with the representatives of India and Pakistan which were initiated in pursuance of the decision taken by the Security Council on 17 December 1949*

*"Commending the Governments of India and Pakistan for their statesmanlike action in reaching the agreements embodied in the United Nations Commission's resolutions of 13 August 1948 and 5 January*

1949 for a cease-fire, for the demilitarization of the State of Jammu and Kashmir and for the determination of its final disposition in accordance with the will of the people through the democratic method of a free and impartial plebiscite and commending the parties in particular for their action in partially implementing these resolutions by

"(1) The cessation of hostilities effected 1 January 1949;

"(2) The establishment of a cease-fire line on 27 July 1949, and

"(3) The agreement that Fleet Admiral Chester W. Nimitz shall be Plebiscite Administrator,

"*Considering* that the resolution of the outstanding difficulties should be based upon the substantial measure of agreement on fundamental principles already reached, and that steps should be taken forthwith for the demilitarization of the State and for the expeditious determination of its future in accordance with the freely expressed will of the inhabitants,

"1. *Calls upon* the Governments of India and Pakistan to make immediate arrangements without prejudice to their rights or claims and with due regard to the requirements of law and order, to prepare and execute within a period of five months from the date of this resolution a programme of demilitarization on the basis of the principles of paragraph 2 of General McNaughton's proposal or of such modifications of those principles as may be mutually agreed;

"2. *Decides* to appoint a United Nations Representative for the following purposes who shall have authority to perform his functions in such place or places as he may deem appropriate:

"(a) To assist in the preparation and to supervise the implementation of the programme of demilitarization referred to above and to interpret the agreements reached by the parties for demilitarization,

"(b) To place himself at the disposal of the Governments of India and Pakistan and to place before these Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir,

"(c) To exercise all of the powers and responsibilities devolving upon the United Nations Commission by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949,

"(d) To arrange at the appropriate stage of demilitarization for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties,

"(e) To report to the Security Council as he may consider necessary submitting his conclusions and any recommendations which he may desire to make;

"3. *Requests* the two Governments to take all necessary precautions to ensure that their agreements regarding the cease-fire shall continue to be faithfully observed, and *calls upon* them to take all possible

measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations;

"4. *Extends* its best thanks to the members of the United Nations Commission for India and Pakistan and to General A. G. L. McNaughton for their arduous and fruitful labours;

"5. *Agrees* that the United Nations Commission for India and Pakistan shall be terminated, and decides that this shall take place one month after both parties have informed the United Nations Representative of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission referred to in paragraph 2 (c) above."

The representative of NORWAY stated that, after having heard the parties, he no longer had any doubt that General McNaughton's reasoning had the best foundation of fairness and justice and that the essential features of the latter's proposal were right. The substantial measure of agreement already reached between the two parties must be preserved.

The principle that the accession of the State should be determined in accordance with the will of the people transcended the obligatory force it derived from the consent of the parties.

Stressing that the still unresolved issues concerned only the practical procedure through which demilitarization could be carried out on both sides of the cease-fire line in order to bring about conditions which would enable the Plebiscite Administrator to take over, he stated that the opposing arguments should be weighed and measured against only two important considerations: (1) that demilitarization must be carried out as quickly as possible; and (2) that it should be so staged as to eliminate fear at any time on the part of the peoples on either side of the cease-fire line.

In conclusion, he requested the parties again to reconsider their positions.

The representative of the UNITED KINGDOM considered that, if the Council achieved what it desired, which was to enable the people of Kashmir to decide the fate of the State by their freely expressed wishes, the past history of the question would become irrelevant.

The United Kingdom delegation had co-sponsored the joint draft resolution in the belief and on the understanding that the procedure indicated therein was directed towards the earliest possible implementation of the agreement existing between the parties regarding the ascertainment of the will of the people.

The representative of FRANCE, after expressing regret that the McNaughton proposal had not met with the approval of both parties, stressed that Kashmir was now divided not only by virtue of the twofold occupation, but also by virtue of two Governments. The Council's position in such a situation was dictated by the Charter, which called on the peoples themselves to settle their destiny. The impartiality of the Organization was the best guarantee that could be vouchsafed to the people of Jammu and Kashmir, and therefore to the Governments of India and Pakistan.

The representative of the UNITED STATES OF AMERICA stressed that the joint draft resolution was

directed at the problem of how the demilitarization of the State should take place. It was based on the principles governing the McNaughton proposal. Recalling that the Commission had started that the entry of Indian forces into the northern area would almost inevitably lead to renewed hostilities, he considered it reasonable to assume that the Commission had believed it unnecessary to address itself specifically to the question of a change in the administration of the area, since such a change would depend upon, or involve, an extension of military activity.

The representative of CHINA considered that the difficulty of solving the issues of (1) the disposal of the *Azad* Kashmir forces, (2) the withdrawal of troops and (3) the defence and administration of the northern area had been out of proportion to their real importance. The first issue could be readily resolved if the two Governments were able to agree upon the precise moment when the *Azad* forces should begin to withdraw, and upon how long a period of time should elapse between the withdrawal and the holding of a plebiscite. The importance of the disagreement over the withdrawal of troops had been magnified because each side gave a political interpretation to the matter. The settlement of neither that issue nor of the third one would prejudice the ultimate status of the northern area.

At the 468th meeting (28 February 1950), the representative of ECUADOR considered that the joint draft resolution sought to create an instrument calculated to bring the parties together on the points where no agreement had been reached by appointing a person who, acting as a spokesman for the Security Council, would have the necessary authority and prestige for his work of mediation.

The representative of CUBA indicated that his delegation adhered determinedly to the principles contained in paragraph 1 of General McNaughton's proposal and felt that, as far as demilitarization was concerned, the principles contained in paragraph 2 of that proposal could serve as a useful basis for the parties in their elaboration and acceptance of a plan. The general attitude of his delegation was that the dispute over Kashmir should be solved in conformity with the procedures laid down in the Charter.

At the 469th meeting (2 March 1950) the representative of the UNITED KINGDOM gave certain clarifications on behalf of the sponsors concerning the provisions of the joint draft resolution. He explained, *inter alia*, that in working out a programme of demilitarization it would be expected that due account would be taken of the opinion of the Council and that the programme would follow broadly the lines indicated by General McNaughton; that the United Nations representative would be guided by the statements made by the Security Council members. However, the United Nations representative would have a certain amount of discretion to make adjustments of this course in the light of any fresh considerations which might arise. The demilitarization programme should be dealt with as a whole and accomplished within a single period, leaving only the minimum of forces for final disposal under the 5 January 1949 resolution of the United Nations Commission for India and Pakistan. The programme should embrace all forces within the State, should include all areas of

the State (including the northern area), and should be so designed as to reduce to the minimum the possibility of any recrudescence of fighting or disturbances. The sponsors assumed that there could be no question of introducing changes in the administration of the northern area. If the United Nations representative, however, did find that assumption unwarranted, the draft resolution did not preclude his suggesting other arrangements.

The Council expected every suggestion which the United Nations representative might make to be compatible with the agreed objective of a free and impartial plebiscite. Only if he should find, after investigation on the spot, that the agreed objective was impracticable, would he be expected to make suggestions at variance with it. The mandate of the United Nations representative had been made as extensive as it was in order to ensure that he would be duly empowered to make appropriate suggestions in all contingencies.

The representative of INDIA stated that his Government had no comments to make on the preamble to the joint draft resolution. With regard to paragraph 1 of the draft, he reaffirmed the views of his Government as stated at the 463rd meeting (7 February 1950). Concerning paragraph 2, proposing the appointment of a United Nations representative, he stated that his Government would prefer that the functions of such a representative be assigned to three individuals, one to be nominated by it, one by the Government of Pakistan, and the third by the Security Council in consultation with the two Governments. If that alternative was not accepted, the Indian Government desired that the person chosen as the United Nations representative should be acceptable to it.

The representative of PAKISTAN, commenting upon the clarifications made by the representative of the United Kingdom, raised certain questions regarding the powers of the United Nations representative. He considered that, if the Council entertained any possibility of a solution with regard to the northern area other than the maintenance of the present administration, it would be fair for his Government to know whether that possibility was acceptable to it.

With regard to the agreed objective of a free and impartial plebiscite, would the United Nations representative be expected to make suggestions at variance with the objective, if he should find, after an investigation on the spot, that it was impracticable?

The statement of clarification made by the representative of the United Kingdom also opened a way for either party to demand such an investigation before the United Nations representative undertook to solve the difficulties involved in attaining the agreed objective.

If one of the parties created conditions which made the organizing and holding of a free and impartial plebiscite impracticable, would the United Nations representative then be within his rights to make suggestions at variance with that objective?

The main features of the joint draft resolution were satisfactory to the Pakistan Government. Its ultimate acceptance of the proposal rested very largely, however, on the clarification of those points.

At the 470th meeting (14 March 1950), the representative of INDIA declared that his Government, while

adhering to his statement made at the 463rd meeting (7 February 1950) and assuming that the United Nations representative would be appointed with the agreement of the parties, accepted the joint draft resolution.

The representative of PAKISTAN submitted that the provision of the McNaughton proposal that the administration of the northern area should be continued by the existing local authorities needed no clarification, and that the agreed objective that the question of the accession of the State of Jammu and Kashmir to Pakistan or to India was to be determined through the democratic process of a free and impartial plebiscite had to be pursued without swerving by the United Nations representative. Having made these submissions, he stated that his Government accepted the joint draft resolution.

**Decision:** *At the 470th meeting on 14 March 1950, the draft resolution (S/1461) submitted by the representatives of Cuba, Norway, the United Kingdom and the United States of America was adopted by 8 votes with 2 abstentions (India, Yugoslavia) and one member (USSR) absent.*

The representative of YUGOSLAVIA, in explaining his vote, stated that the question of Kashmir should above all be considered in the light of the rights and interests of the population of the State. It should also be viewed in the light of the relations between the two main religious elements on the sub-continent and of the repercussions it might have on the peoples of India and Pakistan. His delegation was therefore doubtful regarding the effect of the adoption of the joint draft resolution. Its sponsors themselves seemed to share those doubts, as appeared from the fact that the possibility had been envisaged that the objective sought might prove impracticable.

## **E. Appointment of a United Nations representative**

**Decision:** *At the 471st meeting on 12 April 1950, the Council appointed Sir Owen Dixon, of Australia, as United Nations representative for India and Pakistan, by 8 votes, with 2 abstentions (India, Yugoslavia) and one member (USSR) absent.*

The representative of NORWAY felt confident that the United Nations representative would be aware of the possibilities of harmonizing views and interests through direct talks between the parties.

The representative of the UNITED STATES OF AMERICA stressed the importance of pledging to the United Nations representative the strong support of the Security Council in his task.

The representative of INDIA indicated that his abstention was to be considered as non-participation in the vote on the ground that he was a party to the dispute.

The representatives of INDIA and PAKISTAN conveyed to the Council the acceptance by their Governments of the appointment of Sir Owen Dixon as United Nations representative.

The representative of ECUADOR called for the inclusion of high military authorities on the staff of the United Nations representative.

The United Nations representative arrived in New Delhi on 27 May.

In conformity with the resolution adopted by the Security Council at its 470th meeting, the Government of Pakistan on 15 May and the Government of India on 1 June notified their acceptance of the transfer to the United Nations representative of the powers and responsibilities of the United Nations Commission for India and Pakistan (S/1490).

## **Chapter 3**

### **The Palestine Question**

#### **A. Status of armistice and truce negotiations**

As stated in the last report (A/945), general armistice agreements were concluded during the first half of 1949 between Israel on the one hand and Egypt (S/1264/Rev.1), Lebanon (S/1296/Rev.1) and Jordan (S/1302/Rev.1) on the other. Following the signing of the General Armistice Agreement between Israel and Syria on 20 July 1949 (S/1353/Rev.1), the United Nations Acting Mediator on Palestine transmitted to the President of the Security Council on 21 July 1949 his final report on the status of the armistice negotiations and the truce in Palestine (S/1357) wherein he concluded:

1. That the practical application of the Security Council's truce in Palestine had been superseded by effective armistice agreements, and that it would seem unnecessary to impose any longer upon the States con-

cerned the restrictive conditions of the truce provided for in the Security Council resolution of 15 July 1948.

2. That the Security Council might reaffirm the order contained in that resolution to the Governments and authorities concerned, pursuant to Article 40 of the Charter of the United Nations, to desist from further military action, and might also call upon the parties to the dispute to continue to observe an unconditional cease-fire.

3. That the Security Council might, in accordance with General Assembly resolution 194 (III) of 11 December 1948, terminate and transfer to the United Nations Palestine Conciliation Commission such functions as now remained to the position of Mediator under Security Council resolutions. Under the terms of the several armistice agreements, the Acting Mediator had no responsibility for their implementation or supervision since that responsibility, by mutual agreement,

had been assumed by the parties themselves. With the truce obsolete, and the armistice agreements concluded, the mission of the Mediator had been fulfilled. The Acting Mediator suggested, in a draft resolution annexed to his report, the general lines of action the Council might wish to take.

## B. Resolutions of 11 August 1949

At the 433rd meeting (4 August 1949), called to examine the report of the United Nations Acting Mediator, the Council invited the representative of Israel to participate, without vote, in the debate on the question.

The representative of FRANCE agreed with the substance of the Acting Mediator's report (S/1357). Since the armistice agreements had created a legal situation which superseded the truce order of 15 July 1948, he agreed that the Acting Mediator had no longer any useful task to accomplish.

With regard to the prolongation of the truce and the renewal of the cease-fire order, his delegation felt that those two aspects of the problem were covered by the very fact that armistice agreements had been signed and that it would hardly be suitable on the part of the Security Council to confirm to the parties, in the form of renewed injunctions, some obligations to which they had themselves recently subscribed. However, the Security Council might maintain the question on its agenda as an expression of its concern. He doubted the wisdom of maintaining the Truce Supervision Organization and suggested that only such part of it was necessary to a proper and smooth execution of the armistice agreements should be maintained, and that the control exercised by the Conciliation Commission, which had a very difficult task of its own, should be limited to making the necessary arrangements to that end with the parties concerned.

The UNITED NATIONS ACTING MEDIATOR, in presenting his written report, stressed the fact that the imposed truce had been superseded by the voluntary conclusion of the various armistice agreements. He reiterated his view that the Security Council should reaffirm its cease-fire order of 15 July 1948, pending the final peace settlement. Finally, as regards the transfer of the Mediator's functions to the Conciliation Commission, he noted that since the armistice agreements had been concluded and since they rendered continued truce supervision unnecessary, there were, in fact, no functions remaining to the Acting Mediator and, therefore, none to be transferred to the Commission.

The representative of EGYPT inquired whether, under the armistice agreements, further continuance of the truce was necessary.

The UNITED NATIONS ACTING MEDIATOR felt that there was an obligation on the part of the Security Council, which seemed to be implicit in the resolution of 16 November 1948, to remove the burdensome restrictions of the truce once the parties had complied with the request that they conclude armistice agreements.

The representative of EGYPT, in taking note of the answer of the Acting Mediator, wished to confirm his

understanding that the armistice agreements had rendered obsolete the truce and its machinery, including the restrictions imposed by Security Council resolutions.

The representative of ISRAEL stressed the importance and the continued need for direct negotiations and bilateral meetings. He fully supported the Acting Mediator's conclusion that the truce period had ended, and that the first stage of the transition to peace had been successfully accomplished. The armistice agreements not merely separated armed forces but marked clearly defined areas of full civil jurisdiction.

It was inevitable that many of the arrangements associated with the supervision of the truce must be superseded. However, his Government was disturbed by the statements of various representatives of Arab States regarding their re-armament and felt, in those circumstances, that the Council should call upon Member States to continue to observe the restraints imposed by the Security Council's policy with respect to arms supplies. The representatives of Israel drew the attention of the Council to the fact that the Hashimite Kingdom of the Jordan had not fully implemented some of the provisions of the armistice agreement relating to Jerusalem.

In the course of the meeting, the representatives of CANADA and NORWAY submitted the following joint draft resolution (S/1362):

*"The Security Council,*

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

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

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

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

At the 434th meeting (4 August 1949), the representative of Syria was invited to take part in the discussion.

The representative of the UNITED KINGDOM said that he shared, in general, the conclusions set forth by the Acting Mediator in his report, and endorsed the remarks which the latter had made subsequently.

As regards the supply of war material, the representative of the United Kingdom declared that any supplies of arms which his Government might send to the Middle East would be for the internal security and defence requirements of the States concerned. The

United Kingdom Government, for its part, would not be in favour of the Middle East States acquiring war material in excess of their legitimate defence requirements, and believed that the States themselves would not wish to exceed such limitations.

The UNITED NATIONS ACTING MEDIATOR noted that, should the Council take no further action providing for an arms embargo, the existing injunctions against the importation of war materials, along with the restrictions on the introduction of fighting personnel and men of military age, would be completely eliminated. Judging from his own past experience with the truce, he was of the view that no half-way measures should be contemplated. If the embargo were to be continued, the entire truce machinery should remain. Such action was desired by neither side, and would also seem to imply that the solemn pledges made by the Governments signatory to the armistice agreements were not to be regarded as fully sincere. Moreover, it might be pointed out that, even with the elaborate United Nations truce observation machinery, it was not possible to prevent the introduction of war materials in considerable quantity. However, in the absence of a firm injunction coupled with observation machinery, the burden really seemed to rest upon the States in a position to ship arms, and such declarations as that just made by the United Kingdom representative would certainly be helpful and reassuring.

The representative of the UNITED STATES OF AMERICA said that his delegation agreed with the principles expressed in the draft resolution annexed to the Acting Mediator's report. He felt that, in view of the firm commitments made by the parties in the armistice agreements, the restrictions imposed by the truce were no longer appropriate or necessary.

The policy stated by the representative of the United Kingdom as regards the supply of arms seemed helpful and reassuring. So far as the United States was concerned, it did not intend to allow the export of arms which would permit a competitive arms race in the area. Such a supply should be strictly limited to such arms as were within the scope of legitimate security requirements.

The representative of CANADA was of the opinion that the Conciliation Commission's attention should be concentrated on the main task which was entrusted to it by the General Assembly. He proposed that the United Nations Chief of Staff should observe the cease-fire and report thereon directly to the Security Council.

The UNITED NATIONS ACTING MEDIATOR saw no objection to the changes suggested by the representative of Canada.

The representative of CANADA said that his delegation was sponsoring the draft resolution suggested by the Acting Mediator, but having regard to the reply given by Mr. Bunche, he proposed to delete the references to the Conciliation Commission. The text of the draft resolution, submitted by the representative of Canada in connexion with the report of the United Nations Acting Mediator on Palestine, follows (S/1365):

*"The Security Council,*

*"Having noted with satisfaction the several armistice agreements concluded by means of negotiations between*

the parties involved in the conflict in Palestine in pursuance of its resolution of 16 November 1948 (S/1080),

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

*"Declares that the armistice agreements, as an important step in the transition from truce to permanent peace in Palestine, render unnecessary the prolongation of the truce as provided in the resolution of the Security Council of 15 July 1948 (S/902);*

*"Reaffirms the order set forth in its resolution of 15 July 1948 to the Governments and authorities concerned, pursuant to Article 40 of the Charter of the United Nations, to desist from further military action, and calls upon them to continue to observe an unconditional cease-fire;*

*"Requests the United Nations Chief of Staff of the Truce Supervision Organization to undertake the observance of the cease-fire in Palestine, and terminates all remaining functions of the United Nations Mediator on Palestine under Security Council resolutions;*

*"Requests the Secretary-General to continue in existence such of the present Truce Supervision Organization as the Chief of Staff may require in maintaining the cease-fire, and as may be necessary in assisting the parties to the armistice agreements in the supervision of the application and observance of the terms of those agreements."*

The representative of SYRIA, in answer to certain allegations made by the representative of Israel, stated that the Syrian Government fully respected agreements into which it entered, and that he felt it necessary to remind the representative of Israel that it was the Israeli Government and not the Arab States which had found means to smuggle arms despite the truce injunction.

The representative of EGYPT agreed with the view of the Acting Mediator that the Security Council must not weaken the armistice agreements nor question the good faith of the parties. His delegation found both the report of the Acting Mediator and the Canadian draft resolution satisfactory as a whole.

The representative of CHINA supported, in principle, the Canadian draft resolution.

He declared that the maintenance of the arms embargo did not seem to be in harmony with the spirit of an armistice. Besides, the arms-exporting countries had given enough assurances and, should an arms race start in the Near East, the Security Council could always step in to halt it.

The representative of FRANCE said that he had submitted a number of amendments (S/1364) to the draft resolution suggested by the Acting Mediator thereby taking into account certain observations which had been brought to the fore during the discussions. Those

amendments would, *inter alia*, eliminate all references to the Chief of Staff of the Truce Supervision Organization, and maintain the Palestine question on the agenda of the Security Council.

Since he shared the views of the representative of Canada, the representative of France also proposed the deletion of all references to the Conciliation Commission.

The representative of CUBA supported the Canadian draft resolution.

The UNITED NATIONS ACTING MEDIATOR said that the French amendment, omitting all references to the Chief of Staff, would nullify the articles of the armistice agreements stipulating that the mixed armistice commissions would be presided over by the Chief of Staff or a senior officer from the observer personnel. Unless it was desired very seriously to change the text of the armistice agreements, it would seem necessary to maintain the position of Chief of Staff and to authorize the Secretary-General to make available a limited personnel for the purpose of assisting the parties in the implementation of the terms of the agreements.

At the 435th meeting (8 August 1949), the representative of CANADA withdrew his draft resolution (S/1365) and submitted a joint Canadian-French draft resolution, the text of which reads as follows (S/1367):

*"The Security Council,*

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

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

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

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

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

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

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

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

The representative of FRANCE withdrew the amendments which he had submitted (S/1364) to the draft resolution suggested by the Acting Mediator.

The representative of NORWAY said that his delegation was in full agreement with the conclusions drawn by the Acting Mediator in his report.

That report was important in two respects, namely that it announced the conclusion of the military phase of the Palestine conflict and that it set an example for the future handling of similar conflicts, especially stressing the importance of getting the interested parties together directly and basing solutions on voluntary agreements between the parties. His delegation favoured the joint draft resolution submitted by Canada and France.

The President, speaking as the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, pointed out that after the cessation of armed conflict and the conclusion of armistice agreements, the next step was the achievement of definitive agreements providing for a final and permanent peace settlement for Palestine. In the view of his delegation, this settlement should be reached by direct negotiation between the parties, without outside influence or pressure. The Acting Mediator had reported that all the parties concerned had given clear evidence of a spirit of conciliation, and therefore the USSR delegation considered it possible to dispense completely with the services of the Conciliation Commission and rely on the States concerned to reach a peace settlement by direct negotiation.

Since it was clear that the stage of armed conflict in Palestine had ended through voluntary armistice agreements, the USSR delegation was of the opinion that there was no longer any need to maintain United Nations observers in Palestine and that consequently the staff which had been established there should be disbanded. The parties concerned were now in a position to take over those questions which had been within the jurisdiction of the Mediator and the Conciliation Commission. The parties concerned had, by

mutual agreement, undertaken responsibility for the situation in Palestine and for the further settlement of that question, and therefore a strong argument existed for leaving further settlement of the questions outstanding to be settled between the parties directly without any interference from either the Conciliation Commission or the observers.

In view of these considerations, the USSR delegation submitted several amendments (S/1375) to the joint Franco-Canadian draft resolution (S/1367):

1. Replace the second paragraph by the following text:

"Expresses the hope that the Governments concerned will, by means of direct negotiations, achieve agreement at an early date on the final settlement of all questions outstanding between them."

2. Add to the third paragraph the following text:

". . . and in this connexion decides to recall the United Nations observers from Palestine and to release them from their duties, and to disband the staff of the United Nations Truce Observation Organization."

3. Delete the sixth, seventh and eighth paragraphs.

The representative of CANADA asked the Acting Mediator to comment on the effect of the USSR amendments on the joint draft resolution.

The UNITED NATIONS ACTING MEDIATOR said that should the United Nations observers personnel be recalled, as proposed by the USSR, such a course would lead to a complete nullification of certain important provisions of the armistice agreements. While the principle of withdrawal of truce supervision personnel was entirely sound, a nucleus of such observers must be kept on the spot until the final peace settlements were made, or until the parties themselves agreed to changes in the armistice agreements.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC said that since it had been argued that there was no need for a United Nations mediator subsequent to the signature of the armistice agreements, he could not understand why the responsibility for the settlement of future difficulties in Palestine were handed over to one country alone, namely, the United States as represented by the United Nations Chief of Staff. The Security Council was created for that purpose and why should it now abandon that position and change to a totally new course.

The representative of NORWAY suggested that the parties themselves express their opinion regarding the necessity of maintaining a group of observers in Palestine.

The representatives of EGYPT, ISRAEL and SYRIA were of the view that the principle of withdrawing all observers was a sound one and that only such United Nations personnel as might be required by the various texts of the armistice agreements should be retained.

At the 437th meeting (11 August 1949), the representative of FRANCE declared that his Government would not supply States of the Middle East with offensive weapons.

Turning to the amendments submitted by the representative of the USSR, he said that the first amend-

ment, deleting references to the Conciliation Commission, contradicted the terms of the General Assembly resolution creating that Commission. As regards the principle of direct negotiations, the joint Franco-Canadian draft resolution had expressly stated such a hope. The second amendment related to the abolishment of the truce machinery. The explanations given by the Acting Mediator were sufficient to explain the risks that the Security Council might run in adopting that amendment.

The representative of the UNITED STATES OF AMERICA supported the joint Franco-Canadian draft resolution.

Referring to the USSR amendments, the representative of the United States said that elimination of references to the Conciliation Commission would run counter to the terms of General Assembly resolution 194 (III) creating that Commission. As for the withdrawal of the observer personnel, such an action would be contrary to the terms of the armistice agreements.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that it was precisely the purpose of his delegation in submitting the amendments to make it perfectly clear that it was the wish of the Council to express full confidence in the parties concerned and to entrust completely to them the task of continuing direct negotiations quite independently and without the participation of third parties or persons, in order to reach a final peace settlement. Moreover, since the fourth paragraph of the joint draft resolution relied on the parties themselves for the continuation of the truce, he felt it inconsistent to maintain any observer personnel in Palestine.

In the course of their observations, the representatives of FRANCE, ISRAEL, the UNITED KINGDOM, the UNITED STATES OF AMERICA, CANADA, SYRIA, EGYPT, CHINA, CUBA and NORWAY paid tribute to the courage, devotion and good will of the late Mediator and of the Acting Mediator and his staff in handling the Palestine question.

**Decisions:** *At the 437th meeting on 11 August 1949, the joint Canadian-Norwegian draft resolution (S/1362) was adopted unanimously, without a vote being taken (S/1376, I).*

*The Council rejected the USSR amendments (S/1375) to the joint Canadian-French draft resolution (S/1367). The first two amendments were rejected by votes of 2 in favour (Ukrainian SSR, USSR), 2 against (United Kingdom, United States) and 7 abstentions. The third amendment was rejected by a vote of 2 in favour (Ukrainian SSR, USSR), 6 against, and 3 abstentions (Argentina, China, Egypt).*

*The Council adopted the joint Canadian-French draft resolution (S/1367) by 9 votes, with 2 abstentions (Ukrainian SSR, USSR) (S/1376, II).*

### C. Demilitarization of Jerusalem

In the course of the discussion at the 450th meeting (11 October 1949) the representative of Egypt had requested the inclusion of the following item on the agenda of the Council: the demilitarization of the Jerusalem area, with special reference to General Assembly resolution 194 (III) of 11 December 1948.

The Council invited the representative of Israel to take part in the discussion (S/1411) at the 453rd meeting (25 October 1949).

The representative of EGYPT said that ten and a half months had elapsed since the General Assembly had adopted its resolution relative to the demilitarization of Jerusalem and that the Security Council had taken no further measures to that effect. Members of the United Nations, and the world generally, were entitled to know the reasons for such an attitude and to inquire about the future intentions of the Security Council regarding a matter which concerned peace in a very important part of the Middle East. His delegation had been prompted to raise the issue not because of the lapse of time but because it wished to explore, in co-operation with the other members of the Council, the possibility of taking action in that respect.

The PRESIDENT stated that since the report of the Conciliation Commission was on the agenda of the General Assembly and would be discussed by the First Committee, it would seem inappropriate for the Council to enter into a discussion of the substance of the question of the demilitarization of Jerusalem, which was part of the broader question now on the agenda of the General Assembly.

Moreover, the situation in Jerusalem was stabilized by the Israeli-Jordan Armistice Agreement which, *inter alia*, called for the demilitarization of Jerusalem.

Since no threat to the peace, or any other situation existed, it would seem inappropriate for the Council to discuss the substance of the matter. He suggested that the discussion of the question be postponed *sine die*, leaving the item on the agenda, pending the decision of the General Assembly.

Although there was no objection to the suggestion of the President, the representative of EGYPT stated that he did not share the President's views.

#### **D. Reports of the United Nations Conciliation Commission and the Chief of Staff of the Truce Supervision Organization**

During the period under review the United Nations Conciliation Commission for Palestine, in conformity with paragraph 13 of the General Assembly resolution 194 (III) of 11 December 1948, transmitted to the Security Council its fourth to seventh periodic progress reports (S/1396, S/1435, S/1488, S/1606).

The Chief of Staff of the Truce Supervision Organization in Palestine, in conformity with the resolution adopted on 11 August 1949, submitted, on 12 February 1950, a summary report of the activities of the Mixed Armistice Commission (S/1459). At a later date he communicated the text of a *modus vivendi* to the Egyptian-Israeli General Armistice Agreement signed at El Auja on 22 February 1950 (S/1471).

## **Chapter 4**

### **Complaint of aggression upon the Republic of Korea**

#### **A. Communication dated 25 June 1950 from the deputy representative of the United States of America**

By a letter dated 25 June 1950 (S/1495), the deputy representative of the United States of America informed the Secretary-General that North Korean forces had invaded the territory of the Republic of Korea at several points in the early morning hours of 25 June. He contended that such an attack constituted a breach of the peace and an act of aggression, and requested an immediate meeting of the Security Council to deal with the situation.

On the same date the United Nations Commission on Korea informed the Secretary-General (S/1496) that attacks had been launched in strength by the North Korean forces all along the 38th parallel. The Commission drew the Secretary-General's attention to the serious situation, the development of which was assuming the character of a full-scale war and might endanger the maintenance of international peace and security. The Commission suggested that the Secretary-General should consider the possibility of bringing the matter to the attention of the Security Council.

#### **B. Resolution of 25 June 1950**

At the 473rd meeting (25 June 1950), the representative of the Government of the Republic of Korea was invited, at the request of the representative of the United States, to sit at the Council table during the consideration of the question.

The SECRETARY-GENERAL made a statement declaring that the situation was a serious one and constituted a threat to international peace. The Security Council was, in his opinion, the competent organ to deal with the matter and it should take the steps necessary to re-establish peace in the area.

The representative of the UNITED STATES OF AMERICA declared that the illegal and unprovoked attack by North Korean forces constituted a breach of the peace and an act of aggression. After a brief review of the history of the Korean situation, he presented a draft resolution (S/1497), calling upon the authorities in North Korea to cease hostilities and to withdraw their armed forces to the border along the 38th parallel; requesting the United Nations Commission on Korea to observe the withdrawal of the North Korean forces to the 38th parallel and keep the Security Council

informed on the execution of the resolution. The draft resolution also called upon all Members of the United Nations to render every assistance to the United Nations in the carrying out of the resolution, and to refrain from giving assistance to the North Korean authorities.

The representative of the REPUBLIC OF KOREA stated that the unprovoked armed attack of North Korea forces against the Republic of Korea was an act of aggression and a threat to international peace and security. He appealed to the Security Council to act forthwith in directing the invaders to cease fire and to withdraw from South Korea.

The representative of the UNITED KINGDOM supported the United States draft resolution, to which he submitted an amendment (S/1498) requesting the United Nations Commission on Korea to communicate its fully considered recommendation on the situation with the least possible delay.

The representative of CHINA, urging speedy action by the Security Council, declared that a delay on its part would only afford to the breakers of peace further opportunities for aggression. The Korean crisis called for full application of the Charter and complete utilization of the moral and legal resources of the United Nations.

The representative of FRANCE declared that the sudden event which had been brought to the Council's attention was of particular concern to the United Nations in view of the part of the Organization had played in the establishment of the institutions of the Republic of Korea. His delegation considered that the Council must take its decision without delay and was prepared to support the United States draft resolution, subject to possible drafting changes.

The representative of CUBA said that it was the Council's duty, in accordance with the provisions of the Charter, to take immediate measures for the re-establishment of peace. Those measures must be taken as soon as possible to prevent further deterioration and aggravation of the situation since any delay by the Security Council might be fatal and would have grave consequences for world peace.

The representative of ECUADOR believed that the charges made by the representatives of the Republic of Korea and the information received from the United Nations Commission on Korea contained serious indication that the Council was faced with a grave case of aggression. The Security Council must always be alert to combat aggression wherever it arises. He declared that the United States draft resolution met the urgent requirement that the Council should act with energy and without loss of time.

The representative of EGYPT welcomed the Security Council's endeavour to attain a cessation of the conflict in Korea. He said that he might be able to support the United States draft resolution, subject to certain changes, and expressed his readiness to consult with the representatives of the United States and his other colleagues on the Council.

After several paragraphs of the United States draft resolution (S/1497) had been amended (S/1499) as a result of consultations among some of the represen-

tatives, the Council had before it the following revised draft resolution:

*"The Security Council,*

*"Recalling the finding of the General Assembly in its resolution of 21 October 1949 that the Government of the Republic of Korea is a lawfully established government 'having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; and that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such government in Korea';*

*"Mindful of the concern expressed by the General Assembly in its resolutions of 12 December 1948 and 21 October 1949 of the consequences which might follow unless Member States refrained from acts derogatory to the results sought to be achieved by the United Nations in bringing about the complete independence and unity of Korea; and the concern expressed that the situation described by the United Nations Commission on Korea in its report menaces the safety and well being of the Republic of Korea and of the people of Korea and might lead to open military conflict there;*

*"Noting with grave concern the armed attack upon the Republic of Korea by forces from North Korea,*

*"Determines that this action constitutes a breach of the peace,*

*"I. Calls for the immediate cessation of hostilities; and calls upon the authorities of North Korea to withdraw forthwith their armed forces to the 38th parallel;*

*"II. Requests the United Nations Commission on Korea*

*"(a) To communicate its fully considered recommendations on the situation with the least possible delay,*

*"(b) To observe the withdrawal of the North Korean forces to the 38th parallel, and*

*"(c) To keep the Security Council informed on the execution of this resolution;*

*"III. Calls upon all Members to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities."*

The representative of YUGOSLAVIA declared that the situation was obviously of a nature to cause the gravest concern and arouse the greatest feeling of uneasiness. However, his delegation did not feel that the picture so far obtained from the various dispatches that had come in was sufficiently complete and balanced to enable the Council to assess the final and definite responsibility and guilt of either of the parties involved. Since the Council had heard the representative of the Republic of Korea, he was of the opinion that an opportunity should be granted to a representative of the Government of North Korea for a hearing. To that end, he submitted the following draft resolution (S/1500):

*"The Security Council,*

*"Noting with grave concern the outbreak of hostilities in Korea, and anxious to obtain all the necessary*

information enabling it to pass judgment on the merits of the case,

*"Calls for an immediate cessation of hostilities and withdrawal of forces,*

*"Invites the Government of North Korea to state its case before the Security Council."*

The representative of NORWAY declared that, on the basis of the information supplied by the United Nations Commission on Korea and the statement made by the Secretary-General regarding the Korean situation, his delegation was prepared to support the United States draft resolution as amended.

**Decisions:** *At the 473rd meeting on 25 June 1950, the United States draft resolution, as amended, was put to the vote and adopted (S/1501). The first, second and third paragraphs, and the first paragraph of the operative part were adopted by 9 votes, with 1 abstention (Yugoslavia) and one member absent (USSR). The first clause of paragraph I of the operative part was adopted by 10 votes, with one member absent (USSR). The second clause of the operative paragraph I and paragraphs II and III were adopted by 9 votes, with one abstention (Yugoslavia) and one member absent (USSR). The amended draft resolution, as a whole, was adopted by 9 votes with one abstention (Yugoslavia) and one member absent (USSR).*

*The Yugoslav draft resolution was rejected by 6 votes to one (Yugoslavia) with 3 abstentions (Egypt, India, Norway), and one member absent (USSR).*

### C. Resolution of 27 June 1950

At the 474th meeting (27 June 1950), the PRESIDENT read the text of cablegrams received from the United Nations Commission on Korea concerning the latest developments. The Commission reported that, having considered the latest reports of its military observers resulting from direct observation along the 38th parallel during the period ending 48 hours before hostilities had begun, its present view was that the authorities in North Korea were carrying out a well-planned, concerted and full-scale invasion of South Korea; and that South Korean forces had been deployed on a wholly defensive basis on all sectors of the 38th parallel. The Commission also expressed unanimous gratification at the Security Council's resolution of 25 June.

The representative of the UNITED STATES OF AMERICA declared that, although the Security Council's decision of 25 June (S/1501) had been made known to the North Korean authorities, they had flouted that decision. It was, therefore, the plain duty of the Council to invoke stringent sanctions to restore internal peace. He stated that the Republic of Korea had appealed to the United Nations for protection and that the United States was prepared, as a loyal Member of the United Nations, to furnish assistance to the Republic of Korea.

In that connexion, he read to the Council a statement made that day by the President of the United States of America. The statement recalled that the government forces in Korea, which were armed to prevent border raids and to preserve international security, were attacked by invading forces from North Korea; that the invading troops had continued their hostilities despite the Security Council resolution of

25 June; and that the Security Council had called upon all Members of the United Nations to render every assistance to the United Nations in the execution of that resolution. In these circumstances, the statement continued, the President had ordered United States air and sea forces to give the Korean government troops cover and support. The attack upon Korea, the statement went on, made it plain that communism had passed beyond the use of subversion to conquer independent nations and would now use armed invasion and war, and was defying the orders of the Security Council. In these circumstances, the statement went on, the occupation of Formosa by communist forces would be a direct threat to the security of the Pacific area; accordingly, the President had ordered the United States Seventh Fleet to prevent any attack on Formosa and to see that the Chinese Government on Formosa ceased all sea and air operations against the mainland. The President's statement added that the determination of the future status of Formosa would have to await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations. In connexion with those steps, the statement added, the President had directed the acceleration of military assistance to the Philippine Government and to the forces of France and the Associated States in Indo-China.

The representative of the United States of America, continuing, declared that the significant characteristic of the action taken by the President of the United States in support of the principles of the United Nations could be expressed in a word, "peace". He asked the Council to consider favourably, as the next step for the restoration of world peace, the following draft resolution (S/1508/Rev.1):

*"The Security Council,*

*"Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace;*

*"Having called for an immediate cessation of hostilities; and*

*"Having called upon the authorities of North Korea to withdraw forthwith their armed forces to the 38th parallel; and*

*"Having noted from the report of the United Nations Commission on Korea that the authorities in North Korea have neither ceased hostilities nor withdrawn their armed forces to the 38th parallel and that urgent military measures are required to restore international peace and security; and*

*"Having noted the appeal from the Republic of Korea to the United Nations for immediate and effective steps to secure peace and security,*

*"Recommends that the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."*

The representative of YUGOSLAVIA believed that Korea and the Korean people were among the victims of the policy of spheres of influence which, unfortunately, had always been taken to mean spheres of interference. The Security Council, he maintained, could not and should not, after only two days of fighting, abandon all hope that the parties involved would at last

understand the interests of their own people and of international peace; the Council could not be certain that they would continue to refuse, at that fateful hour, to enter into negotiations. He finally declared that the Security Council should help the Korean people to find a common language by addressing to them an appeal, more pressing than the first, to cease hostilities, and by suggesting to them a procedure of mediation with the good offices of the Security Council. To that end, he submitted the following draft resolution (S/1509):

*"The Security Council,*

*"Considering that on 25 June 1950 it decided unanimously to call for an immediate cessation of hostilities in Korea;*

*"Noting with increased concern that its call has not been complied with and that military operations in Korea are still in progress;*

*"Considering that it is essential in the interest both of the people of Korea, and of general peace and security, that the armed conflict between the two Korean armies cease forthwith;*

*"Taking into consideration that the United Nations Commission on Korea recommended in its cable of 26 June 1950 (S/1503) the adoption of a procedure of mediation,*

*"Decides*

*"To renew its call for the cessation of hostilities and draw the attention of the parties involved to the grave consequences which a prolongation of operations would entail, both for the people of Korea, and for international peace and security;*

*"To initiate a procedure of mediation between the two parties involved in armed conflict, and call upon the said parties to accept such procedure in principle;*

*"And to this end,*

*"To invite the Government of the People's Republic of Korea to send immediately a representative to the Headquarters of the United Nations with full powers to participate in the procedure of mediation."*

The representative of the REPUBLIC OF KOREA declared that the moral judgment of the United Nations, as expressed in the Council's resolution of 25 June, should be backed with the power of enforcement. He appealed to the Security Council to request all Members of the United Nations, to which the Republic of Korea owed its existence, to participate actively in the enforcement of measures which the Council would sanction.

The representative of FRANCE said that the situation which had held the attention of all members of the Security Council on 25 June had become a good deal more serious in that the very existence of the Republic of Korea was threatened and that the authority of the Council and of the United Nations was being openly flouted. The only solution, therefore, was to reply in such a way as to put a complete stop to the attack. To that end, his delegation supported the United States draft resolution.

The representative of the UNITED KINGDOM declared that the situation was graver now, since the adoption of the first resolution, and that there was a further af-

front to the United Nations and to the Security Council in particular, in view of the fact that the Council's resolution of 25 June had been ignored. Surely, the Council could not allow its authority to be so flouted. His Government welcomed the forthright statement of the President of the United States of America and the prompt initiative of the United States Government in offering aid to the Government of the Republic of Korea.

The representative of CHINA expressed his support for the United States draft resolution. As for the Yugoslav draft resolution, he said that the heart of the Yugoslav proposal was the principle of mediation. He believed that any mediatory effort on the part of the Security Council, at that stage, would be fruitless since the United Nations Commission on Korea had, for more than two years, been offering its good offices to the northern authorities, who had continuously ignored them. His delegation felt obliged to oppose the Yugoslav draft resolution.

The representative of CUBA declared that, since the Council's decision had not been respected and the state of war continued in the Korean area, his delegation regarded it as necessary and even imperative that the Council, in exercise of the powers conferred upon it by the Charter, should adopt more appropriate and energetic measures which might lead to the re-establishment of peace and security in that part of the world. His delegation supported the United States draft resolution.

The representative of NORWAY said that, since the authorities of North Korea were unwilling to pay the slightest heed to the resolution which had been passed by the Council, it seemed to his delegation that the Council would fail if it were to hesitate in authorizing every effort by those Members of the United Nations which were in a position to support and succour the forces of the Korean Republic. For those reasons, his delegation supported the United States draft resolution.

The representative of ECUADOR stated that the reports received from the United Nations Commission on Korea were clear evidence of the fact that a planned act of aggression had been launched against the Republic of Korea. Since the authorities of North Korea had ignored the resolution of 25 June, his delegation urged the Security Council to make full use of the powers it had been granted under the Charter in order to maintain the security of the world and of the people who had been attacked. His delegation supported the United States draft resolution.

The representative of EGYPT expressed the hope that the Council's resolution of 25 June would be heeded promptly, that the situation in Korea would not deteriorate any further and that peace would be re-established in the area. He declared that, in the absence of proper instructions from his Government and in view of the importance of the decision, he felt unable to participate in the voting. However, he reserved the right of his delegation to communicate to the Council his Government's views on the two draft resolutions at a later date.

The President, speaking as the representative of INDIA, said that he also was unable to participate in the voting, for the same reason as that indicated by the representative of Egypt.

In the course of their statements, the representatives of FRANCE, the UNITED KINGDOM, CHINA, CUBA, NORWAY and ECUADOR welcomed the declaration of the President of the United States of America whereby United States air and sea forces had been ordered to give the troops of the Korean Government cover and support.

**Decisions:** *At the 474th meeting on 27 June 1950, the United States draft resolution was put to the vote and adopted (S/1511), by 7 votes to one (Yugoslavia), with one member absent (USSR) and two members (Egypt, India) not voting for the aforementioned reasons.*

*The Yugoslav draft resolution (S/1509) was rejected by 7 votes to one (Yugoslavia) with one member absent (USSR) and two members (Egypt, India) not participating in the voting.*

At the 475th meeting (30 June 1950) the representative of EGYPT declared that, had he received instructions when the Council was voting on its resolution of 27 June, he would have abstained from voting for the following two reasons: first that the conflict under consideration was in fact nothing but a new phase in the series of the divergences between the western and eastern blocs, divergences which threatened world peace and security; second, several cases of aggression against peoples and violations of the sovereignty and unity of territory of States Members of the United Nations had been submitted to the Security Council, which had not taken any action to end those aggressions and violations as it was then doing in the case of Korea.

The President, speaking as the representative of INDIA, elaborated on the communication (S/1520) of the Indian Government, transmitted earlier to the Security Council, and containing India's acceptance of the 27 June resolution. That communication had stated that the decision of the Government of India did not involve any modification of its foreign policy, which was based on the promotion of world peace and the development of friendly relations with all countries. Finally the communication expressed the earnest hope of the Government of India that even at that stage it might be possible to put an end to the fighting and settle the dispute by mediation.

The ASSISTANT SECRETARY-GENERAL read to the Council *résumés* of communications received from twenty-one Member States, the large majority of which supported the measures proposed by the Security Council. He referred also to a report dated 24 June (S/1518) from the United Nations field observers, and submitted to the United Nations Commission on Korea, which resulted from a field trip along the 38th parallel commencing 9 June. This report stated that the principal impression of the observers was that the army of South Korea was organized entirely for defense and that no preparations had been made which would enable it to carry out an attack on a large scale against the forces of the North.

The representative of ECUADOR read to the Council the resolution adopted by the Council of the Organization of American States on 28 June supporting the decision of the Security Council.

The representatives of FRANCE, the UNITED KINGDOM and CHINA welcomed the decision of the Government of India.

The representative of the UNITED STATES OF AMERICA informed the Council that the President of the United States of America had, in conformity with the Security Council resolutions, authorized the United States Air Force to conduct missions on specific military targets in North Korea wherever militarily necessary and had ordered a naval blockade of the entire Korean Coast. In addition, General MacArthur had been authorized to use certain supporting ground units. He also informed the Council that the United States authorities in the Korean area had been requested to make every effort to procure the necessary facilities so that the United Nations Commission on Korea might function, in Korea, with the least possible delay.

#### D. Resolution of 7 July 1950

At the 476th meeting (7 July 1950) the representative of the UNITED KINGDOM declared that some further steps would be necessary to co-ordinate the assistance which the resolution of 27 June recommended that the Members of the United Nations should furnish to the Republic of Korea. The mere fact that so much assistance had been furnished in tangible form by certain nations, and that so many other nations had promised to make assistance available, made such coordination all the more necessary. The need therefore arose for a unified command of troops put at the disposal of the United Nations by various Member States. To that end, he submitted a joint French-United Kingdom draft resolution as follows (S/1587):

*"The Security Council,*

*"Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace,*

*"Having recommended that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,*

*"1. Welcomes the prompt and vigorous support which governments and peoples of the United Nations have given to its resolutions of 25 and 27 June 1950 to assist the Republic of Korea in defending itself against armed attack and thus to restore international peace and security in the area;*

*"2. Notes that Members of the United Nations have transmitted to the United Nations offers of assistance for the Republic of Korea;*

*"3. Recommends that all Members providing military forces and other assistance pursuant to the aforesaid Security Council resolutions make such forces and other assistance available to a unified command under the United States;*

*"4. Requests the United States to designate the commander of such forces;*

*"5. Authorizes the unified command at its discretion to use the United Nations flag in the course of operations against North Korean forces concurrently with the flags of the various nations participating;*

"6. Requests the United States to provide the Security Council with reports as appropriate on the course of action taken under the unified command."

The representative of FRANCE declared that his delegation was happy to join the United Kingdom in submitting the joint draft resolution to the Council. He then explained briefly the contents and purposes of that draft resolution.

The representatives of CHINA, CUBA and NORWAY supported the joint draft resolution.

**Decision:** At the 476th meeting on 7 July 1950, the French-United Kingdom draft resolution was put to the vote and adopted (S/1588) by 7 votes, with 3 abstentions (Egypt, India, Yugoslavia) and one member absent (USSR).

#### **E. Communications received subsequent to the adoption of the resolutions of 25 and 27 June 1950**

Following the adoption of the resolutions of the Security Council of 25 and 27 June 1950, a number of communications were received indicating the following:

Governments supporting the resolutions:

*United Kingdom:* (S/1515) decided to place its naval forces in Japanese waters at the disposal of the United States authorities to operate on behalf of the Security Council in support of South Korea.

*Belgium:* (S/1519, S/1542/Rev.1),

*Uruguay:* (S/1516, S/1569) and the

*Dominican Republic:* (S/1528, S/1565), were prepared to give all the support within their power to the resolution of 27 June.

*India:* (S/1520) was opposed to any attempt to settle international disputes by resort to aggression and would therefore accept the resolution of 27 June.

*China:* (S/1521, S/1562) offered to the United Nations, in compliance with the resolution of 27 June, three divisions of troops.

*New Zealand:* (S/1522, S/1563) had ordered two frigates of the Royal New Zealand Navy to join forces of other Governments giving effect to the resolution of 27 June.

*Australia:* (S/1524, S/1530) decided to place Australian naval vessels in Far Eastern waters and a fighter squadron at the disposal of United States authorities on behalf of the Security Council.

*Brazil:* (S/1525), was prepared to meet, within the means at its disposal, the responsibilities contemplated in Article 49 of the Charter.

*The Netherlands:* (S/1526, S/1570) had instructed a destroyer to join other naval forces which were operating in Korean waters to implement the recommendations of the resolution of 27 June.

*Turkey:* (S/1529, S/1552) was prepared to fulfil loyally its undertakings arising out of the Charter and was consequently ready to comply with any decisions taken by the Security Council on the subject.

*United States of America:* (S/1531, S/1580) had ordered its air and sea forces to give the troops of the Republic of Korea cover and support and had author-

ized the use of certain supporting ground units. The United States Air Force had also been authorized to conduct missions on specific targets in northern Korea wherever militarily necessary; and a naval blockade of the entire Korean coast had been ordered.

*Argentina:* (S/1533, S/1568) reiterated its resolute support of the United Nations.

*El Salvador:* (S/1534, S/1577) resolutely supported the decisions of the Security Council and was studying closely what assistance it could render to the Republic of Korea.

*Mexico:* (S/1537, S/1592) and

*Venezuela:* (S/1535, S/1595), were prepared to co-operate within the limits of their resources to restore international peace and security.

*Canada:* (S/1538, S/1602) Canadian naval units were to proceed to Western Pacific waters where they might be of assistance to the United Nations and the Republic of Korea.

*Pakistan:* (S/1539) would give full support to the measures proposed in the resolution of 27 June to stop hostilities.

*Panama:* (S/1540, S/1577) would be glad to give effect to paragraph 3 of the resolution of 25 June.

*Colombia:* (S/1541, S/1561) supported the measures decided upon by the Security Council.

*Union of South Africa:* (S/1543) deplored and condemned what appeared to be clearly aggressive acts of the Government of North Korea and would give most careful consideration to any appeal to it for assistance.

*Bolivia:* (S/1544) would comply with the resolution of 27 June.

*Costa Rica:* (S/1544, S/1558) and

*Honduras:* (S/1536), were prepared to give assistance within their power.

*Guatemala:* (S/1544, S/1581) agreed with measures adopted by the Security Council and would lend all possible co-operation.

*Israel:* (S/1544, S/1553) supported the Security Council in its efforts to put an end to the breach of the peace in Korea.

*Nicaragua:* (S/1544, S/1573) was prepared to offer assistance, including foodstuffs and raw materials, to the Republic of Korea.

*Greece:* (S/1546, S/1578) supported the Security Council's resolutions and recommendations and had instituted an embargo on all exports to the North Korean area.

*Thailand:* (S/1547) supported the Council's resolutions and was prepared to assist the Republic of Korea with foodstuffs.

*Afghanistan:* (S/1589),

*Burma:* (S/1590),

*Iceland:* (S/1567), and

*Luxembourg:* (S/1549), supported the resolutions of 25 and 27 June.

*Haiti:* (S/1550, S/1559) would co-operate fully with the United Nations.

*Chile:* (S/1556) firmly supported the resolutions of 25 and 27 June and would contribute strategic materials to countries responsible for operations.

*Peru:* (S/1557) was prepared to concert its action with other Members to furnish assistance.

*Ecuador:* (S/1560) was prepared within the limits of its resources to assist in re-establishing order.

*Sweden:* (S/1564) agreed that North Korea had committed a breach of the peace and was considering the question of rendering assistance to South Korea.

*Iran:* (S/1567) and

*Ethiopia:* (S/1555), strongly supported the resolution of 27 June.

*Denmark:* (S/1572) offered medicaments to assist the United Nations efforts.

*Cuba:* (S/1574) would adhere to United Nations decisions to promote peace and would offer assistance.

*Norway:* (S/1576) supported the resolution of 27 June and suggested that Norwegian shipping could be used to assist the Government of South Korea.

*Paraguay:* (S/1582) would support the measures to be taken by the United Nations to protect peace.

*The Philippines:* (S/1584) would support the United Nations in safeguarding the integrity of the Republic of Korea and was prepared to contribute commodities and medicines.

*France:* (S/1586) would comply with the Council's recommendations and was considering what action it could take.

*Liberia:* (S/1597) hoped that the timely and appropriate measures taken by the Council would ensure a speedy solution.

The Governments of Lebanon (S/1585) and Syria (S/1591), in taking note of the resolution of 25 June only and affirming their desire to conform to the principles and provisions of the Charter of the United Nations, declared that they would always refrain from giving any assistance to any aggressor. Iraq supported the United Nations within the framework of the Charter (S/1593), Yeman condemned any attack against, and interference in, the affairs of any State (S/1551, S/1599). Saudi Arabia, after taking note of the resolutions of both 25 and 27 June, stated that it disapproved of aggression of any kind, supported the Council's resolution to resist any aggression, and requested the Council and the United Nations to take the necessary measures to execute their resolutions for prohibiting aggression, whether that be in the case of Korea, Palestine or any other case (S/1604).

The Union of Soviet Socialist Republics (S/1517, S/1579) stated that the Security Council resolution of 27 June had no legal force since it had been adopted by only six votes, the seventh being that of the Kuomintang representative, who had no legal right to represent China. Moreover, although the United Nations Charter required the concurring votes of all five permanent members of the Council for any decision on an important matter, the above resolution had been passed in the absence of two permanent members of the Council, the USSR and China. That position was supported by Czechoslovakia (S/1523) and Poland (S/1545).

In addition, Poland charged that the Government of the United States of America had begun military intervention in Korea without waiting for the consideration of the matter by the legal organs of the United Nations, thus taking unilateral action contrary to the provisions of the United Nations Charter. Only after the announcement of its decision to intervene had the United States, abusing the authority of the United Nations, endeavoured to find a legal justification of its aggression, through the approval of the United States position by the United Nations.

As regards the resolution of 7 July, the Union of Soviet Socialist Republics also found (S/1596/Rev.1) that that resolution had no legal force for the reasons mentioned above, namely its adoption by only six votes and in the absence of two permanent members of the Security Council. In addition, it was stated that the resolution was directed towards the illegal use of the United Nations flag as a cloak for the United States military operations in Korea.

The Ukrainian and Byelorussian Soviet Socialist Republics (S/1598, S/1600) stated that both the resolutions of 27 June and of 7 July had no legal force and constituted a flagrant violation of the Charter in view of the fact that they were adopted by only six votes, the seventh having been that of the Kuomintang representative and in the absence of two permanent members of the Security Council, the USSR and China. Moreover, those resolutions represented direct support of United States aggression against the Korean people and were aimed at using the United Nations and its flag to cloak American military intervention in Korea.

Two cablegrams (S/1527, S/1554) bearing the signature of the Minister of Foreign Affairs at the Korean People's Democratic Republic declared that his Government did not recognize the decision of the Security Council on the Korean question as lawful in view of the fact that the said Republic had not been brought into consultation on the matter, that the decision of the Security Council had been taken without the participation of that Republic and that the representative of the Union of Soviet Socialist Republics had been absent from the Security Council and the representative of the great Chinese Power had not been admitted.

The Central People's Government of the People's Republic of China stated (S/1583) that the resolution adopted by the Security Council on 27 June under the instigation and manipulation of the United States Government was in support of United States armed aggression and constituted an intervention in the internal affairs of Korea and a violation of world peace. Moreover, the resolution was obviously illegal inasmuch as it had been adopted in the absence of two permanent members of the Security Council, namely, the People's Republic of China and the Union of Soviet Socialist Republics.

Meanwhile, the statement by the President of the United States of America regarding Formosa, together with the action of the United States Navy in invading the Chinese territorial waters around that area formed an act of open aggression which thoroughly violated the principle of the United Nations Charter forbidding any Member to use force against the territorial integrity or political independence of any other State. The

statement concluded that despite any military steps of obstruction taken by the United States Government, the Chinese people were irrevocably determined to liberate Formosa without fail (S/1583).

**F. Communication from the representative of the Union of Soviet Socialist Republics transmitting a statement made on 4 July 1950 by the Deputy Minister of Foreign Affairs of the USSR**

By a letter dated 13 July 1950 (S/1603), the representative of the Union of Soviet Socialist Republics transmitted the text of a statement made on 4 July 1950 by the Deputy Minister of Foreign Affairs of the Union of Soviet Socialist Republics on the armed intervention of the United States in Korea. The statement said that the events in Korea had broken out as the result of a provocative attack by the troops of the South Korean authorities on the frontier areas of the Korean People's Democratic Republic, and that the attack had been the outcome of a premeditated plan. President Syngman Rhee and his Minister of Defence were quoted as having said that the South Korean army was strong enough to go into action and capture Pyongyang within a few days. The statement also cited declarations of Messrs. Dulles and Johnson concerning the military preparations of the South Korean army. However, the statement added, when during the very first days of the conflict it became clear that the terrorist regime of Syngman Rhee, which had never enjoyed the support of the Korean people, was collapsing, the United States had resorted to open intervention in Korea, ordering its air, naval and subsequently its ground forces, to take action on the side of the South Korean authorities against the Korean people. Thereby, the United States Government had gone over from a policy of preparing aggression to outright acts of aggression, and had embarked on a course of open intervention in Korea's domestic affairs, on a course of armed intervention in Korea. Having taken that course, the United States Government violated peace, demonstrating thereby that, far from seeking to consolidate peace, it is on the contrary an enemy of peace.

The facts showed that the United States Government was disclosing its aggressive plans in Korea step by step. First, it had declared that its intervention in Korean affairs would be confined to the shipment of war and other materials only. Then it had been announced that air and naval forces, but without ground troops, would also be sent. Following that, it had been stated that United States armed forces also would be sent to Korea. It was also known that at first the United States Government had declared that the American armed forces would take part in operations in South Korean territory only. Hardly had a few days passed, however, before the United States Air Force had transferred its operations to North Korean territory and attacked Pyongyang and other cities.

The USSR statement also said that the United States Government tried to justify armed intervention against Korea by alleging that it had been undertaken on the authorization of the Security Council. What had actually happened was that the United States Government had confronted the United Nations Organization with a *fait accompli*, in view of the fact that it had started its armed intervention in Korea before the convening of

the Security Council on 27 June. Moreover, the 27 June resolution had been adopted by the Security Council in gross violation of the Charter inasmuch as that resolution had received only six votes, the seventh having been that of the Kuomintangite Tsiang Ting-fu, who unlawfully occupied China's seat in the Security Council and in the absence of two permanent members of the Security Council—the Union of Soviet Socialist Republics and China.

The United Nations Charter, the statement continued, envisaged the intervention of the Security Council only in those cases where the matter concerned events of an international order, not an internal character. Moreover, the Charter directly forbade the intervention of the United Nations Organization in the domestic affairs of any State, when there was a matter of conflict between two groups of one State. Thus, the Security Council, by its decision of 27 June, had also violated that most important principle of the United Nations Organization.

The illegal resolution of 27 June, adopted by the Security Council under pressure from the United States Government, showed that the Security Council was acting, not as a body charged with the main responsibility for the maintenance of peace, but as a tool utilized by ruling circles of the United States for the unleashing of war. That resolution constituted a hostile act against peace. If the Security Council had valued the cause of peace, it should have attempted to reconcile the fighting sides in Korea before it had adopted such a scandalous resolution. Neither the Security Council nor the Secretary-General had made such an attempt. On the contrary, the Secretary-General, far from fulfilling his direct duties to observe the exact fulfilment of the United Nations Charter, had obsequiously helped a gross violation of the Charter, along with the United States Government and other members of the Security Council.

The real aims of American armed intervention in Korea were to deprive Korea of its national independence, to prevent the formation of a united democratic Korean State and forcibly to establish in Korea an anti-popular regime which would allow the ruling circles of the United States to convert the country into their colony and use Korean territory as a military and strategic springboard in the Far East.

The action of President Truman in ordering the American Navy "to prevent an attack on Formosa" constituted outright aggression against China and a gross violation of the Cairo and Potsdam international agreements establishing Formosa as part of Chinese territory, agreements which bore the signature of the United States Government. President Truman's instructions that American armed forces be increased in the Philippines and that the so-called "military assistance" to France in Indochina be accelerated showed that the United States Government had embarked on the course of intervention in the internal affairs of those States, kindling an internal struggle and supporting the colonial regime in Indochina, thereby demonstrating that that Government was assuming the role of gendarme of the peoples of Asia. Thus, President Truman's statement of 27 June meant that the United States Government had violated peace and had gone over from a policy of preparing aggression to direct

acts of aggression simultaneously in a number of countries of Asia. Thereby, the Government of the United States had trampled underfoot its obligations to the United Nations in strengthening peace throughout the world, and had acted as a violator of peace.

The statement went on to say that the Soviet Government invariably adhered to a policy of strengthening peace throughout the world and to its traditional principle of non-intervention in the domestic affairs of other States. The Soviet Government considered that the Koreans had the same right to arrange, at their own discretion, their internal national affairs in the

matter of the unification of South and North Korea into a single national State as the North Americans had held and exercised in the 60's of the last century, when they had united the northern and southern States into a single national state.

The United Nations Organization, the statement concluded, would fulfil its obligations to maintain peace only if the Security Council demanded the unconditional cessation of American military intervention and the immediate withdrawal of American armed forces from Korea.

## Part II

# QUESTIONS CONSIDERED BY THE SECURITY COUNCIL CONCERNING THE CONTROL OF ATOMIC ENERGY AND THE REGULATION AND REDUCTION OF CONVENTIONAL ARMAMENTS AND ARMED FORCES

## Chapter 5

### The Atomic Energy Commission

#### A. The Commission's resolutions of 29 July 1949

The last annual report of the Security Council (A/945) recalled that the Chairman of the Working Committee had transmitted to the Atomic Energy Commission two resolutions (AEC/C.1/85 and AEC/C.1/86) which had been adopted at the meeting of the Working Committee on 15 June 1949. These resolutions were included in the agenda of the 23rd and 24th meetings of the Atomic Energy Commission, which were held on 20 and 29 July 1949.

At the 23rd meeting, the representative of the UNITED STATES OF AMERICA introduced a draft resolution (AEC/41) to replace the Working Committee's resolution (AEC/C.1/86). In presenting this draft resolution, he stated that the basic question concerning the international control of atomic energy was whether that new discovery could safely be left in the hands of nations or whether it should be put in the hands of an international co-operative. In the opinion of all those who had closely studied this problem the replacement of national rivalries by such a co-operative endeavour was the only way to make effective the prohibition of atomic weapons. In the approved recommendations, nations and persons are prohibited from owning, operating or managing atomic facilities which use or produce dangerous atomic materials. This prohibition could become effective only when the international agency actually took over the ownership, operation and management of such facilities, as provided in the plan. It should be clear now that, under the approved plan and recommendations, the prohibitions would go into force at the same time as the corresponding controls were brought into force. There was no longer any justification for anyone saying that controls would go into effect before prohibition. The United Nations plan admittedly would infringe upon national sovereignty, but it would do so in order to eliminate national rivalries in the production of atomic materials and to ensure their equitable distribution to all nations. On the other hand, the Soviet Union plan proposed that the larger nations would continue their production of atomic materials and ownership of explosive nuclear fuel subject to periodic inspection by a commission whose recommendations could be vetoed by any of the five permanent

members of the Security Council. Such a scheme would perpetuate dangerous national rivalries, would fail to provide the safeguards necessary to enforce the prohibition of atomic weapons, and would give the public a false sense of security. Since the Soviet Union delegation would discuss the question of control only on the basis of their own proposals, which had already been rejected by the General Assembly, it was evident that the impasse described in the Commission's third report continued to exist. The United States delegation therefore submitted a draft resolution (AEC/41) which (1) reported that the Commission had surveyed its programme of work, that the Soviet Union continued to reject the control plan approved by the General Assembly, and that the majority of the Commission considered the USSR's counter-proposals to be inadequate, and (2) concluded that further discussion in the Commission would serve no useful purpose until the six sponsoring Powers reported that a basis for agreement existed.

At the same meeting, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that draft resolution AEC/37 of 25 February 1949, which had been submitted by the USSR delegation, had not been considered in substance either in the Atomic Energy Commission or in the Working Committee, since those who did not agree with that draft resolution had not touched upon its substance. He therefore proposed that the USSR draft resolution should be examined and discussed. The USSR draft resolution was worded as follows (AEC/37):

*"The Atomic Energy Commission,*

*"Having noted the General Assembly resolution of 4 November 1948 concerning reports of the Atomic Energy Commission, and the discussion of the work of the Atomic Energy Commission during the third session of the General Assembly; acting in pursuance of the powers conferred on it by the General Assembly resolution of 24 January 1946 on the establishment of a commission to deal with the problems raised by the discovery of atomic energy and in accordance with the General Assembly resolution of 14 December 1946 on principles governing the general regulation and reduction of armaments,*

## *“Resolves*

“1. To begin immediately the preparation of a draft convention for the prohibition of atomic weapons and a draft convention for the control of atomic energy, proceeding from the principle that both conventions must be concluded and put into effect simultaneously;

“2. To submit the draft conventions mentioned in the preceding paragraph to the Security Council not later than 1 June 1949.”

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC observed that the Working Committee's resolution AEC/C.1/85 rested on quite false premises which, to please the United States, distorted the true state of affairs in the Atomic Energy Commission. The allegation that the Soviet Union's proposals of 11 June 1947 ignored technical and scientific knowledge in the field of atomic energy, while the proposals of the majority were based on that knowledge, did not correspond to the facts. Most of the conclusions and proposals of the majority were highly conjectural, as was confirmed by the statement in the first report of the Atomic Energy Commission to the effect that the scientific information submitted to the Commission was restricted and incomplete. At the same time none of the representatives of the majority had brought forward any proof that the USSR proposals were not in accordance with technical knowledge. Again, the claims that the USSR proposals did not provide sufficient basis for a system of effective international control of atomic energy or for the elimination of atomic weapons from national armaments, and therefore did not correspond to the requirements of the provision on the competence of the Atomic Energy Commission, were obviously false and made in bad faith. Adoption of the USSR proposal of 25 February 1949 for the immediate preparation of draft conventions for the prohibition of atomic weapons and for the control of atomic energy, proceeding from the principle that both conventions must be concluded and implemented simultaneously, would mean that the question on which the Atomic Energy Commission had made no headway for over three years, through the fault of the United States delegation, would have been effectively solved.

At the 24th meeting, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS opposed the adoption of the United States draft resolution, declaring that it was contrary to General Assembly resolution 191 (III) of 4 November 1948. He observed that the concerted efforts of the United States delegation and of the delegations of the countries supporting it were aimed not at reaching an agreed decision on the prohibition of atomic weapons and the establishment of an atomic energy control plan which would be acceptable to all peaceful States, but at compelling the Atomic Energy Commission to put an end to its activities. The course of the discussion on the atomic question in the organs of the United Nations showed that the United States was shirking the implementation of General Assembly resolutions 1 (I) of 24 January 1946 and 41 (I) of 14 December 1946 on the prohibition of atomic weapons and their exclusion from national armaments, and on the establishment of international control of atomic energy.

The representative of the Soviet Union further pointed out that two different approaches to the problem of atomic energy had emerged from the discussions in various organs of the United Nations. The approach of the Soviet Union was that, in the interests of all peoples, the use of atomic energy for war purposes must be prohibited immediately, without any further delay; that stocks of atomic weapons must be destroyed; that the production of the weapon of aggression—the atom bomb—must be stopped; and that strict international control of atomic energy must be established so that it should be used solely for peaceful and constructive purposes. The approach adopted by the United States and several other countries to the solution of questions connected with atomic energy was that the United States and its supporters were trying to set up a universal atomic “super-trust” under United States control which would own all atomic enterprises and all uranium and thorium ore supplies throughout the world. It was clear from numerous statements made by the responsible United States authorities and from various articles in the United States newspapers and magazines that the USA was basing all its military and political plans on the use of atomic weapons.

The United States plan had been intentionally devised in such a form as to be utterly unacceptable to other States which had no intention of placing their economies under foreign control or of placing their most important branches of industry in the hands of an international organ controlled by the United States.

The representative of FRANCE stated as the opinion of his delegation that the resolution adopted by the Working Committee (AEC/C.1/85) summarized suitably the reasons why the majority could not accept the Soviet Union proposals as the basis of the Commission's work. Those proposals would not ensure effective control and would only mislead the peoples of the world.

The representative of CANADA observed that the important question was not whether two conventions could be concluded and implemented simultaneously, but whether the Soviet Union was willing to accept the kind of controls which a majority of the United Nations regarded as necessary. He proposed that the Working Committee resolution (AEC/C.1/85) be rephrased so as to reflect the opinion of the Commission, by substituting the words “the Atomic Energy Commission” for the words “the Working Committee” throughout.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC observed that the authors of draft resolution AEC/41, the United States delegation, which sought to produce atomic weapons free of all control or interference, had decided to eliminate the Atomic Energy Commission. The United States delegation had used two methods to carry out this policy. The first method was to sabotage all practical proposals submitted by the USSR for the prohibition of atomic weapons and for the establishment of international control. The delegation had artificially magnified any divergencies and had consistently wrecked every possibility of agreement wherever there had been a chance of narrowing the gap between the viewpoints of the majority and the minority in the Atomic Energy Commission. The other method used to sabotage the Com-

mission's work took the form of repeated open proposals by the United States delegation to terminate the Commission's activities.

With regard to the majority plan, the Ukrainian SSR representative stated that its implementation would have meant a sort of extension of the Monroe Doctrine beyond the American continent to all parts of the world, the subjugation of the economic and political life of other countries to United States monopolistic interests, the limitation or even extinction of the national sovereignty of individual States, and the replacement of the United Nations by a tyrannical organization of United States monopolies.

He pointed out that, in contrast to the United States plan, the Government of the Soviet Union had put forward concrete proposals in the form of two conventions, one of 19 June 1946 on the prohibition of atomic weapons, the other of 11 June 1947 on control of atomic energy.

The delegation of the Ukrainian SSR supported the draft resolution submitted by the USSR delegation on 25 February 1949 (AEC/37) because that resolution contained practical measures which would enable the Atomic Energy Commission to fulfil the tasks conferred upon it by the decisions of the General Assembly, because it was in harmony with the United Nations Charter, and because it would help to strengthen peace.

**Decision:** *At the 24th meeting of the Commission on 29 July 1949, Working Committee resolution AEC/C.1/85, with the changes suggested by the representative of Canada, was put to vote and adopted by 7 votes to 2 (Ukrainian SSR, USSR) with 2 abstentions (Argentina, Egypt). The text of the resolution adopted follows (AEC/42):*

*"The Atomic Energy Commission*

*Has considered the proposal of the representative of the Union of Soviet Socialist Republics (AEC/37) that the Atomic Energy Commission begin immediately to prepare a draft convention for the prohibition of atomic weapons and a draft convention for the control of atomic energy proceeding from the principle that both conventions must be concluded and put into effect simultaneously;*

*Has noted the statement of the representative of the Union of Soviet Socialist Republics at the 45th meeting of the Working Committee on Wednesday, 1 June 1949, that the proposals submitted by the representative of the Union of Soviet Socialist Republics on atomic energy in June 1946 and June 1947 should be taken as a basis for the elaboration of these draft conventions;*

*Recalls that these same proposals, particularly those of 11 June 1947, have already been analysed in detail and rejected in April 1948 on the grounds that they ignore the existing technical knowledge of the problem of atomic energy control, do not provide an adequate basis for the effective international control of atomic energy and the elimination from national armaments of atomic weapons, and, therefore, do not conform to the terms of reference of the Atomic Energy Commission;*

*And recalls that the Union of Soviet Socialist Republics proposal for the preparation of a draft convention for the prohibition of atomic weapons and a draft convention for the control of atomic energy to be*

concluded and brought into effect simultaneously was rejected by the General Assembly at the 157th plenary meeting in its third session on 4 November 1948, by 40 votes to 6, with 5 abstentions;

*"And recalls also that at the same time the General Assembly approved the general findings (part II C) and recommendations (part III) of the first report and the specific proposals of part II of the second report of the Commission, as constituting the necessary basis for establishing an effective system of international control of atomic energy to ensure its use only for peaceful purposes and for the elimination from national armaments of atomic weapons in accordance with the terms of reference of the Atomic Energy Commission;*

*"The Atomic Energy Commission observes that no material had been presented additional to that previously submitted to the General Assembly, the Commission or the Working Committee;*

*"The Atomic Energy Commission therefore concludes that no useful purpose can be served by further discussions in the Atomic Energy Commission of those proposals which have already been considered and rejected by the appropriate organs of the United Nations. The Atomic Energy Commission reports to the Security Council and the General Assembly accordingly."*

**Decision:** *The Commission at its 24th meeting on 29 July 1949 also put to the vote the United States draft resolution, which was adopted by 9 votes to 2 (Ukrainian SSR, USSR). The text of that resolution follows (AEC/43):*

*"The Atomic Energy Commission*

*Reports,*

*"That in accordance with the instructions in General Assembly resolution 191 (III) of 4 November 1948, the Atomic Energy Commission has surveyed its programme of work in order to determine whether further work would be practicable and useful;*

*"That the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic continue to reject the recommendations of the Commission approved by the General Assembly on 4 November 1948, including those forms of control contained in the plan approved by the General Assembly as constituting the necessary basis for establishing an effective system of international control of atomic energy to ensure its use only for peaceful purposes and for the elimination from national armaments of atomic weapons in accordance with the terms of reference of the Atomic Energy Commission;*

*"That the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic continue to insist on the adoption of the draft resolution (A/C.1/310) proposed by the Union of Soviet Socialist Republics, and rejected by the General Assembly on 4 November 1948, to prepare immediately separate conventions based on the proposals of the Soviet Union of June 1946 and June 1947, which provide among other things for national ownership of dangerous and explosive atomic materials, and for national ownership, operation and management of dangerous atomic facilities. This, in the opinion of the majority of the Commission, would not remove causes for suspicion, fear*

and distrust among nations, would render ineffective the prohibition of atomic weapons, and would continue dangerous national rivalries in the field of atomic energy;

*"Concludes*

"That the impasse as analysed in the third report of the Atomic Energy Commission still exists; that these differences are irreconcilable at the Commission level, and that further discussion in the Atomic Energy Commission would tend to harden these differences and would serve no practicable or useful purpose until such time as the sponsoring Powers have reported that there exists a basis for agreement."

On 29 July 1949 the Chairman of the Atomic Energy Commission sent a letter (S/1377) to the President of the Security Council transmitting the two resolutions (AEC/42 and AEC/43) adopted by the Atomic Energy Commission.

**B. The Council's decisions of 16 September 1949**

The above-mentioned letter was included in the agenda for the 445th, 446th and 447th meetings of the Security Council, which were held on 15 and 16 September 1949. At the 445th meeting, the representative of CANADA presented the following draft resolution (S/1386):

*"The Security Council,*

*"Having received and examined* the letter dated 29 July 1949 from the Chairman of the Atomic Energy Commission, transmitting two resolutions (AEC/42 and AEC/43) adopted at the 24th meeting of the Commission on 29 July 1949,

*"Directs* the Secretary-General to transmit this letter and the accompanying resolutions to the General Assembly and to the Member nations of the United Nations."

At the 446th meeting of the Council, the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC stated that no unprejudiced person could fail to be nonplussed and disappointed by the resolutions submitted to the Security Council by the majority of the Atomic Energy Commission, since by submitting those resolutions for the approval of the Security Council the representatives of the Anglo-American bloc certified that they had not complied with and had no intention of complying with those most important General Assembly resolutions, 1 (I) of 24 January and 41 (I) of 14 December 1946. Pointing out the contradictory nature of the terms of the resolutions, the representative of the Ukrainian SSR referred, in particular, to the incorrect thesis contained in one of the resolutions—that the Soviet Union was interested only in the prohibition of atomic weapons, and not in the establishment of a system of international control. In actual fact, it was the USSR which, on 11 July 1947, had proposed a draft convention on the establishment of international control of atomic energy, and which had later proposed the simultaneous conclusion and implementation of conventions on the prohibition of atomic weapons and on the establishment of international control of atomic energy.

The truth was that the representatives of the Anglo-American bloc had merely brought up a series of

unimportant questions and had engaged in empty chatter in order to evade the basic question put before them by the USSR delegation—that of the prohibition of atomic weapons and the establishment of international control of atomic energy exclusively for peaceful purposes. After quoting the public statements of official representatives of the United States Government as illustrating its desire to continue to produce atomic bombs unhampered, he stated that there was something ludicrous about the attempt of the authors of the United States resolution (AEC/43) to shift the responsibility for the failure of the Atomic Energy Commission's work to the delegations of the USSR and the Ukrainian SSR, whose Governments' struggle for peace was well known.

In conclusion, the representative of the Ukrainian SSR stated that there was no justification whatsoever for the suspension of the Atomic Energy Commission's work, and he therefore insisted that the Commission should continue its work to fulfil the instructions given to it by the General Assembly resolutions of 1946.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS also described the resolutions submitted by the Atomic Energy Commission as a downright refusal to implement the General Assembly resolutions of 24 January and 14 December 1946. He declared that the basic aim of the resolutions submitted by the Atomic Energy Commission was, first, to prevent the adoption of practical measures for the prohibition of atomic weapons and the establishment of control of atomic energy, and, secondly, to bring about the cessation of the work of the Atomic Energy Commission.

All that, he said, was being done to further the aggressive policy of the United States which, working for three years in disguised ways, had resolutely opposed both the prohibition of atomic weapons and the establishment of international control of atomic energy. The United States representatives, he continued, declared that they were in favour of the control of atomic energy but in reality the plan they had submitted provided for the transfer of all rights of ownership and management of all atomic facilities, and of the production of such facilities in all countries of the world, to an international organ, which would consequently not be an organ of control but a world "super-trust" or world monopoly controlled by the United States. Hence no independent State which valued its sovereignty could accept such a plan of control, which in reality had nothing in common with the concept of control.

The USSR delegation categorically opposed the proposals repeatedly put forward by the United States delegation for the cessation of the Atomic Energy Commission's work, since the General Assembly resolutions of 24 January and 14 December 1946 required that the Commission present as promptly as possible draft conventions on the prohibition of atomic weapons and the control of atomic energy.

The representative of the USSR declared that the Commission's resolutions asking the Security Council to endorse the decision to end the Commission's work once again showed that the United States was maintaining its dictatorial positions on this question, threatening that if its unacceptable plan for control were not accepted, there would be a race for atomic weapons. Such threats, however, could affect only the timid.

He asserted that the United States allegation that the Soviet Union's proposals of 11 June 1947 did not ensure effective control was completely without foundation and emphasized that the United States plan was an aggressive plan for economic intervention by the United States disguised as international control, a plan drawn up with the intention that it should be rejected and that there should be no control whatever. In support of that assertion, he adduced numerous statements by official representatives of the United States Government, including the President, the Secretary for Defense, the Secretary of the Interior and the Chairman of the Joint Chiefs of Staff.

In conclusion, the representative of the USSR set out the position of the Soviet Union in regard to the prohibition of atomic weapons and the establishment of strict control of atomic energy, stated that his delegation considered the United States proposal for the cessation of the work of the Atomic Energy Commission to be an inadmissible and flagrant violation of the important resolutions of the General Assembly, and proposed that the Atomic Energy Commission resume its work with a view to fulfilling the tasks entrusted to it.

He submitted the following draft resolution (S/1391/Rev.1):

*"The Security Council,*

*"Having considered the letter dated 29 July 1949 (S/1377) from the Chairman of the Atomic Energy Commission addressed to the President of the Security Council and the resolutions adopted at the 24th meeting of the Commission and attached to that letter,*

*"Requests the Atomic Energy Commission to continue its work with a view to fulfilling the tasks entrusted to it by the General Assembly resolutions of 24 January and 14 December 1946."*

At the 447th meeting (16 September 1949), the representative of FRANCE stated that he supported the Canadian draft resolution (S/1386) because it would enable the Council to discharge the only responsibility it had in the matter at that time. It was clear that the Atomic Energy Commission had carried out the recommendation contained in General Assembly resolution 191 (III) to survey its programme of work, and was reporting in one of the resolutions (AEC/43) that the situation had not improved. The Commission's other resolution informed the General Assembly of the results of the concluding portion of the discussion on the USSR proposal for the preparation of two conventions, proceeding from the principle that both conventions must be concluded and implemented simultaneously. The Canadian draft resolution would inform the General Assembly on both these questions. The representative of France considered that it would be undesirable to discuss the substance of the question of international control while the consultations between the six permanent members of the Atomic Energy Commission were in progress.

As for the draft resolution submitted by the USSR (S/1391/Rev.1), the representative of France thought that it did not take into account the actual position.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC proposed to amend the Canadian draft resolution (S/1368) by inserting in the second paragraph the phrase "together with the records of the discussions on this question in the Atomic Energy Commission" between "to transmit this letter and the accompanying resolutions" and the words "to the General Assembly". This amendment was accepted by the representative of CANADA.

**Decision:** *At the 447th meeting on 16 September 1949, the Canadian draft resolution (S/1386), as amended, was put to the vote and adopted by 9 votes, with 2 abstentions (USSR, Ukrainian SSR).*

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the resolution adopted by the Security Council was purely procedural and permitted the Atomic Energy Commission to remain inactive, whereas the Security Council should have taken steps to bring about a situation in which the Atomic Energy Commission could not continue inactive. In its 1946 resolutions, the General Assembly not only urged the expeditious fulfilment by the Atomic Energy Commission of its terms of reference, but also recommended that the Security Council expedite consideration of a draft convention or conventions for the elimination of atomic weapons from national armaments and for the creation of an international system of control and inspection.

The Security Council should receive from the Atomic Energy Commission concrete proposals in regard to prohibition and control. It was for that reason that the Soviet Union had submitted a draft resolution (S/1391/Rev.1) proposing that the Atomic Energy Commission continue its work with a view to fulfilling the tasks entrusted to it by the General Assembly. The argument that consultations between the six permanent members of the Atomic Energy Commission were taking place at the time was unconvincing.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC pointed out that General Assembly resolution 191 (III) called for a resumption of work by the Atomic Energy Commission and the simultaneous arrangement of consultations. Consultations had been arranged. The Security Council should comply with the General Assembly's recommendations regarding the resumption of work by the Commission.

The representative of FRANCE stated that he did not deny that the Atomic Energy Commission should continue its activity. His position, however, was one of common sense. The Commission had informed the Council that it had reached a deadlock. At the same time, the consultations of the six permanent members were in progress. It would clearly serve no useful purpose to urge the Commission to resume its discussions until the six permanent members had reconsidered the basis for agreement.

**Decision:** *At the 447th meeting on 16 September 1949, the USSR draft resolution (S/1391/Rev.1) was put to the vote, the result being 2 votes in favour, with 9 abstentions. The draft resolution was not adopted, having failed to obtain the affirmative vote of seven members.*

### Commission for Conventional Armaments

#### A. Activities of the Commission during 1949

Prior to the period covered by the present report, as indicated in the last annual report (A/945), the Working Committee of the Commission for Conventional Armaments had initiated discussion of a French working paper (S/C.3/SC.3/21 with its Add.1 and Add.1/Corr.1) based on General Assembly resolution 192 (III) of 19 November 1948 and setting out proposals for the receipt, checking and publication, by an international organ of control within the framework of the Security Council, of full information to be supplied by Member States with regard to their effectives and their conventional armaments. The representatives of the Union of Soviet Socialist Republics and the Ukrainian Soviet Socialist Republic were unable to accept it, since, in their opinion, the submission of information would serve no useful purpose unless connected with a prior decision of principle on the reduction of armaments and the prohibition of atomic weapons, as laid down in General Assembly resolutions 1 (I) and 41 (I) of 1946. To obtain information without reaching a prior agreement upon measures of disarmament would only be to provide military information for the benefit of other governments. In fact, it would amount to nothing less than spying since the working paper provided for the supply of information on conventional armaments only and excluded the submission of such information on atomic weapons. However, the majority pointed out that the proposals did not require any one nation to supply more information than any other. The proposals applied equally to all States. The majority held that the proposals provided exactly what the General Assembly had asked for in its resolution 192 (III).

On 18 July 1949, the French working paper was adopted by the Working Committee by a vote of 8 to 3, subject to a United Kingdom amendment (S/C.3/SC.3/22) providing that the complete order of battle of the armed forces of Member States should be made available to the control organ.

Thereafter, the working paper (S/C.3/40) was transmitted to the Commission for Conventional Armaments, where it was discussed at the 18th and 19th meetings on 25 July and 1 August 1949, respectively.

In introducing the working paper into the Commission, the representative of FRANCE explained that, although the proposals which it contained dealt only with a stage preliminary to actual armaments reduction, they were important since they offered a possibility of immediate action and their reception would serve as a test of the sincerity of delegations' desire for an eventual solution of the problem. Moreover, it might be hoped that the control system, if it proved effective, could also be utilized for ascertaining compliance with disarmament measures. The representative of France added that the task of the Commission for Conventional Armaments concerned only one aspect of the disarmament question. Other aspects, not less important, were prohibition of atomic weapons and control

of atomic energy and the organization of the international armed forces under Article 43 of the Charter. However, he warned that these aspects did not fall within the Commission's competence.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC considered that the working paper was unacceptable as a basis for the Commission's future work. It was calculated to delay action on the reduction of armaments and the prohibition of the atomic weapon. While he realized the necessity of obtaining authentic military information as part of a general plan for the prohibition of atomic weapons and reduction of armaments such as had been proposed in the USSR draft resolution (S/1246), he could not agree to the collection of information independently of any decision on the main issue. Under such conditions, the proposed census would be only a way of collecting data for purposes of military intelligence. Clearly, without a guarantee that this was not the purpose of the census, no State interested in preserving its national dignity could agree to supply information without any evidence that other States really desired to reduce and limit their armaments. The representative of the Ukrainian SSR also found it inadmissible that the proposed census would not include information on atomic weapons, for the latter must necessarily be dealt with in any disarmament programme.

The representative of the UNITED STATES OF AMERICA supported the proposals contained in the working paper as providing a vital first step towards the formulation of an effective disarmament plan and the carrying out of the Commission's plan of work. In his opinion, the real reason for the opposition to the working paper of the delegations of the USSR and Ukrainian SSR was their unwillingness to accept verification by an outside body. As for the criticism that the working paper did not provide for information on atomic weapons, he pointed out that the United States delegation, in its plan submitted to the Atomic Energy Commission, had proposed far more than the mere exchange of information. It had offered to turn over all its atomic plants to an international agency and to accept prohibition of atomic weapons under conditions of strict international control. He pointed out that, while the census and verification proposals did not constitute a plan for the regulation and reduction of conventional armaments and armed forces, they nevertheless constituted an essential and vital step.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS opposed the working paper on the grounds that it did not foresee measures of armament reduction, did not link that problem with the problem of prohibition of atomic weapons and did not even provide for collection of information on atomic weapons. In his opinion the working paper, which diverted attention from the main problems of armaments reduction, was a product of the attitude of the United States supported by the United Kingdom and France. Those Governments were opposed to all concrete measures

of disarmament and had consistently sought to hinder the implementation of General Assembly resolutions 1 (I) and 41 (I), by rejecting all the proposals put forward by the Soviet Union. The policy of the USSR delegation, on the other hand, had consistently been to promote a stable peace and to that end it had always desired the prohibition of atomic weapons and reduction of armaments. General Assembly resolution 41 (I) closely linked the two problems of the prohibition of atomic weapons and the general regulation and reduction of armaments and armed forces. In fact it was ridiculous to envisage the collection of military information without adopting a decision on reduction of conventional armaments and prohibition of atomic weapons.

**Decision:** *By a vote of 8 to 3, the Commission, at its 19th meeting on 4 August 1949, adopted the working paper (S/C.3/40) and decided to transmit it to the Security Council for consideration together with the relevant documents of the Commission and its Working Committee. At the same time the Commission decided, without vote, to transmit its second progress report (S/C.3/32/Rev.1 and Corr.1) to the Council.*

#### **B. Discussion of the question in the Security Council during 1949**

The second progress report and the working paper were transmitted to the Security Council by separate letters (S/1371 and S/1372) dated 4 August 1949 from the Chairman of the Commission to the President of the Security Council.

Discussion on the substance of the question was initiated in the Council at the 450th meeting (11 October 1949). The Council had before it a draft resolution submitted by the representative of the United States of America as follows (S/1398):

*"The Security Council,*

*"Having received and examined the second progress report of the Commission for Conventional Armaments, together with its annexes and accompanying resolutions,*

*"Takes note of this report and the state of progress it represents in the development of the Commission's established plan of work,*

*"Approves the resolutions concerning items 1 and 2 of the Commission's plan of work adopted by the Commission at its 13th meeting on 12 August 1948, which are attached to the report, and*

*"Directs the Secretary-General to transmit this report, its annexes and accompanying resolutions, together with the record of the Security Council's consideration of this subject, to the General Assembly for its information."*

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the second progress report of the Commission reflected two diametrically opposed positions in that body. One position was that of the Union of Soviet Socialist Republics which, as originator of General Assembly resolution 41 (I), had sought to implement its provisions by reducing armaments, prohibiting atomic weapons and establishing a strict

international control immediately and unconditionally. The other, espoused by the United States and the United Kingdom delegations, reflected an attempt to delay and sabotage the preparation of any measures for the reduction of armaments and prohibition of atomic weapons. By artificially separating the study of the questions of armaments reduction and prohibition of atomic weapons, by imposing their own plan of work upon the Commission for Conventional Armaments, and by setting forth a series of invented conditions prerequisite for disarmament (namely, implementation of Article 43 of the Charter, establishment of international control over atomic energy and the conclusion of peace treaties with Germany and Japan), those delegations had endeavoured to thwart any implementation of General Assembly resolution 41 (I), by creating a vicious circle. On the one hand, in the Military Staff Committee, they were delaying the reaching of a decision on the establishment of armed forces under Article 43 of the Charter and, on the other hand, in the Commission for Conventional Armaments, they maintained that until Article 43 of the Charter had been implemented armament reduction was impossible. References to atomic energy control and to the peace treaties were designed for the same purpose.

Referring to the statements of the United States and United Kingdom representatives regarding international confidence, the representative of the USSR pointed out that the United States of America and the United Kingdom, in carrying out an armaments race, complicated the international situation and undermined confidence among nations. Only a reduction of armaments and prohibition of atomic weapons would foster confidence, would serve the cause of peace and would promote international security. The delegation of the USSR would vote against adoption of the two Commission resolutions contained in the second progress report.

The representative of the UNITED KINGDOM urged adoption of the draft resolution submitted by the delegation of the United States. Pointing out that the views of the USSR delegation had been rejected by an overwhelming majority in the General Assembly, he suggested that the delegations which found themselves in the minority should investigate the possibility of making some concessions to the majority point of view and of making some efforts to co-operate with other and more numerous Governments.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC held that the Soviet Union representative had correctly described the systematic wrecking of all proposals on armaments reduction. He opposed the United States draft resolution on the grounds that it was designed for the same purpose.

**Decisions:** *At the 450th meeting on 11 October 1949, the United States draft resolution (S/1398) was put to the vote and received 9 votes in favour and 2 against (Ukrainian SSR, USSR). Since one of the votes against was that of a permanent member of the Council, the resolution was not adopted.*

*Thereafter the Council agreed, with the representatives of the USSR and the Ukrainian SSR abstaining, to adopt a draft resolution proposed by the representative of the United Kingdom. The text of the resolution follows (S/1403):*

*"The Security Council,*

*"Having received and examined* the second progress report of the Commission for Conventional Armaments, together with the annexes and resolutions concerning items 1 and 2 of the Commission's established plan of work adopted by the Commission at its 13th meeting on 12 August 1948, which are attached to the report (S/1371),

*"Directs* the Secretary-General to transmit this report, its annexes and accompanying resolutions, together with the record of the Security Council's consideration on the subject, to the General Assembly for its information."

The representative of FRANCE introduced the Commission's working paper (S/1372) and explained that General Assembly resolution 192 (III), upon which it was based, complemented resolution 41 (I). In the view of the French delegation, an effective universal control system, capable of verifying on the spot the statements of Governments, must be established before any progressive disarmament took place. Without such control any decision to reduce armaments would be void of real effectiveness and would merely have propagandist value.

The French delegation also had no illusions as to the limited role that could be played by the Commission for Conventional Armaments. No disarmament plan could be finally implemented until the provisions of Article 43 of the Charter had been fulfilled, for only then would States know exactly what minimum level of armaments would be compatible with their obligations under the Charter. Likewise, the Commission's task was interdependent upon that of the Atomic Energy Commission. Both organs must proceed with their studies concomitantly but there was no justification for infringement by one upon the jurisdiction of the other.

The representative of France submitted the following draft resolution (S/1399):

*"The Security Council,*

*"Recalling* that in resolution 192 (III) of 19 November 1948, the General Assembly (i) considered that the aim of the reduction of conventional armaments could only be attained in an atmosphere of real and lasting improvement in international relations, which implied in particular the application of control of atomic energy involving the prohibition of the atomic weapon, but (ii) noted on the other hand that this renewal of confidence would be greatly encouraged if States were placed in possession of precise and verified data as to the level of their respective conventional armaments and armed forces,

*"And recalling* that in the sixth paragraph of resolution 192 (III) of 19 November 1948, the General Assembly trusted that the Commission for Conventional Armaments, in carrying out its plan of work, would devote its first attention to formulating principles for the receipt, checking and publication, by an international organ of control within the framework of the Security Council, of full information to be supplied by Member States with regard to their effectives and their conventional armaments,

*"Aware* that in the seventh paragraph of the same resolution, the General Assembly invited the Security Council to report to the Assembly not later than its next regular session on the effect given to the recommendation contained in the said resolution,

*"Having received and examined* the proposals contained in the working paper adopted by the Commission for Conventional Armaments at its 19th meeting on 1 August 1949 (S/1372),

*"Approves* these proposals as constituting the necessary basis for the implementation of the sixth paragraph of the above-mentioned resolution of the General Assembly; and

*"Invites* the Secretary-General to transmit the said proposals and the records of the discussions of the Security Council to the General Assembly."

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC again expressed the opposition of his delegation to the working paper, which ignored the main decisions contained in General Assembly resolutions 1 (I) and 41 (I). It was designed to lead the Commission for Conventional Armaments astray by substituting the collection of information for the regulation and reduction of armaments. Moreover, that document did not mention the necessity of supplying information on atomic weapons.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, in criticizing the working paper, pointed out that it was unacceptable because it did not link the submission of data on armaments to any concrete measures for their regulation and reduction, and because it did not provide for obtaining information on atomic weapons although action regarding them must necessarily form an important part of any disarmament plan. The proposals contained in the working paper were designed to divert attention from the study of actual reduction of armaments, and were doubtless inspired by the desire to obtain data upon the armed forces and conventional armaments of certain States.

Reviewing the events which had led up to the elaboration of the working paper, the representative of the USSR recalled that, at the third session of the General Assembly, his delegation had submitted concrete proposals for prohibition of the atomic weapon and reduction by one-third within one year of all armaments and armed forces of the five permanent members of the Security Council. The United States and United Kingdom delegations had opposed those proposals and imposed upon the General Assembly resolution 192 (III), which was unacceptable since it focussed all attention upon the collection of information upon conventional armaments and endeavoured, at the same time, to conceal from the United Nations and from international public opinion information about atomic weapons. Later, in the Security Council, the USSR delegation had again submitted concrete proposals for the reduction of armaments and prohibition of the atomic weapon; the proposals also provided for the submission by the permanent members of the Council of complete data on armed forces and all types of armaments. Those proposals also had been rejected.

It was true that the position of the USSR was that the submission of data should follow upon the reduction

of armaments. In its proposal submitted to the Security Council on 8 February 1949, the USSR delegation had recommended that complete data on the armed forces and armaments, including atomic weapons, of the five permanent members of the Security Council should be submitted not later than 31 March 1949, whereas the Commission for Conventional Armaments was to submit a plan for the reduction by one-third of the armaments and armed forces of the five permanent members of the Security Council not later than 1 June 1949. Rejection of those proposals showed that the Anglo-American majority sought only to obtain information on the armaments of other States and refused to agree to the submission of information on atomic weapons. Furthermore, the Commission for Conventional Armaments had committed a procedural error in failing to submit, along with the working paper, a report setting forth the positions of all delegations. The working paper itself expounded unilaterally the Anglo-American viewpoint.

At the 450th meeting also, the representative of the USSR submitted a draft resolution (S/1405) which was superseded by a revised draft resolution (S/1405/Rev.1). The resolution read as follows: "The Security Council recognizes as essential the submission by States both of information on armed forces and conventional armaments and of information on atomic weapons."

At the 451st meeting (14 October), the representative of FRANCE replied to the procedural criticism raised by the representative of the USSR at the preceding meeting concerning the French draft resolution (S/1399) which, in order to satisfy the latter's objection, he amended (S/1399/Rev.1) to provide for transmission to the General Assembly of the records of the discussions in the Security Council, the Commission and its Working Committee relating to General Assembly resolution 192 (III).

The representative of France, after observing that Assembly resolution 192 (III) had been adopted by a large majority, said that he did not deny the need for obtaining information on atomic weapons but was opposed to dealing with a question that was outside the competence of the Commission for Conventional Armaments. Also, he had not asserted that the USSR proposed that that information should be obtained after the reduction of armaments but, rather, that the USSR proposals did not provide for adequate verification of the information prior to any reduction of armaments. Without such verification, disarmament would redound to the advantage of the violators. It was precisely the fear of violation that had inspired Assembly resolution 192 (III).

In regard to the criticism that the working paper attempted to divert the Commission from studying the question of armaments reduction recommended by Assembly resolution 21 (I), the French representative pointed out that the working paper dealt with an essential preliminary stage to the study of disarmament measures and was in accordance with item 3 of the Commission's plan of work adopted on the basis of Assembly resolution 41 (I).

It was quite untrue to suggest that the proposals in the working paper were designed to elicit military information from certain States alone. The information

would be provided on a multilateral basis, and in order to become operative, the plan would have to be accepted by at least two-thirds of all Member States.

The representative of France submitted the following draft resolution (S/1408/Rev.1):

"The Security Council recognizes as an essential part of any effective system of disarmament the submission by States of full information on conventional armaments and armed forces together with adequate procedures for complete verification of such information.

"As regards the principle of submitting information on atomic weapons, the Council recalls that the submission of full information on atomic material and facilities, including atomic weapons, is an integral part of the United Nations plan of control and prohibition approved by the General Assembly on 4 November 1948, to ensure effective prohibition of atomic weapons."

The representative of CANADA said that the interchange and verification of information must be an essential part of any plan for armaments reduction. Turning to the question of information on atomic weapons, he pointed out that after intensive study the Atomic Energy Commission had found that the special characteristics of atomic materials made effective control impossible except through international management. The question of atomic control was under study by the six permanent members of that Commission, and it would be unwise for the Security Council to adopt a decision without awaiting the result of those consultations.

Consequently, the Canadian representative could not approve the USSR draft resolution (S/1405/Rev.1), which he described as inadequate and misleading. He expressed support for the alternative French proposal (S/1408/Rev.1).

The representative of CHINA likewise supported the French draft resolution (S/1408/Rev.1) and opposed that of the USSR (S/1405/Rev.1). Although his delegation desired prohibition of atomic weapons, it believed that any decision which did not provide effective control would be an illusion as far as the problem of the regulation and reduction of armaments was concerned; the representative of China pointed out that world political conditions at the time did not permit acceptance of any arbitrary formula for reduction, and that only a preparatory work such as the collection of information and its verification could then be considered. For that reason, his delegation would support the earlier French draft resolution (S/1399/Rev.1).

The representatives of NORWAY and CUBA also expressed their support of the French draft resolutions (S/1408/Rev.1 and S/1399/Rev.1).

The Chairman, speaking as the representative of the UNITED STATES OF AMERICA, found the position of the USSR delegation unrealistic. The separation of the study of atomic weapons from that of conventional armaments had been found expedient since the problems involved were of a quite different nature. Had they been studied together, confusion would have resulted. By separating them, considerable progress had been achieved in the atomic field, with the elaboration by the Atomic Energy Commission of a complete and

effective plan for the control of atomic energy, while the census and verification proposals in the field of conventional armaments represented an effective step in the direction of the development of a plan for disarmament. Likewise, it was impractical to urge immediate disarmament without first establishing the necessary foundations for a disarmament plan. The essential first step provided by the census and verification proposal contained in the Commission's working paper would help to create an atmosphere of international confidence and to prepare the ground for actual implementation of disarmament measures. On the basis of that proposal it would be possible to go forward swiftly with the disarmament plan.

At the 452nd meeting (13 October), the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC reiterated his support for the USSR draft resolution (S/1405/Rev.1) about submission of information on armed forces and conventional armaments as well as information on atomic weapons, and expressed the opinion that, by rejecting the Soviet Union's proposal, the Anglo-American bloc was once more fanning the atmosphere of mistrust. In refutation of the allegation that the Soviet delegation maintained a negative attitude with respect to the submission by States of information on armaments and armed forces, he recalled the USSR draft resolution of 8 February 1949 and its plan of 11 June 1947 for the control of atomic energy. He emphasized that the USSR draft resolution (S/1246/Rev.1) of 8 February 1949, which had proposed as a first step the reduction by one-third of the armaments and armed forces of the five permanent members and the establishment of a system of supervision and control over the implementation of the measures for the reduction of armaments and armed forces and the prohibition of atomic weapons, had considered as essential the submission of full data on all types of armed forces and armaments of the permanent members of the Security Council. Furthermore, in its "Proposals on the establishment of control of atomic energy" of 11 June 1947, the USSR had proposed, among other measures concerning inspection of atomic energy facilities, the collection and analysis of data on the mining of atomic raw materials and on the production of atomic materials and atomic energy. He further outlined his objection to the United States plan for atomic control which was criticized by authoritative statesmen and military circles in the United States and other countries, and he expressed the hope that a true appraisal of forces and the will for peace of all the peoples of the world would force the Governments of the United States and the United Kingdom to accept the USSR plan.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the single question of the reduction of armaments and the prohibition of atomic weapons had been artificially and intentionally divided into two separate questions by the opponents of reduction of armaments. The United States representatives had taken the initiative in this matter, taking as a basis the vain hopes of a monopolistic possession of the secret of atomic weapons, and had taken the line of artificially and intentionally separating atomic weapons from all other types of armaments with the object, first, of precluding the prohibition of atomic weapons and, secondly, of delaying and disrupting the elaboration of

practical measures for the reduction of armaments. As organizer of the North Atlantic aggressive bloc, the United States of America was striving to reduce the whole matter to the receipt of information regarding only the armed forces and armaments of other States, while concealing from the United Nations and international public opinion information regarding atomic weapons.

The USSR delegation could not agree to that formulation of the question or to such proposals by the United States, since they could only mislead the peoples of the world and create the impression that something was being done to reduce armaments. If the ruling circles of the United States of America were not blinded by their craving for world domination and by the armaments race, and if they would agree to a reduction of armaments, then such a proposal could be put into effect without any particular difficulty.

The USSR representative pointed out that the Soviet proposals on the matter provided for a complete series of measures for the submission of information on conventional armaments and atomic weapons and for the reduction of armaments, the prohibition of atomic weapons, and also for the establishment of appropriate strict international control, measures which were completely feasible, given good will. Those proposals fully took into account the need for submission of authenticated information.

He did not agree that substantial progress had been made by the Atomic Energy Commission and the Commission for Conventional Armaments as stated by the representative of the United States. In the opinion of the USSR representative, the artificial division of the questions relating to the prohibition of atomic weapons and reduction of armaments was undermining the whole question of the reduction of armaments. As far as the question of international control was concerned, he enumerated facts proving that the various Soviet Union proposals provided for a whole series of measures for the submission of information concerning all kinds of armaments as well as for the establishment of appropriate and strict international control.

With regard to the French draft resolution (S/1399/Rev.1) the representative of the USSR considered it unacceptable on the ground that, in order to proceed with the reduction of armaments and armed forces and with the prohibition of atomic weapons, it was necessary to submit complete data on armed forces and all kinds of armaments, including atomic weapons.

The representative of the UNITED KINGDOM stated that the USSR proposals for reduction by one-third of the armaments and armed forces of the permanent members of the Security Council had been rejected for the reason that proportionate reduction in the absence of a just equilibrium of national armaments could only increase the advantage of those States which possessed at the outset a large surplus for potential aggression, at the expense of those which had already disarmed down to what they considered to be the safety point. The United Kingdom delegation had decided to accept the proposals set out in the Commission's working paper as constituting the necessary basis for a practical plan for an exchange of information on conventional armaments and armed forces and

therefore for the implementation of the General Assembly resolution of 19 November 1948. The proper execution of that plan would have two valuable results: first, it would help to create the atmosphere of international confidence vital to any effective scheme of disarmament; secondly, it would serve as an initial step which would in any case have to be taken before any disarmament plan could be put into effect.

The representative of the United Kingdom considered that the real core of the USSR objection to the working paper was its unwillingness to divulge its own military strength to the rest of the world. The Soviet Union was unwilling to divulge even what in democratic countries was disclosed in the newspapers. It was absurd to describe the work of the proposed agency as military espionage, since no State would have to submit more information than any other and all States would be equally liable to inspection and verification.

The representative of the United Kingdom supported the French draft resolution (S/1399/Rev.1) and opposed that of the USSR (S/1405/Rev.1) as a propaganda device. The failure of the latter proposal to make any reference to the necessity for adequate procedures for verification showed its illusory character.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC expressed disagreement with the arguments of the preceding speaker concerning the balance of armaments, all of which had been drawn from the arsenal of the League of Nations. Since the USSR proposal for armament reduction had been rejected, there could be little purpose in the collecting of information proposed in the working paper other than to obtain data on the military establishments of other States.

**Decisions:** *At the 452nd meeting on 18 October 1949, the French draft resolution (S/1399/Rev.1) was put to the vote. The result was 9 votes in favour, and 2 against (Ukrainian SSR, USSR). The draft resolution was not adopted since one of the opposing votes was that of a permanent member of the Council.*

*The draft resolution submitted by the USSR (S/1405/Rev.1) was also voted upon and was not adopted. There were 3 votes in favour (Egypt, Ukrainian SSR, USSR), one against (China) and 7 abstentions.*

*A vote was then taken upon the second French draft resolution (S/1408/Rev.1), which received 8 votes in favour and 2 against (Ukrainian SSR, USSR), with one abstention (Argentina). It likewise was not adopted, one of the opposing votes being that of a permanent member of the Council.*

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC explained that he had voted against the last proposal because it would have nullified the proposals of the USSR delegation for a positive settlement of the question of the reduction of conventional armaments as well as of the elimination of atomic weapons.

**Decision:** *At the 452nd meeting also, the representative of France submitted another draft resolution, which was adopted by a vote of 9 in favour, with 2 abstentions. The text of the resolution follows (S/1410):*

*"The Security Council,*

*"Having received and examined the proposals contained in the working document on the implementation of General Assembly resolution 192 (III) of 19 November 1948, adopted by the Commission for Conventional Armaments at its 19th meeting, held on 1 August 1949,*

*"Requests the Secretary-General to transmit these proposals and the records of the discussions on this question in the Security Council and the Commission for Conventional Armaments to the General Assembly."*

### **C. General Assembly resolution 300 (IV) relating to the regulation and reduction of conventional armaments and armed forces**

The above Security Council resolution was transmitted (A/1042) to the General Assembly to which had already been transmitted (A/1020) the Council's resolution (S/1403) concerning the second progress report of the Commission for Conventional Armaments. The Assembly referred both resolutions to the *Ad Hoc* Political Committee for consideration and report under item 24 of the Assembly's agenda.

On 15 November 1949, the representative of FRANCE, considering that no agreement could be reached on the reduction of armaments so long as each State lacked information concerning the armaments and armed forces of other States, submitted a joint Franco-Norwegian draft resolution (A/AC.31/L.33/Rev.2) proposing that the General Assembly should (a) approve the proposals formulated by the Commission for Conventional Armaments for the submission by Member States of full information on their conventional armaments and armed forces and the verification thereof, as constituting the necessary basis for implementation of resolution 192 (III); (b) recommend that the Security Council, despite the lack of unanimity among its permanent members, continue its study of the regulation and reduction of conventional armaments and armed forces through the agency of the Commission for Conventional Armaments, in accordance with its plan of work, in order to make such progress as might be possible; and (c) call upon all members of the Security Council to co-operate to that end.

On 17 November 1949, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, considering that the preparation of practical measures towards reduction of armaments and prohibition of the atomic weapon required full information on those matters, submitted a draft resolution (A/AC.31/L.35) proposing that the General Assembly should deem it essential that States should submit both information on armed forces and conventional armaments and information on atomic weapons.

On 19 November 1949, the USSR draft resolution was rejected by the *Ad Hoc* Political Committee, and the Franco-Norwegian draft resolution was adopted.

On 5 December 1949, in the General Assembly, the representative of the Union of Soviet Socialist Republics re-introduced its above-mentioned draft resolution which was not adopted. On the same date, the General Assembly adopted the Franco-Norwegian draft

resolution which had been included in the report of the *Ad Hoc* Political Committee (A/1151). The latter resolution became General Assembly resolution 300 (IV).

#### **D. Discussion of the question in the Security Council during 1950**

By a letter dated 6 December 1949, addressed to the President of the Security Council (S/1429), the Secretary-General transmitted resolution 300 (IV) adopted by the General Assembly on 5 December 1949. The resolution voiced the Assembly's approval of the working paper adopted by the Commission for Conventional Armaments and contained a recommendation that the Security Council, despite the lack of unanimity among its permanent members, should continue the study of the regulation and reduction of conventional armaments and armed forces through the agency of the Commission in accordance with the latter's plan of work, in order to make such progress as might be possible.

The Assembly's resolution was put on the provisional agenda of the Council's 459th meeting (10 January 1950).

Before the opening of the debate on that item, the Security Council discussed the draft resolution (S/1443) introduced by the representative of the Union of Soviet Socialist Republics, which considered "the presence in the United Nations Security Council of the representatives of the Kuomintang group to be illegal and requested his exclusion from the Security Council on the ground that the representative of the Kuomintang group does not represent China and the Chinese people".

At the 461st meeting (13 January 1950) the USSR draft resolution was put to the vote at the end of the discussion on it and was rejected by a vote of 3 in favour and 6 against, with 2 abstentions.

As a result of the vote, the representative of the USSR withdrew from the Security Council, declaring that the USSR would not recognize as legal any decision of the Security Council adopted with the participation of the representative of the Kuomintang group, and would not deem itself bound by any such decision. Consequently, when the Security Council took up consideration of General Assembly resolution 300 (IV), the USSR representative was absent.

The Security Council considered the Assembly resolution at its 461st and 462nd meetings (13 and 17 January 1950).

At the former meeting, the representative of France introduced the following draft resolution (S/1445):

*"The Security Council,*

*"Having received the text of the resolution concerning the regulation and general reduction of conventional armaments and armed forces adopted by the General Assembly at its 268th plenary meeting on 5 December 1949,*

*"Decides to transmit the said document to the Commission for Conventional Armaments for further study in accordance with the Commission's plan of work."*

At the 462nd meeting, the representative of the UNITED STATES OF AMERICA noted the broad majority support which the working paper had received in the Security Council as well as in the *Ad Hoc* Political Committee and in the plenary meeting of the General Assembly. Joined by the representative of NORWAY, he expressed support for the French draft resolution.

The representative of EGYPT said that submission of information on armaments and its verification constituted the preliminary stage in the reduction of armaments, and, as he understood it, it was to cover all kinds of armaments of mass destruction. He expressed the hope that every Member of the United Nations would agree to submit, on a multilateral basis, information on all kinds of armaments.

The representative of YUGOSLAVIA believed that it would be unwise to decide an issue upon which two great Powers were in complete opposition through majority vote rather than through a persevering attempt to reach an agreement. Moreover, since one permanent member no longer represented its country, in the opinion of the Yugoslav delegation, and since another permanent member was absent, the Yugoslav delegation considered that the question of armaments reduction should not be debated, and it would not participate in a vote on the question.

The President, speaking as representative of CHINA, expressed his support for the French draft resolution.

**Decision:** *At the 462nd meeting on 17 January 1950, the French draft resolution (S/1445) was put to the vote and was adopted (S/1455) by 9 votes in favour, with one representative (Yugoslavia) not participating, and another (USSR) absent.*

The representative of the UNITED STATES OF AMERICA, replying to the Yugoslav representative, stated that the issue was not one between the two great Powers, but between a minority group and the overwhelming majority of Member nations. That had been evidenced by the heavy support given to resolution 300 (IV) in the General Assembly. Moreover, on the question of the validity of the preceding vote, he pointed out that the representative of the USSR was absent by his own choice, while the validity of the credentials of the Chinese representative had already been confirmed by a Council vote.

#### **E. Activities of the Commission and its Working Committee in 1950**

By a letter dated 25 January 1950 (S/C.3/41), the President of the Security Council transmitted to the Commission for Conventional Armaments the resolution (S/1455) adopted by the Security Council on 17 January 1950, together with General Assembly resolution 300 (IV) of 5 September 1949.

The Commission for Conventional Armaments met on 27 April 1950, for the first time since August 1949.

On a point of order, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS introduced a draft resolution (S/C.3/42), by which the Commission for Conventional Armaments would decide to "exclude the representative of the Kuomintang Group from membership of the Commission", based on the same reasons

developed previously in the Security Council. After the Commission's rejection of the Soviet motion, the representative of the USSR withdrew from the meeting, declaring that the Soviet delegation would not participate in the work of the Commission until the "Kuomintang representative" had been excluded, and that the USSR would not recognize as valid any decision taken by the Commission with the participation of that representative.

At the same meeting, the Commission decided, in accordance with a suggestion made by the representative of the United States of America, to transmit to its Working Committee Assembly resolution 300 (IV) of 5 December 1949, with the instruction to resume work on item 3 of the Commission's plan of work relating to the question of practical and effective safeguards by means of an international system of control operating through special organs (and by other means) to protect complying States against the hazards of violation and evasions. The time-limit for the report to be submitted by the Working Committee to the Commission was fixed at 15 July 1950.

The Working Committee of the Commission for Conventional Armaments met on 18 May 1950. The representative of the UNITED STATES OF AMERICA expressed the views of his delegation on item 3 of the Commission's plan of work, pointing out that in advance of undertaking the development of any plan of disarmament, a preliminary study was first required to determine whether it might be possible to develop some system by which compliance with a plan of disarmament might be assured, or by which any indication of non-compliance could be readily detected and made known to the other nations of the world in time for them to take appropriate action to defend themselves (S/387/Appendix A). He then read his delegation's proposals (S/C.3/SC.3/23), which he considered to be very general in character, dealing in turn with the nature and objectives of safeguards. The Committee then decided to adjourn in order to give members of the Committee time to study the proposals of the representative of the United States and to submit their own proposals, if any, before 31 May 1950.

At the meeting of the Working Committee held on 8 June, the representative of EGYPT considered the discussion concerning safeguards to be premature, since certain necessary external conditions had not yet been fulfilled. He also pointed out that the question of safeguards could not be discussed separately from that of the regulation and reduction of armaments and armed forces, and drew the attention of the Committee to the fact that conventional armaments had lost much of their importance.

In the opinion of the representative of NORWAY, the discussion on the question of safeguards, taking into consideration the absence of the representative of the USSR, should be of a purely technical nature which would raise no controversial issues.

The representative of the UNITED STATES OF AMERICA, in reply to the view expressed by the representative of Norway, recalled the statement made

by the United States delegation during the Commission's meeting of 27 April. At that meeting he stated that it would be impossible to contemplate a disarmament convention which would not be universal, or at least accepted by all nations possessed of substantial military resources. On the other hand, he had observed that, in the opinion of the United States delegation, it was possible and useful, even in the absence of the representative of the USSR, to study in detail the question of safeguards, as this study was a planning item and not considered an action item at the present stage.

At the meeting of the Working Committee held on 22 June, the representative of the UNITED STATES OF AMERICA submitted a paper (S/C.3/SC.3/24) containing general views on the nature and relationships of the international agency which would supervise the regulation and reduction of conventional armaments and armed forces. The document contained provisions relating to the establishment of a conventional armaments administration to carry out such supervision.

During the discussion of the question in the Working Committee on 8 June 1950, the representative of the UNITED KINGDOM offered a number of comments on the paper submitted to the Committee by the United States delegation on 18 May.

The representatives of CHINA and FRANCE emphasized the necessity of establishing an international control system before the entry into force of a convention on the regulation and reduction of armaments.

In reply to the view expressed by the representative of the United Kingdom concerning the necessity for close ties between the international organ of control and the Security Council, the representative of the UNITED STATES OF AMERICA pointed out that, while such a relationship was of the greatest importance, it should not prevent the international control agency from maintaining relations with other organs of the United Nations and, in certain cases, from negotiating directly with States, without reference to the Security Council but immediately notifying the latter concerning all violations or serious threats thereof.

Two papers were circulated on 13 July 1950 at the request of the United States delegation, elaborating the paper introduced on 18 May 1950 (S/C.3/SC.3/23), which had called for: (1) regular and accurate reports from all signatory States of such information relating to conventional armaments and armed forces as might be required by the treaty of disarmament; (2) verification of such information through international inspection; and (3) remedial action in case of any actual or threatened violations of the treaty.

The first of those two papers (S/C.3/SC.3/25) outlined the basic idea of the delegation of the United States that the most important information to be reported and verified was that bearing directly on the conventional armaments and armed forces of all States signatory to the treaty. The second paper (S/C.3/SC.3/26) suggested that military safeguards might be supplemented by a limited type of industrial safeguards which would provide accurate information on important industrial tendencies in certain strategic industries.

## Part III

# OTHER MATTERS CONSIDERED BY THE SECURITY COUNCIL AND ITS SUBSIDIARY ORGANS

## Chapter 7

### Admission of new Members

*Introductory note:* As indicated in chapter 10 of the last report (A/945), the Security Council began to reconsider pending applications for admission to membership in the United Nations at the 427th meeting on 16 June 1949, and continued that reconsideration at the 428th, 429th and 430th meetings on 21 and 24 June, and 11 July. During the discussion, seven Argentine draft resolutions (S/1331 to S/1337 inclusive) and a USSR draft resolution (S/1340) were submitted to the Council.

#### A. Continuation of the general discussion

At the 431st meeting (20 July 1949), the representative of FRANCE recalled his delegation's view that two considerations were fundamental in dealing with the question under discussion: the principle of the universality of the United Nations and the place Europe should occupy in the United Nations. Those considerations had led the French delegation in 1947 to consider very broadly the various candidatures presented at the time. His delegation which was not moved by any hostility in principle towards the regimes of the States of Eastern Europe, had thus voted in favour of the admission of Hungary and Romania but had abstained in respect of Bulgaria's application because of the murder of Petkoff, the great Bulgarian patriot and enemy of Germany.

As had already been stated at the 429th meeting, his delegation was of the opinion that it would be contrary to the spirit and the letter of the Charter to make the admission of one State dependent on that of other States.

It would now be impossible for the French delegation again to approve in principle the candidature of States which, since 1947, had not given proof of their ability to adhere to the Charter. Referring to arguments put forward by the USSR representative at the 430th meeting regarding intervention in what that representative had called questions essentially within the domestic jurisdiction of a State, he stated that the Members of the United Nations could not attach too much importance to the Universal Declaration of Human Rights. Without exposing itself to the charge of intervention in the domestic affairs of States, the Council must determine whether applicants respected those human rights. The French delegation was convinced

that the USSR, if it sincerely desired the admission of certain European States, was quite able to give the latter such advice as might be necessary to persuade them to conform to the principles of the Charter. His delegation would then be able to support the admission of those States.

The representative of the UNITED KINGDOM, referring to arguments put forward at the 430th meeting by the representative of the Ukrainian SSR, reiterated that certain applicant States, in binding themselves under the peace treaties to respect fundamental human rights, had removed that matter from the area of domestic jurisdiction. He had already quoted elsewhere an opinion of the International Court of Justice that supported that view. The argument that the Security Council was not competent to deal with international treaties, whatever the merits of the statement might be, was irrelevant in the present case, for the only way in which a decision could be reached on whether an applicant was willing to carry out the obligations set forth in the Charter was to examine the manner in which it was carrying out its existing obligations. Only one conclusion was possible on finding that certain applicants had violated obligations solemnly undertaken in the peace treaties.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that certain members of the Security Council had tried persistently to present the question in such a way as to imply that human rights were being violated. However the fact was that the matters referred to by those members were court sentences passed in Bulgaria and Hungary on conspirators and criminals, who had connexions with foreign agents for the purposes of overthrowing the existing regimes in those countries. Those attempting to juggle with "human rights" wished to extend the concept of human rights to cover traitors and spies. "Human rights" had entered the matter only as yet another pretext for preventing the admission to the United Nations of the people's democracies. Though the artificiality of such pretexts had been exposed more than once in the General Assembly as well as in the Security Council, they were still being put forward as a cover for the unwillingness of the United States and other countries which supported it to admit the people's democracies to membership in the Organization. The admission of Albania, Bulgaria, Hungary, the Mongolian People's

Republic and Romania would not fit in with the political calculations of the United States and its supporters.

It would naturally be impossible to reach agreement as long as that policy of discrimination continued. The responsibility for again blocking the admission of the twelve countries fell on the United States, the United Kingdom and the other countries supporting them.

The President, speaking as the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC, said that the representative of France would be completely in the wrong if a debate were opened by taking the road to amendment of the provisions of the Charter in accordance with the Universal Declaration of Human Rights. Thus, it might be asked whether the Charter was applicable to Viet Nam and whether elementary human rights were being respected in that country. Moreover, if by ignoring the provisions of Article 4 of the Charter the first place were to be given to the Universal Declaration of Human Rights, a discussion might arise concerning certain great countries where the rights of certain populations were violated and where certain opinions considered dangerous were being fought, as had formerly been the case in Japan. There were many clear proofs of the fact that, despite the adoption of the Declaration, human rights were not respected in many countries.

The representative of FRANCE, noting that the President had referred to the situation in Viet Nam, said that while journalists and foreign diplomats could move about that country and observe what was happening there, he did not think that it was possible for those same persons to travel in certain parts of Russia and observe whether or not human rights were being respected there.

The representative of ARGENTINA explained that the draft resolutions submitted by his delegation (S/1331-S/1337) had not been intended to prevent admission of the five States not mentioned in those resolutions. His delegation's purpose in submitting those proposals was directly connected with its thesis on the effect that the veto was not applicable in voting upon the admission of new Members. While that view had not so far been supported by the majority of members of the Council, his delegation would continue to fight for it because of its desire to see established what it believed to be a correct interpretation of the Charter, and one necessary to the smooth functioning of the Organization.

After some discussion on whether a vote should be taken at that time, during which several representatives held that voting on the various proposals should be postponed, the PRESIDENT stated that, since no agreement had been reached on the question of the admission of twelve States to membership in the United Nations, the question would not be put to a vote.

The question of the admission of new Members was placed on the agenda for the 440th meeting (9 September 1949).

The PRESIDENT stated that he did not know whether any further discussion of the matter was required. If there were no more speakers, he would have to propose to the Council that a vote be taken on the various draft resolutions before it.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC stated that the stand taken by the representatives of the Anglo-American bloc on the question of admitting to membership Albania, the Mongolian People's Republic, Romania, Bulgaria and Hungary made it impossible for his delegation to support a favourable recommendation on the other applications for admission to the Organization. The Anglo-American bloc's policy of favouritism in respect of some States and discrimination in respect of others represented a gross violation of the principle of the equal rights of States embodied in the Charter, and was dictated by the desire of the United States and the United Kingdom to enlarge the artificial majority created within the United Nations by machinations incompatible with the letter and the spirit of the Charter. Such a policy undermined the foundations of the United Nations, created obstacles to co-operation among Member States and ran counter to Article 4 of the Charter. It was impossible to accept a situation in which the access to the Organization of five peace-loving democratic States — Albania, the Mongolian People's Republic, Bulgaria, Romania and Hungary — had been barred by the Anglo-American bloc only because the democratic system set up in those countries did not suit the reactionary groups in power in the United States, the United Kingdom and France. It was impossible not to protest against the attempts of the Anglo-American bloc to transform the process of admission to the United Nations into a means of exerting pressure on the Governments of such States as Ireland and Italy in order to drag them into the wake of United States and United Kingdom foreign policy. The unprincipled methods employed to force another negative vote from the USSR delegation by putting applications already voted upon to the vote again, in order to use that negative vote as an argument against the principle of unanimity set out in Article 27 of the Charter, had also to be condemned.

His delegation considered it inadmissible that the United States and the United Kingdom Governments should violate the obligations assumed under the preambles to the treaties of peace with Romania, Bulgaria and Hungary to support their applications for admission to membership in the United Nations after those treaties had become effective. The trumped-up charges of violations of human rights made by the United States and the United Kingdom against the Governments of those three people's democracies were a deliberate distortion of the truth, since the latter were in reality taking measures against the reactionary elements which had led those countries into war on the side of Hitlerite Germany and which were then plotting to restore fascist or semi-fascist governments and cut short the existence of the people's democracies as independent and sovereign States. The struggle against such elements fulfilled the obligations assumed by Romania, Bulgaria and Hungary in respect of denazification and protection of their democratic institutions. The Ukrainian representative also pointed out that the claims of the United States and the United Kingdom to the right to interfere in domestic affairs of Romania, Bulgaria and Hungary ran counter to paragraph 7 of Article 2 of the Charter.

Similar accusations that Bulgaria and Albania were supporting the people's democratic army in Greece were

intended to disguise the interference of the United States and the United Kingdom in the internal affairs of Greece, and at the same time to create a pretext for preventing the admission of Bulgaria and Albania to membership in the United Nations. The United States and the United Kingdom were interfering not only in the domestic affairs of Greece, but were also endeavouring to interfere in those of such people's democracies as Romania, Bulgaria, Hungary, Poland and Czechoslovakia, by supporting all kinds of reactionary elements and warmongers in those countries. In those circumstances, it was not surprising that the United States and the United Kingdom were not in a position to show elementary impartiality in deciding the question of the admission of some of those States to the United Nations. The Ukrainian representative, having described the positive role played by Albania and the Mongolian People's Republic in the struggle against the aggressors during the last war, declared that the United States and the United Kingdom delegations now wished to persuade the Council that the countries in question were unworthy of being Members of the United Nations and that States which had supported the aggressors had a greater right to be admitted to the United Nations.

The Ukrainian delegation, though continuing to have serious objections to the admission of a number of countries stubbornly supported by the representatives of the Anglo-American bloc, associated itself with the USSR draft resolution (S/1340) to admit all twelve States whose applications were under consideration by the Council, since that proposal provided a sensible way out of the deadlock resulting from the nearsighted policy of the Anglo-American bloc. His delegation still supported that proposal as well as the admission of Nepal, whereas the delegations of the United States and the United Kingdom continued to pursue the same policy as before, aiming to provoke a veto and new discord within the United Nations. By rejecting the USSR proposal, the Anglo-American bloc was closing the door of the United Nations in the face of the thirteen States, which should know who was responsible for their non-admission. The Ukrainian delegation, basing its stand on the Charter, would continue to fight for precise and strict implementation of the Charter with regard to the admission of new Members.

The PRESIDENT suggested that, instead of taking a vote on the draft resolutions before the Council, it might be simpler, in view of the circumstances, if he were authorized simply to report to the General Assembly that prolonged discussion had shown that there was no change from previously adopted attitudes.

The representative of ARGENTINA pointed out that the matter was one of respecting a decision of the General Assembly, which, under the terms of the Charter, decided whether to accept or reject applications for the admission of new Members. The Assembly, in its resolution 197 (III), had asked the Council to reconsider seven applications and his delegation had therefore submitted a corresponding number of draft resolutions. If it was felt that the position of the various Governments had not changed, that opinion should be confirmed by a specific vote on at least one of those draft resolutions, which decision might then be applied to the others.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that, if a vote were to be taken, it must be taken on all twelve applications in chronological order. If the representative of Argentina insisted that a vote be taken on the application of at least one of the States, he would propose that the application of Albania be the one inasmuch as it had been submitted first. However, resolution 197 (III) did not say that the Council should vote on the question but merely that the applications should be reconsidered. That reconsideration had taken place and there had been no change in the position of the members of the Council. Should the Council still decide to proceed to a vote, he would submit a revised version of the USSR draft resolution (S/1340/Rev.1, subsequently S/1340/Rev.2), adding Nepal to the States listed in the original draft of the proposal, and would insist that the draft resolution be voted upon first. However, if the Council decided to act as suggested by the President, and as had been suggested by a previous President, he would not press for a vote on that draft resolution, in order to avoid complicating the issue by an additional vote.

At the 440th and 441st meetings (9 September 1949), and also at the 442nd and 443rd meetings (13 September 1949), there was considerable discussion regarding the procedure to be followed by the Council. The main points of the discussion centered on the question whether the various applications for admission should be voted upon and, if so, on the order in which the various proposals should be put to the vote.

At the 440th meeting the representative of the UNITED STATES OF AMERICA recalled that his delegation had at the 428th meeting put forward a procedural motion to the effect that, if the USSR delegation insisted that its draft resolution be voted up, a separate vote should be taken upon each application mentioned in that proposal.

At the 440th meeting the representative of the UNION OF SOVIET SOCIALIST REPUBLICS submitted a proposal that the applications of all thirteen States, including the application of Nepal, should be put to a vote.

The representatives of the UNION OF SOVIET SOCIALIST REPUBLICS and the UKRAINIAN SOVIET SOCIALIST REPUBLIC insisted that the USSR proposal should be voted upon first since, if that were done, all the other questions would be automatically eliminated.

The representative of the UNITED STATES OF AMERICA at the 442nd meeting pointed out that, since the positions of members of the Security Council had not changed, the result of voting on the applications was bound to be negative and that in such a case he considered it harmful to proceed to a vote. However, if a vote had to be taken on the USSR proposal, the correct procedure was to vote separately on each application. This position was based on precedent, logic, and on the advisory opinion given by the International Court of Justice at the request of the General Assembly on 28 May 1948. He reviewed his delegation's general position on the question of the admission of new Members and, in reply to the charges of discrimination, on the five applicants which the United States had not supported.

He pointed out that Albania and Bulgaria had been censured by the General Assembly for their open intervention in the internal affairs of Greece. That scarcely indicated a peace-loving attitude, which was a prerequisite for membership in the Organization.

Hungary, Bulgaria and Romania had refused to honour their treaty commitments by refusing even to discuss a charge of treaty violation, although clear provision had been made in the peace treaties for the procedure to be followed when a dispute arose over their interpretation or execution. It was true that conclusion of the peace treaties had made it possible to support the applications of those countries, but only if they proved themselves qualified.

As far as his Government was aware, there was still insufficient information at hand to show that the Mongolian People's Republic was qualified under Article 4 of the Charter for membership in the United Nations.

He reiterated that the United States had no intention in the future of permitting its vote to prevent the admission to membership of any applicant receiving seven affirmative votes in the Security Council. His Government would be prepared to reconsider the membership question at any time if further developments cast new light on the qualifications for membership of the applicants or if, as a result of changes in the positions of any members of the Security Council, there appeared any likelihood of the Council's taking affirmative action on any applications.

Finally, he called attention to the General Assembly's recommendation that each member of the Security Council and the General Assembly, in exercising its vote on the admission of new Members, should act in accordance with the opinion of the International Court of Justice of 28 May 1948. According to that opinion, a Member of the Organization was not juridically entitled to make its consent to the admission of an applicant dependent on conditions not expressly set forth in paragraph 1 of Article 4 of the Charter, and, in particular, could not, while it recognized the conditions of Article 4 to be fulfilled by the State concerned, subject its affirmative vote to the additional condition that other States be admitted together with that State.

At the 443rd meeting the representative of the UNION OF SOVIET SOCIALIST REPUBLICS reviewed the Council's discussion of the question of admission of new Members and concluded that the policy of discrimination against the people's democracies and the Mongolian People's Republic, and of favouritism towards Portugal, Ireland and Jordan was still in full force. Discussing the question of the order in which the various applications should be considered, he stated that his delegation categorically objected to any discrimination against the applications of Albania, the Mongolian People's Republic, Hungary, Romania and Bulgaria. Not only was there discrimination as regards the substance of the question, but an attempt was being made to introduce discrimination in connexion with the order in which the applications were to be considered. That was the only explanation of the order proposed by the Argentine representative, which could be justified neither by General Assembly resolution 197 (III), which called for reconsideration of twelve applications, nor by the previous practice of the Council,

which had always been to examine applications in the chronological order in which they had been submitted. The proposal that Portugal's application should be considered first was a proof of the type of discreditable manoeuvre taking place in the Council, which, like the Argentine representative's insistence on a vote being taken on his proposal, was intended to force the USSR into registering a negative vote so as to further the aim of revising the Charter and the rule of unanimity in the Security Council, which was the cornerstone of the United Nations.

The PRESIDENT ruled that, in accordance with rule 32 of the provisional rules of procedure, the Argentine draft resolutions, having been submitted first, would be voted upon first.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC challenged the President's ruling. He pointed out that, at the 429th and 431st meetings, it had been agreed that since the States represented in the Security Council had not changed their positions, a vote would not serve any useful purpose. There was no reason, therefore, to take a vote at present, since the position had not changed. Moreover, it had been convincingly proved that to vote first on the draft resolution relating to Portugal would be contrary to past and present practice in the General Assembly and the Security Council.

The representative of NORWAY observed that the twelve applications for membership constituted separate items. Rule 32, as he understood it, prescribed only the priority in voting on several motions and draft resolutions relating to one agenda question. Inasmuch as the agenda did not list the twelve questions as separate items, the most reasonable procedure would be able to rely on the only objective criterion available, namely, the chronological order of the submission of applications. He therefore dissented from the President's ruling. The same considerations applied to the objection to having the USSR draft resolution divided into its component parts, since rule 32 applied only to a proposal which referred to one separate question. The author of a draft resolution referring to several distinct, substantive questions had thus no right to object to the breaking up of that draft resolution.

**Decision:** *The proposal to over-rule the ruling of the President was put to the vote and rejected by 5 votes to 3 (Norway, Ukrainian SSR, USSR), with 3 abstentions (China, Egypt, United Kingdom).*

## **B. Decision on the Argentine draft resolutions**

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC reiterated his delegation's view that, during the war, Portugal not only had not played the part of a friend of the peoples who were struggling against the aggressor States, Germany, Japan and Italy, but had been the point of contact between the aggressor States and Spain. Moreover, it was well known that certain plots against the Spanish Republic had been hatched in Portugal, even before the war against Germany, Japan and Italy. For those reasons his delegation had opposed the admission of Portugal to the United Nations during the previous consideration of the matter in the Council. In order to remedy the difficult situation that had arisen since then, and while

making certain reservations in regard to the admission of Portugal, the Ukrainian delegation had supported the USSR proposal that the twelve applicant States be admitted. While maintaining that position, he would vote against the admission of Portugal, in view of the attempts that had been made to oppose it to the new democracies. He asked the United Kingdom representative to explain why the independence of Transjordan (now Jordan) had had to be proclaimed three times — in 1922, 1929 and in 1946.

The President, speaking as the representative of the UNITED KINGDOM, assured the Ukrainian representative that it would not be necessary again to proclaim the independence of Transjordan.

The representative of ARGENTINA asked the members of the Council to vote for the admission of Italy, bearing in mind the exceptional position of that eminently peaceful country.

The representative of EGYPT stated that he would support the admission of Italy with the earnest hope that that country would bring up to date some of its political aims and ideas and would work with the other Members of the United Nations for peace and for the freedom of all peoples.

**Decisions:** *At the 443rd meeting on 13 September 1949, the Argentine draft resolutions recommending the admission of Portugal, Jordan, Italy, Finland, Ireland, Austria and Ceylon (S/1331-S/1337) were put to the vote. The result of each vote was 9 in favour and 2 against (Ukrainian SSR and USSR). The draft resolutions were not adopted owing to the negative votes of a permanent member of the Council.*

The representative of ARGENTINA pointed out that four permanent members had voted in favour, exactly as in the voting upon the application of Israel, which had been submitted for consideration by the General Assembly. Although in one case there had been an abstention and in the other an opposing vote, the Charter did not distinguish between abstentions and negative votes.

### C. Decision on the USSR draft resolution

The representatives of the UKRAINIAN SOVIET SOCIALIST REPUBLIC and the UNION OF SOVIET SOCIALIST REPUBLICS maintained that the USSR draft resolution (S/1340/Rev.2) could not be divided into parts as envisaged by the United States representative's motion, in view of rule 32 of the provisional rules of procedure which stated that a draft resolution could not be so divided if its author objected. To follow the United States motion would be contrary to the established practice of all international bodies.

The representative of the UNITED STATES OF AMERICA and other representatives at the 443rd meeting and at the 444th meeting (15 September 1949), insisted that that interpretation of rule 32 did not apply to the USSR proposal, which was unconstitutional, and that the Security Council was master of its own procedure. In that connexion it was recalled that, at the 206th meeting on 1 October 1947, the Council had taken separate votes on parts of a Polish proposal recommending the admission of five States. It was clear that the same procedure could be followed in the present case.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS moved that the motion of the United States representative was out of order. The second paragraph of rule 32 made it clear that a draft resolution could not be voted upon in parts if the author of the draft resolution objected to such a division. Moreover, the United States motion was impracticable because it would involve thirteen draft resolutions. The USSR delegation had submitted one draft resolution, not thirteen. A majority supporting the actions of the President would not justify those actions, and he asked the President to indicate on the basis of what rule of procedure it was intended to put the United States motion to a vote.

The PRESIDENT pointed out that a motion did not have to be based on any particular rule of procedure since the Council could determine its own procedure.

**Decision:** *The USSR motion to declare the United States motion out of order was rejected by 8 votes to 2 (Ukrainian SSR, USSR), with one abstention (Argentine).*

The representatives of the UNION OF SOVIET SOCIALIST REPUBLICS and the UKRAINIAN SOVIET SOCIALIST REPUBLIC stated that the decision was arbitrary and constituted a flagrant violation of rule 32 of the provisional rules of procedure. The United States motion was illegal and should not be put to the vote.

**Decision:** *The United States motion to take separate votes on the various applications made by the countries named in the USSR draft resolution (S/1340/Rev.2) was adopted by 8 votes to 3 (Egypt, Ukrainian SSR, USSR).*

At the 444th meeting also, the representative of EGYPT said that, in view of the adoption of the United States motion, there was no text on which the Security Council would be voting.

The PRESIDENT pointed out that, in the precedent of 1947 already referred to, the vote had been taken on each application.

At the 445th meeting (15 September 1949), the representative of NORWAY recalled that his delegation had already voted in favour of the applications of Portugal, Jordan, Italy, Finland, Ireland, Austria and Ceylon. His delegation entertained serious doubts with regard to the other five applications, however. The Albanian and Bulgarian Governments had failed to clear themselves of the serious charges brought against them for supporting the guerrilla fight against the Greek Government and for hampering the activity of the United Nations Special Committee on the Balkans. The Governments of Bulgaria, Hungary and Romania had been accused of violations of the recent peace treaties and, pending settlement of those questions, his delegation found it impossible to give an affirmative answer to the question whether those three applicants could properly be considered willing and able to carry out the obligations of the Charter. His delegation found the information available concerning the Mongolian People's Republic to be insufficient and inconclusive. For those reasons, his delegation would abstain from voting on those applications but hoped that the doubtful points might soon be cleared up so that those among the five countries which might not then be eligible might soon become admissible under Article 4 of the Charter.

The representative of CUBA stated that some of the applicant States had been accused before the General Assembly of having committed acts contrary to the aims of the United Nations and to the obligations contracted under the peace treaties regarding respect for human rights and fundamental freedoms. His delegation had publicly condemned those acts, and would not vote for the admission of Hungary, Bulgaria and Romania so long as that situation was not completely clarified. He stated that, in view of General Assembly resolution 193 (III) of 27 November 1948 and of the conclusions of the Special Committee on the Balkans regarding assistance furnished to Greek guerrillas by Bulgaria and Albania, his delegation was unable to vote for the admission of Albania.

At the request of the representative of the UKRAINIAN SSR, the PRESIDENT placed before the Council in written form the proposals that were to be voted upon.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that those documents were the proposals of the President but not the USSR draft resolution, for which the President was substituting his own proposals. He insisted that a vote be taken on the USSR draft resolution.

The PRESIDENT replied that he had been bound to take account of the fact that a motion had been adopted to vote separately on each of the applications. The USSR draft resolution would subsequently be put to the vote as a whole.

**Decisions:** *At the 445th meeting on 15 September 1949, a vote was taken on the question of recommending to the General Assembly that Albania be admitted to the United Nations. The result of the vote was 2 in favour (Ukrainian SSR, USSR), one against (Canada) and 8 abstentions.*

*A vote was taken on the question of recommending to the General Assembly that the Mongolian People's Republic be admitted to the United Nations. The result of the vote was 2 in favour (Ukrainian SSR, USSR), 2 against (Canada, China) and 7 abstentions.*

*Votes were taken on the question of recommending to the General Assembly that Bulgaria, Hungary and Romania be admitted to the United Nations. The result of each of those three votes was 3 in favour (Egypt, Ukrainian SSR, USSR), one against (Canada) and 7 abstentions.*

*None of the above proposals was adopted since all failed to obtain the affirmative votes of seven members.*

The representative of the UNITED STATES OF AMERICA, at the suggestion of the President, agreed that it would be unnecessary to take another vote on the applications of the other countries mentioned in the USSR draft resolution.

The PRESIDENT, speaking as the representative of the UNITED KINGDOM, stated that his delegation would vote against the USSR proposal because it opposed the underlying principle of that proposal, namely, making the admission of certain States dependent and conditional upon the admission of certain others. That principle was contrary to the Charter and to the opinion of the International Court of Justice to which reference had already been made.

Similar views were expressed by the representatives of FRANCE and CANADA, and by the representative of the UNITED STATES OF AMERICA, who said that his delegation would abstain.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the legal arguments used by the preceding speakers represented an attempt to cover up the policy of discrimination against the countries of the people's democracies and the Mongolian People's Republic. The legal references made in that connexion were unfounded since parts of the so-called findings of the International Court of Justice had not been supported by a majority of the Court. As was well known, the USSR attitude on the admission of new Members was firmly based on the provisions of Article 4 of the Charter; there was no shadow of favouritism or discrimination in that policy. The vote on the USSR proposal would make it clear whether the Anglo-American bloc continued to maintain an attitude of discrimination or whether the Council would take a just and objective decision.

**Decision:** *At the 445th meeting on 15 September 1949, the USSR draft resolution (S/1340/Rev.2) was put to the vote and rejected by 4 votes to 2 (Ukrainian SSR, USSR) with 4 abstentions (China, Cuba, Egypt, United States). One member of the Council (Argentina) did not vote.*

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the responsibility for the situation thus arising in the Security Council with regard to the admission of new Members lay entirely with the United States and the United Kingdom.

#### D. Application of Nepal

As is indicated in chapter 10, section F of the last report (A/945), the Security Council referred the application of Nepal to its Committee on the Admission of New Members on 8 April 1949.

Following the receipt of additional information (S/C.2/16) requested of the Government of Nepal by the Committee on the Admission of New Members, the latter, at its 33rd meeting on 16 August, adopted a resolution stating its opinion that the time-limit set forth in rule 59 of the provisional rules of procedure of the Security Council should not constitute an objection to the application of Nepal being considered as soon as possible by the Security Council and by the General Assembly.

The Committee subsequently reported (S/1382) that, in a vote taken at its 34th meeting on 22 August, 9 of its members had favoured the application of Nepal, and 2 had opposed that application (Ukrainian SSR, USSR).

At the 439th meeting of the Security Council (7 September 1949), following the rejection of a USSR proposal to take up other applications for membership before considering that of Nepal, the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC stated that his delegation did not consider the additional information furnished by the Government of Nepal to be entirely satisfactory. Moreover, the rejection of the proposal to consider other applications before taking up that of Nepal made it clear that the majority maintained

the policy of discrimination against certain States. Consequently, his delegation, which otherwise would have voted for the admission of Nepal as well as for that of the twelve other States whose applications were pending, would be compelled to vote against the admission of Nepal.

The representative of CHINA, emphasizing the lengthy and peaceful relations between his country and Nepal, stated that his delegation was particularly anxious that the Security Council should make a favourable recommendation on that country's application. Nepal enjoyed complete independent sovereignty and the case for its admission was clear. The Ukrainian representative's argument was a radical departure from the traditions of the Council, and one for which no basis could be found in the Charter. The Chinese representative submitted a draft resolution (S/1385) recommending the admission of Nepal to membership in the United Nations.

The representatives of EGYPT, CANADA, FRANCE, NORWAY and CUBA supported the Chinese draft resolution.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out that, although Albania, Bulgaria, Hungary, the Mongolian People's Republic and Romania fully complied with the requirements of Article 4 of the Charter, those countries had not been admitted to membership in the United Nations as a result of discrimination against them by the United States and the United Kingdom. He contrasted the policy followed by those two delegations with that followed by the USSR, which, in order to facilitate a solution of the question, had withdrawn its objections to certain States and had submitted a draft resolution providing that the Council recommend admission of all twelve States whose applications were under consideration. The application of Nepal could not, under the circumstances, be considered by itself, independently of the position adopted by the United States and the United Kingdom in regard to the people's democracies. Without the positive votes of those two States, the admission of the people's democracies was impossible.

The USSR did not oppose the admission of Nepal to membership in the United Nations, but it could not vote for Nepal because it would be unfair to admit that country while systematically refusing the admission of a number of other States which fully satisfied the requirements of Article 4 of the Charter.

The President, speaking as the representative of the UNITED KINGDOM, stated that, in the view of his Government, Nepal should be admitted to the United Nations. Referring to the policy adopted by the USSR and the Ukrainian SSR in the matter of admissions, he said that that policy was understandable, though his Government disagreed with it, as did the International Court of Justice. He could not understand, however, how the USSR, a few weeks after enunciating its policy

of all or none, had voted for the admission of Israel without stipulating any conditions about the other applicants. As for the supposed discrimination exercised by what was called an "Anglo-American bloc", he pointed out that a number of applicants who were said to have been discriminated against had obtained only two votes. That had not been the fault of the United Kingdom, or, so far as he knew, of the United States; and it certainly had not been the fault of the imaginary "bloc". He reiterated his Government's assurance that it would not exercise the veto with regard to the admission of a new Member, and pointed out that that undertaking had been honoured when Israel had been admitted.

The representative of the UNITED STATES OF AMERICA supported the application of Nepal, which was a sovereign and peace-loving State able and willing to carry out the obligations of the Charter. Noting that the USSR and Ukrainian delegations were not opposed to the admission of Nepal but contended that it would be unjust to admit Nepal while other countries were being discriminated against, he stated that there was no ground whatsoever for such a stand in the provisions of the Charter. None of the countries supposedly being discriminated against had received the seven votes necessary for approval by the Security Council, and the General Assembly had consistently held all five to be not qualified for admission. With regard to the charge of discrimination, the United States delegation had given assurances that it would never use its veto to block the admission of any State. Those assurances, however, had consistently been misrepresented or ignored. He reiterated that his Government, while judging each application on its merits in accordance with Article 4, endorsed the principle of unanimity and was willing to co-operate in furthering that principle by foregoing the use of its privileged vote in those cases where an applicant State enjoyed substantial support from other Members of the United Nations, namely, a favourable vote in the General Assembly, or the favourable votes of seven members of the Security Council.

The representative of ARGENTINA said that the number of countries awaiting decision on their applications for admission to the United Nations showed the mistaken course that had been followed by the Security Council in blocking applications which had seven or more affirmative votes. He would vote in favour of the admission of Nepal, but emphasized that it was the United Nations, and not the Security Council, which had received the application of Nepal. The Council had nothing to decide in that connexion, but had merely to make a positive or negative recommendation on it.

**Decision:** *At the 439th meeting on 7 September 1949, the Chinese draft resolution (S/1385) was put to the vote and received 9 votes in favour and 2 against (Ukrainian SSR, USSR). It was not adopted, one of the votes against being that of a permanent member of the Council.*

### Application of Liechtenstein to become a party to the Statute of the International Court of Justice

As indicated in the last annual report (A/945), by a letter dated 24 March 1949 the Swiss Office for Liaison with the United Nations transmitted a letter dated 8 March 1949 from the Government of the Principality of Liechtenstein expressing its desire to learn the conditions under which Liechtenstein could become a party to the Statute of the International Court of Justice. On 8 April the Council decided to refer the application to the Committee of Experts for consideration and report. The Chairman of the Committee, on 23 June, submitted to the Security Council a report (S/1342) advising the Council to send the following recommendations to the General Assembly:

"The Security Council recommends that the General Assembly, in accordance with Article 93, paragraph 2, of the Charter, determine the conditions on which Liechtenstein may become a party to the Statute of the International Court of Justice, as follows:

"Liechtenstein will become a party to the Statute on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of the Principality of Liechtenstein and ratified as may be required by Liechtenstein's constitutional law, containing:

"(a) Acceptance of the provisions of the Statute of the International Court of Justice;

"(b) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter; and

"(c) An undertaking to contribute to the expense of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Liechtenstein Government."

At the 432nd meeting of the Council (27 July 1949), the Security Council considered the report from the Committee of Experts.

The President, speaking as the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC, stated that, from the point of view of principle, his delegation had always taken the stand that a State, however small, had the same rights as a large State in the matter of joining the United Nations or of becoming a party to the Statute of the International Court of Justice. The question of whether a given State had a large territory or a small one, or whether it had considerable population or not was of no consequence to that delegation. At the same time, however, experience had shown that doubtful State-like organizations are often formed artificially and the bigger Powers subsequently seek to introduce them into the United Nations and induce them to become parties to the Statute of the International Court of Justice. Under such conditions, some doubts, based again on questions of principle, naturally arose. Those doubts centred on the fact that a numerical majority was thus artificially created when a vote or

a decision was taken on a particular question. For those reasons, he was doubtful of the expediency of admitting Liechtenstein as a party to the Statute of the International Court of Justice.

The representative of the Ukrainian SSR also drew the Council's attention to the fact that Liechtenstein had entrusted Switzerland with the function of representing it in its foreign relations and was a member of a postal and customs union with Switzerland and did not have an army of its own. He felt that there was a danger that such a precedent might be interpreted in such a way as to make possible the adherence to the Statute of the International Court of Justice of States which did not have an existence of their own and which added nothing to the cause of strengthening the authority of the United Nations.

The representative of EGYPT observed that the main objection raised to recommending the acceptance of Liechtenstein to become a party to the Statute of the International Court of Justice was that it was not a sovereign State within the meaning of Article 93 of the Charter. He wished to point out that most writers and jurists considered Liechtenstein to be a sovereign State. As a matter of fact, Liechtenstein had a territory, a population, a Government and a constitution. The fact that Switzerland represented Liechtenstein in foreign countries did not affect the sovereignty of the latter State; and the fact that it had signed a customs union treaty with Switzerland did not affect its independence. For those reasons, his delegation felt that Liechtenstein was a State in the sense of international law and was entitled to be a party to the Statute of the International Court of Justice.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS was of the opinion that it was difficult to recognize Liechtenstein as a sovereign State without entering into conflict with the concepts of international law and sovereignty. In point of fact, there were five very real considerations which did not permit the Council to consider Liechtenstein as a sovereign State. These considerations were (1) that Liechtenstein could not conduct its foreign affairs independently; (2) that Liechtenstein was a member of a customs union with Switzerland; (3) that Liechtenstein did not have its own currency; (4) that Liechtenstein did not have a postal organization; and (5), that the administration of telegraphs of Liechtenstein was also in the hands of Switzerland. Thus, with all good will, it was impossible to consider Liechtenstein as a State as required by Article 93, paragraph 2 of the Charter.

**Decision:** *At the 432nd meeting on 27 July 1949, the Council decided, by 9 votes, with 2 abstentions (Ukrainian SSR, USSR) to recommend to the General Assembly that Liechtenstein be allowed to become a party to the Statute of the International Court of Justice on the same terms as had Switzerland.*

## The problem of voting in the Security Council

It will be recalled that the General Assembly, at its 195th plenary meeting on 14 April 1949, adopted resolution 267 (III) concerning the problem of voting in the Security Council. In that resolution the General Assembly recommended that:

1. The members of the Security Council, without prejudice to any other decisions which the Security Council might deem procedural, should consider that decisions set forth in an attached annex be deemed procedure;

2. The permanent members of the Security Council should seek agreement among themselves upon what possible decisions by the Council they might forbear to exercise the veto, when seven affirmative votes had already been cast in the Council, giving favourable consideration to the list of such decisions contained in conclusion 2 of part IV of the report of the Interim Committee;

3. The permanent members of the Security Council, in order to avoid impairment of the usefulness and prestige of the Council through excessive use of the veto, should consult together whenever feasible (a) upon important decisions to be taken by the Security Council, and (b) before a vote was taken if their unanimity was essential to effective action by the Security Council. If there was no unanimity, the permanent members of the Council should exercise the veto only when they

considered the question of vital importance, taking into account the interest of the United Nations as a whole, and should state upon what ground they considered that condition to be present;

4. The Members of the United Nations, in agreements conferring functions on the Security Council, should provide such conditions of voting within that body as would to a great extent feasibly exclude the application of the rule of unanimity of the permanent members.

By a letter dated 25 April 1949 (S/1312), the Secretary-General drew the attention of the Security Council to General Assembly resolution 267 (III).

At the 452nd meeting (18 October 1949), the President of the Council announced that the five permanent members had held several meetings to consider General Assembly resolution 267 (III). He noted that no agreement had been reached on paragraph 2 of that resolution which recommended that the permanent members seek agreement on possible decisions by the Council on which they might forbear to exercise their veto. However, the consultations had indicated that agreement in principle existed on the practice of consultation before important decisions were to be taken, as recommended in paragraph 3 of that resolution. It had been agreed to meet again as soon as convenient to arrange for the calling and holding of such consultations.

## Chapter 10

### The question of the representation of China in the Security Council

#### A. Communications dated 18 November 1949 and 8 January 1950 from the Government of the People's Republic of China

A cablegram dated 18 November 1949 (A/1123) bearing the signature of the Foreign Minister of the Central People's Government of the People's Republic of China informed the President of the General Assembly that his Government repudiated the legal status of the delegation under Mr. T. F. Tsiang and held that it could not represent China and had no right to speak on behalf of the Chinese people in the United Nations.

At the 458th meeting (29 December 1949) of the Security Council, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS recalled that, during the fourth session of the General Assembly, the USSR delegation had supported the position taken by the Government of the People's Republic of China in the above-mentioned cablegram of 18 November 1949. The USSR delegation in the Security Council, supporting

the above-mentioned statement of the Government of the People's Republic of China, would not regard the representative of the Kuomintang group as representing China, or as being empowered to represent the Chinese people in the Security Council.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC also endorsed the position taken by the Government of the People's Republic of China. His delegation would not regard the representative of the Kuomintang group in the Security Council as representing China or as entitled to speak for the Chinese people.

The representative of CHINA said that, if a minority of the Council could arbitrarily deny the authority of any of the other delegations, the Organization would be reduced to anarchy or to the dictation of one or two delegations. During the fourth session of the General Assembly, he had produced ample evidence to show that the so-called People's Republic of China was a puppet regime, inspired and aided into power

by the Soviet Union. The Government which he represented was based on a Constitution freely accepted by the people's representatives in a National Assembly. Its President and Vice-President were freely elected by the representatives of the people. The President of the Executive Yuan was responsible to a legislature elected by the people. He believed that the Council should pay no attention to the groundless statements of the representatives of the USSR and the Ukrainian SSR.

The PRESIDENT then pointed out that the matter under discussion had not been included in the provisional agenda for that meeting and that the Council should pass on to other business.

A cablegram dated 8 January 1950 bearing the signature of the Foreign Minister of the Government of the People's Republic of China informed the Governments of States represented on the Security Council that his Government considered that the presence of the Kuomintang delegation in the Council was illegal. His Government's position was that the Kuomintang delegates should be expelled from the Council.

#### **B. Draft resolution submitted by the representative of the USSR**

At the 459th meeting (10 January 1950), the representative of the UNION OF SOVIET SOCIALIST REPUBLICS informed the Security Council that his Government supported the position taken by the Government of the People's Republic of China in its communication of 8 January 1950; and he insisted that the representative of the Kuomintang group be excluded from the Council. If the Council did not take appropriate measures, the USSR delegation would not participate in the work of the Council until the Kuomintang representative was excluded. The representative of the USSR submitted the following draft resolution (S/1443):

*"The Security Council,*

*"Having considered the statement made by the Central People's Government of the Chinese People's Republic on 8 January 1950 to the effect that it considers the presence in the United Nations Security Council of the representative of the Kuomintang group to be illegal and insists on the exclusion of that representative from the Security Council,*

*"Decides not to recognize the credentials of the representative referred to in the statement by the Central People's Government of the Chinese People's Republic and to exclude him from the Security Council."*

The PRESIDENT ruled that the proposal of the representative of the Union of Soviet Socialist Republics should be circulated to members of the Security Council and considered at a subsequent meeting.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that he could not regard as legal any ruling by a person who represented no one. He insisted that his proposal be put to the vote immediately, since the competence of the person concerned to remain in the Council and to serve as President had been challenged. The USSR delegation did not consider it possible that further meetings should be called under the presidency of a person who did not repre-

sent China and the Chinese people and whose presence in the Security Council was illegal.

**Decision:** *The President's ruling was upheld by 8 votes to 2 (USSR, Yugoslavia), with one abstention (India).*

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that he could not agree to the ruling which had been adopted. He considered that it would be abnormal for the Security Council to consider any political or other questions when five of its members had severed relations with the group represented by the President who, from the point of view of common sense and legal principle, represented no one. For the reasons which he had fully explained in his opening statement, he could not participate in the work of the Security Council, or take part in that meeting until the representative of the Kuomintang group had been excluded from membership. The USSR representative thereupon left the Council chamber.

The representative of YUGOSLAVIA pointed out that the Council was called upon to take decisions on extremely important questions under the presidency of the representative of a Government which was not recognized by nearly half the members of the Council. He proposed that the Council should adjourn until it was in a position to deal with the USSR draft resolution, which was a preliminary question since it concerned the very membership of the Council. He made this proposal in accordance with his Government's position on the Chinese question, which had been clearly stated during the fourth session of the General Assembly. It was well known that his Government recognized the new Government of China and did not recognize the former Government.

The representative of the UNITED STATES OF AMERICA said that it was a matter of concern and regret that the representative of the USSR had seen fit to disregard rule 17 of the Council's provisional rules of procedure, which provided that any representative to whose credentials objection had been raised within the Council should continue to sit with the same rights as other representatives until the Council had decided the matter. With reference to the statement of the representative of Yugoslavia, the United States representative considered that the Council could proceed with its other business with complete propriety and legality. However, for other reasons which he stated, he was willing to postpone discussion of the item on the provisional agenda for that meeting.

The representative of the UNITED KINGDOM also considered that rule 17 was applicable. He could not accept the implication of the Yugoslav proposal that the Council could proceed with no other business until it had settled the question raised by the representative of the USSR. In the view of his Government the USSR proposal had been made prematurely. Not many Governments had recognized the new Government in China and therefore it might be precipitate on the part of the Security Council to attempt to take a definite decision in the near future.

The representative of ECUADOR said that his Government had not recognized the Government of communist China and maintained diplomatic relations with

the Nationalist Government. So long as that state of affairs remained unchanged, his delegation would have to take account of it and act accordingly. Other representatives had been correct in referring to rule 17, and he wished to suggest that the provisions of rule 20 might also be considered.

The representative of INDIA pointed out certain deficiencies in the rules of procedure of the Security Council relating to representation and credentials and suggested that the Council consider the question of amending them.

After further discussion, the Council adjourned without commencing the consideration of the item on the provisional agenda for the meeting.

The USSR draft resolution (S/1443) was the first item on the provisional agenda for the 460th meeting (12 January 1950). At the beginning of that meeting, the PRESIDENT (representative of China) stated that he had chosen to use his discretionary power under rule 20 and asked the representative of Cuba to preside during the consideration of that agenda item. Accordingly, the representative of Cuba took the chair.

The representative of YUGOSLAVIA pointed out that many Governments, including his own, had recognized the new Government of China. It had been argued that the USSR proposal was premature since five members of the Security Council continued to recognize the old regime. However, the number of Governments according diplomatic recognition to the new Government was growing because it had become patent that the sovereign will of the Chinese people had been expressed in the establishment of the Government of Mao Tse-Tung. There was no reason why the Council should not admit the consequence of an undeniable historic fact, even before an additional two of its members had recognized the new Government of China. The representative of Yugoslavia argued that recognition or non-recognition by individual Governments of Member States did not imply an analogous position in respect of representation in the Security Council. Considerations of a domestic or ideological character and other factors determining the attitude of individual States on the question of recognition should not be the basis of the Council's attitude. The Council could not continue to work effectively if the world's largest nation were represented by the delegation of a Government which the overwhelming majority of that people regarded as an enemy.

The representative of FRANCE considered that rule 17 applied precisely to the case in point, and the rights of the representative of China under that rule included the right to preside. The action of the representative of the USSR in leaving the Council table was open to very serious criticism and was not likely to strengthen the prestige of the Council and the United Nations. The representative of France analysed the obligations of members of the Council and concluded that it was difficult to understand how a member could avoid the exercise of a collective responsibility simply because his opinion had not been accepted. While the situation in China entailed problems which had not escaped the attention of the French Government, it had not, thus far, formulated its conclusions. In the circumstances, and in the absence of new instruction, the French

delegation would not challenge the validity of the credentials of the representative of China and would vote against the USSR draft resolution. He considered that proposal to be a matter of procedure, and therefore held that his negative vote should not be construed as constituting a veto.

The representative of the UNITED STATES OF AMERICA noted that the USSR draft resolution was directed at unseating Mr. Tsiang on the ground that his credentials were no longer valid because they emanated from a Government which the USSR no longer recognized. However, the United States Government recognized, as the Government of China, the Government which had accredited Mr. Tsiang to the Security Council. Therefore, his delegation considered that Mr. Tsiang's credentials remained valid and would vote against the USSR draft resolution. His Government considered that the USSR proposal presented to the Council a procedural question involving the credentials of a representative of a member and his negative vote could not be considered as a veto. He wished to make it clear that his Government would accept the decision of the Council on the matter when made by an affirmative vote of seven members.

The representative of INDIA again pointed out several defects in the rules dealing with representation and credentials. For instance, under the existing rules, different organs of the United Nations might determine questions of representation and credentials in a different way. To avoid confusion, it would be desirable to establish a single rule for all organs. Therefore, he suggested that a committee of the Council should draft amendments to the rules of procedure regarding representation and credentials.<sup>1</sup>

The representative of CHINA said that, when he had taken his seat in the Council, more than two years previously, his credentials had been duly certified to the Council as adequate. They had not been challenged until the USSR draft resolution had been presented. If the question before the Council was a matter of credentials, there could be no real question at all. Although the USSR draft resolution spoke of credentials, what it called into question was really the right of his Government to be represented at all. That was not a question of mere procedure but a political question of the utmost importance, and he would treat it as such.

He recalled that his delegation had submitted ample evidence to the fourth session of the General Assembly that the USSR, by giving military and economic aid to the Chinese communists, had brought the so-called Chinese People's Republic into existence. The Chinese people had not elected a single member of that regime. His own Government was based on a Constitution which had been drafted and adopted by a National Assembly of representatives of the Chinese people. It was responsible to a legislature, whose 700 members had been elected by the Chinese people. He cited the undertakings of the Soviet Union, in the Sino-Soviet Treaty of Friendship and Alliance of 1945, to render China moral support and assist it with military supplies and other material resources, it being understood that this support and assistance would go exclusively to the National Government as the Central Government of

<sup>1</sup> For subsequent discussion on this suggestion, see chapter 11.

China. The USSR draft resolution was, in itself, a violation of the Treaty of 1945, since it sought to win international recognition for the Peiping regime.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the prestige of the Security Council and the United Nations was being undermined by the attitude of the United States and the French delegations and of some other delegations which were transforming the Council into an organ comprising not only the official representatives of States members of the Security Council, but also private persons representing no one. The USSR delegation, because of the great significance it attached to the Security Council and because it realized the Council's responsibility in maintaining international peace and security, did not consider it possible to participate in the Council's work when the very basis of the authority and prestige not only of the Council, but of the United Nations as a whole, were being undermined. Taking note that the representative of the United States had advanced the thesis that the USSR was demanding the exclusion of the representative of the Kuomintang group because it had recognized the new Government of China and had broken off diplomatic relations with the Kuomintang group, the representative of the USSR denied that thesis and presented evidence that diplomatic recognition or non-recognition of a Government was not a decisive factor in determining its right to be represented on the organs of the United Nations, including the Security Council. In reality, the USSR was demanding the exclusion of the representative of the Kuomintang group from the Security Council on the ground that he represented neither China nor the Chinese people.

The USSR representative said that it was obvious that any reference to the rules of procedure in connexion with the matter under discussion was groundless and irrelevant. The point at issue was not whether the credentials of the representative of the Kuomintang group on the Council were or were not in order, but that the latter had no credentials at all and no legal right or reason to sit in the Security Council, because the Central People's Government of the People's Republic of China had urged his exclusion from the Council on the ground that his presence there was illegal. Rule 17 in no way applied to the case in point, and any references to it were merely feeble attempts to disguise all the odium of the position taken by the representatives of the United States, the United Kingdom and France. The USSR delegation had already drawn attention to the fact that, when half the members of the Security Council had broken off relations with the Kuomintang clique, it would be abnormal for the Council to continue its work under the presidency, and with the participation of, this Kuomintang clique. The Council should bear in mind the fact that, basing their attitude on international law, common sense and the existing political situation, six of the eleven members of the Security Council, including China, could not agree to the continued presence of the representative of the Kuomintang group in the Council. Some representatives had brought up the question of the nature of the voting in the Council on this matter. The fact was that the substance of the problem was not one of voting; but that it was illegal for the representative of the Kuomintang group to

remain in the Council because he represented neither China nor the Chinese people. Any participation on his part in the voting would be illegal and would have no juridical value, for the Government of the People's Republic of China, which represented China and the Chinese people in the international field and in their relations with other States, considered his presence in the Council illegal and insisted upon his exclusion. That was an entirely new and special problem not covered by the rules of procedure.

The sole criterion which must guide the Council, the USSR representative continued, was the will of the Government which represented China and the Chinese people in international affairs. That Government was the Central People's Government of the People's Republic of China and its will was clearly expressed in the telegram from its Foreign Minister. References to the rules of procedure were intended to prolong the illegal presence of the Kuomintang agent in the Security Council. These were the tricks resorted to by those who had suffered a complete political defeat in supporting the bankrupt reactionary Kuomintang clique, hateful to the Chinese people. The review of the Council's rules of procedure, mentioned by the representative of India, obviously had nothing to do with that matter. In reality, the Council was considering an extremely important international question, and its prestige and authority would depend on the way in which it was solved. The representative of the USSR said that he would pay no attention to the slanderous fabrications of the Kuomintang spokesman who represented no one.

The representative of the UNITED KINGDOM reaffirmed that his Government considered that it was premature to discuss the USSR draft resolution before even a majority of the members of the Security Council had recognized the new Government in China.

At the 461st meeting (13 January 1950), the representative of ECUADOR said that his Government would recognize the right of the Nationalist Government of China to be represented in the Security Council, so long as there was no change in the status of the relations between the two Governments, which he had described at the 459th meeting. This position was in no way incompatible with compliance with any resolution which the Council might adopt.

Turning to some of the arguments which had been advanced during the debate, the representative of Ecuador examined certain aspects of the question of recognition in international law. He said that it might well be that a State or Government could exist *de facto* independently of recognition by other States; but if that State were to enter into international relationships, then custom and law required its recognition by other States and the establishment of diplomatic relations. Recognition was not automatic or irrevocable, and it was not enough for a Government to proclaim that it was the sole representative of its people. Other Governments must recognize it in that capacity and act accordingly. He noted that, while devoting some attention to the question of credentials, the representatives of the USSR and China both seemed to consider that the question under consideration was not, in fact, a question of credentials. However, credentials had been received for the representative of China, certi-

fied by the Secretary-General as valid and accepted by the Council. Whatever important considerations were involved and whatever motives there might be for unseating a representative, it would be absolutely indispensable first to withdraw recognition of his credentials.

The representative of Ecuador pointed out that other organs of the United Nations would use their own judgment in this question and would follow their own rules and their own voting procedures. Therefore, the Council should not take a precipitate decision which might differ from the decisions of other organs. Since many States were still considering the situation, the Council should let things develop until a clearer majority could be obtained for a definite proposal, both in the Council and in other organs.

The representative of EGYPT drew attention to rule 13, which imposed on members of the Council the obligation to be represented at meetings of the Council by an accredited representative. Similar responsibilities arose from general considerations of efficiency and order, as well as from the Charter itself. He considered that one of the principal responsibilities of the Members of the United Nations was that of attending and participating in the work of the various organs. This applied particularly to members of the Security Council, which, by the terms of the Charter, was in permanent session.

The Acting President, speaking as the representative of CUBA, considered that the USSR draft resolution bore not only upon the validity of the credentials but also upon the very representation of a Member State. He referred to resolutions 291 (IV) and 292 (IV) dealing with the situation in China which the General Assembly had adopted at its fourth session. The USSR draft resolution would lead the Security Council to resolve indirectly, or to consider as already resolved, a problem which was under consideration in another organ of the United Nations, in accordance with resolution 292 (IV). His delegation felt that it would be premature and inappropriate for the Security Council to take a decision on the status of the delegation of China. Together with a majority of the Members of the United Nations, the Cuban Government recognized the Nationalist Government of China. Therefore, the Nationalist Government was legitimately represented in the Security Council. If the Council acted differently, it would be transformed into a body whose function was to accept and legalize factual situations without even considering how those situations had come about.

**Decision:** *At the 461st meeting on 13 January 1950, the USSR draft resolution was put to the vote and was not adopted, having failed to obtain the affirmative votes of seven members. The result of the vote was 3 in favour (India, USSR, Yugoslavia), 6 against and 2 abstentions (Norway, United Kingdom).*

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that, by supporting the illegal presence of the representative of the Kuomintang clique in the Security Council, the United States had placed its political and military interests above the interests of peace and international co-operation. However, history taught that backward and reactionary

policies which clung to obsolete things were bound to fail. He declared that the USSR delegation would not participate in the work of the Security Council until the representative of the Kuomintang group, who was illegally occupying a seat in that organ of the United Nations, had been removed from membership in the Council. His presence there was undermining the prestige and authority of the Security Council and of the United Nations as a whole. As a result, the Security Council was being transformed into an organ whose decisions could not be considered legal in those circumstances. Therefore, the USSR would not recognize as legal any decision of the Security Council adopted with the participation of the representative of the Kuomintang group and would not deem itself bound by such decisions. The representative of the USSR then left the Council chamber.

### C. Proceedings following the withdrawal of the representative of the USSR

The representative of YUGOSLAVIA pointed out that only five votes had favoured the continued representation of the former Government of China. In the circumstances, he questioned whether it was reasonable that the representative of China should continue to preside. He submitted the following draft resolution (S/1448/Rev.1):

*"The Security Council,*

*"Considering the serious objections raised against the validity of the credentials of the present Chinese representative to the Security Council,*

*"Decides to suspend rule 18 of the provisional rules of procedure of the Council;*

*"Invites the representative of Cuba to take over the Presidency of the Council immediately, and to preside until 28 February 1950;*

*"Decides to return to the application of rule 18 of the provisional rules of procedure of the Council on 1 March 1950."*

The representative of FRANCE replied to the arguments which had been advanced against the application of rule 17. He opposed the Yugoslav proposal, since the right to hold the Presidency was included in the rights which rule 17 preserved for representatives to whose credentials objection had been made. The representative of France again challenged the right of the USSR delegation to refuse to co-operate with the Security Council.

The representative of the UNITED STATES OF AMERICA expressed the regret of his Government that the USSR was unwilling to abide by the Charter and that it had chosen to violate the Council's rules of procedure. He considered that the United Nations was strong enough to withstand such tactics. Calling attention to Article 28 of the Charter, he said that the absence of a permanent member in no way diminished the Council's powers or its authority to act. The absence of the USSR representative could not be permitted to prevent the Council from fulfilling its obligations under the Charter. The work of the United Nations was too important to the people of the world to be imperilled at the whim of a member motivated by malice or a desire for propaganda. Its strength should

not be permitted to be dissipated by a gesture of contempt for its orderly processes. He noted that only one of the five States represented on the Security Council which did not recognize the Government represented by Mr. Tsiang refused to accept the decision of the Council taken in accordance with the Charter and the rules of procedure. He hoped that a decent sense of respect for the United Nations and the work before the Council would soon restore the representative of the USSR to his place.

The ACTING PRESIDENT said that, in view of the vote on the USSR draft resolution, he felt that the Council had decided to close the matter for the consideration of which the representative of China had used his discretionary powers under rule 20 to relinquish the chair.

After the representative of CHINA had resumed the presidency, the Council commenced its consideration of the next item on the agenda, pending circulation of the Yugoslav draft resolution (S/1448/Rev.1).

At the 462nd meeting (17 January 1950), the representative of YUGOSLAVIA emphasized that only five members of the Security Council had voted to maintain the present Chinese representation; he considered that the Council's authority would be impaired if the presidential powers were exercised by the Head of a delegation whose credentials had been challenged in that manner.

The representative of CUBA said that adoption of the Yugoslav proposal would involve the suspension not only of rule 18, but also of rule 17. The Yugoslav proposal raised again the question of the rights enjoyed by the representative of China, following the objection to his credentials. At the 461st meeting, the USSR draft resolution on the question had been rejected; consequently, the credentials of the representative of China remained valid.

The representative of ECUADOR recalled that he had suggested the application of rule 20 before the USSR delegation had taken any final stand, in the hope that such a procedure would facilitate the Council's work. However, in view of recent developments, which would not be altered even by the adoption of the Yugoslav proposal, he was not in a position to vote for it.

**Decision:** *At the 462nd meeting on 17 January 1950, the Yugoslav draft resolution (S/1448/Rev.1) was put to the vote and rejected, receiving one vote in favour (Yugoslavia) and 6 against, with 3 abstentions (India, Norway, United Kingdom) and one member absent (USSR).*

A cablegram dated 20 January 1950, bearing the signature of the Minister of Foreign Affairs of the People's Republic of China, informed the Secretary-General and the Members of the United Nations and the Security Council that his Government had appointed Chang Wen Tien as Chairman of its delegation to attend the meetings and to participate in the work of the United Nations, including the meetings and work of the Security Council. He asked when the Kuomintang representative would be expelled from the United Nations and from the Security Council, and when the delegation of the People's Republic of China could participate in the work of the United Nations and the Security Council. A cablegram dated 3 February 1950,

bearing the signature of the Vice-Minister of Foreign Affairs of the People's Republic of China, protested against the continued presence of the Kuomintang representative in the Security Council. At the request of the representative of Yugoslavia, the two communications were circulated as official documents of the Security Council (S/1462).

During the month of February 1950, the Secretary-General requested the preparation of a confidential memorandum on the legal aspects of the problem of the representation of States in the United Nations. Some of the representatives on the Security Council asked to see the memorandum and references to it appeared in the Press. On 8 March, the Secretary-General informed the President of the Council that he felt it appropriate that the full text be made available to all members of the Council. Accordingly, he circulated the memorandum (S/1466) to all members and released it to the Press.

The memorandum stated that the primary difficulty in the current question of the representation of Member States in the United Nations was that the question of representation had been linked up with the question of recognition by Governments of Member States. After arguing that the linkage was unfortunate from the practical standpoint, and wrong from the standpoint of legal theory, the memorandum concluded that the proper principle could be derived by analogy from Article 4 of the Charter. Article 4 required that an applicant for membership must be able and willing to carry out the obligations of membership. The obligations of membership could be carried out only by Governments which, in fact, possessed the power to do so. Where a revolutionary government presented itself as representing a State, in rivalry to an existing government, the question at issue should be which of these two governments in fact was in a position to employ the resources and direct the people of the State in fulfilment of the obligations of membership. In essence, this meant an inquiry as to whether the new government exercised effective authority within the territory of the State and was habitually obeyed by the bulk of the population. If so, the memorandum stated, it would seem to be appropriate for the United Nations organs, through their collective action, to accord the new government the right to represent the State in the Organization, even though individual Members of the Organization refused, and might continue to refuse, to accord that government recognition as the lawful government for reasons which were valid under their national policies.

On 13 March, the representative of CHINA lodged his Government's formal protest (S/1470) against the Secretary-General's memorandum (S/1466), which the representative of China considered to be an attack on China's United Nations front and would, in time, be recognized as an attack on the cause of freedom throughout the world. After analysing the political errors which he considered the document involved, he replied to the legal arguments it advanced and concluded that recognition and representation were based on similar considerations and that the linkage between the two was natural and inevitable. If the Secretary-General wished to institute the inquiry to which he had referred, the only possible procedure consistent

with the principles of the Charter was a fair and free election. The communist regime did not have the support of the Chinese people, who regarded it as a puppet regime. The representative of China considered that the question of Chinese representation could not be held to "threaten the maintenance of international

peace and security" within the meaning of Article 99 of the Charter, the only Article that assigned a sphere of political action to the Secretary-General. For these reasons, he concluded that the Secretary-General had intervened against the interests of China on the basis of bad politics and bad law.

## Chapter 11

### Amendments to the provisional rules of procedure of the Security Council

By a letter dated 13 January 1950 (S/1447), the representative of INDIA submitted to the Security Council two amendments to the provisional rules of procedure of the Security Council concerning representation and credentials of members of the Security Council. The text of the amendments reads as follows:

In rule 13, before the last sentence, insert the following:

"The credentials shall be issued either by the Head of the State or the Government concerned or by its Minister of Foreign Affairs."

After rule 17 insert the following as rule 17A:

"Where the right of any person to represent, or to continue to represent, a State on the Security Council, or at a meeting of the Security Council, is called in question on the ground that he does not represent, or has ceased to represent, the recognized Government of that State, the President of the Council shall, before submitting the question to the decision of the Council, ascertain (by telegraph if necessary) and place before the Council, so far as available, the views of the Governments of all the other States Members of the United Nations on the matter."

The Council, at its 462nd meeting (17 January 1950) referred the proposal of India to its Committee of Experts for study and report.

The Committee of Experts, on 14 February, submitted its report (S/1457 and Corr.1) to the Security Council. In the opinion of the Committee, the first amendment proposed by the representative of India should be incorporated in the provisional rules of procedure of the Security Council. The Committee felt that it should be left to the Council to decide whether

to adopt that amendment to rule 13 immediately or to defer it till a later date.

With regard to the proposed rule 17A, the Committee agreed with the representative of India that it would be desirable to establish a uniform procedure which could be adopted by all the organs of the United Nations in order that the possibilities of adopting conflicting decisions might be minimized. It was the opinion of the majority that the question was of such a nature that the General Assembly should be the organ of the United Nations to initiate the study and to seek uniformity and co-ordination with regard to the procedure governing representation and credentials. The Committee had, however, accepted the basic assumption that the right of the Security Council to deal with any issue relating to the representation or credentials of its members was not open to question. The Committee therefore considered that the Council should not, for the moment, take any decision on the proposed amendment to rule 17 of the provisional rules of procedure of the Security Council.

At the 468th meeting (28 February 1950) the Council considered the report of the Committee.

**Decisions:** *With regard to the proposed amendment to rule 13, the Security Council at the 468th meeting on 28 February 1950 accepted the suggestion of the representative of the United States of America that the English text should read: "Credentials shall be issued either by the Head of the State or of the Government concerned or by its Minister of Foreign Affairs." The Council decided to adopt that amendment immediately.*

*With reference to the proposed rule 17A, the Council endorsed the conclusions of the Committee of Experts.*

## Chapter 12

### Appointment of a rapporteur or a conciliator for a situation or dispute brought to the attention of the Security Council

In a letter dated 13 May 1949 (S/1323), the Secretary-General transmitted to the Security Council

the text of resolution 268 B (III) adopted by the General Assembly on 28 April 1949 regarding the

appointment of a rapporteur or conciliator for a situation or dispute brought to the attention of the Security Council.

At the 472nd meeting of the Council (24 May 1950), the PRESIDENT stated that the General Assembly's resolution would not involve making a general rule of a practice to which the Council had had recourse in the cases of Palestine and Kashmir. Nor would it involve establishing a procedure which would remove an item from the Council's agenda and would precede or follow the discussions in the Council. Discussion of the resolution in the General Assembly had indicated a desire to avoid any conflict or overlapping with the existing procedure and to avoid establishing any rigid rules. Recalling previous cases in which the President of the Council had already exercised his powers of conciliation, he pointed out that it sometimes took longer than a President's term of office to settle a dispute or to clarify a situation. Moreover, the parties to the dispute might wish to have the help of some member of the Council other than the President. The Assembly resolution meant that the President would be asked to encourage the parties to agree upon the appointment of a member of the Council who might be the President himself or any other member. Upon appointment the member would carry out his work independently of his office, if he was President, and even independently of his membership of the Council.

The representative of the UNITED KINGDOM, recalling the valuable experience of the League of Nations with regard to use of a rapporteur or conciliator, said that the proposed procedure did not conflict with any existing practice. Too rigid or inflexible a rule should be avoided, however, since there might be cases in which resort to that particular procedure might be unnecessary or even undesirable. It would be useful if the Security Council could accept the practice as the normal procedure from which it would not depart without good reason.

The representative of the UNITED STATES OF AMERICA, associating himself with the remarks made by the President and the representative of the United Kingdom, pointed out that the General Assembly's recommendation would not involve new procedure for the Council since rule 28 of its provisional rules of procedure contained a provision for the appointment of a rapporteur.

The representative of EGYPT expressed his Government's support for the general objective of the resolution of the Assembly. However, care must be taken to avoid attitudes and actions which might make the work of the Council less rather than more efficient, or which might not accord with the letter or the spirit of the Charter of the United Nations. He entertained doubts regarding some of the terms employed in the General Assembly recommendation and felt that the Council should take more time to examine the matter.

The representative of CHINA also supported the principle embodied in the General Assembly resolution. The Council might well accept that recommendation in principle without formalizing and drawing up detailed regulations regarding it. He considered that the Security Council should always remain its own master in

regard to procedure when a dispute was brought before it.

The representative of ECUADOR, reviewing the work of the Interim Committee which had resulted in adoption of the General Assembly resolution, regretted the absence of the USSR delegation, which, during discussion of the matter in the *Ad Hoc* Political Committee and in the General Assembly had considered that the purpose of the proposal adopted by the Assembly was to diminish the functions, powers and responsibilities of the Security Council. He emphasized that there was no question of diminishing those functions, and that the General Assembly's recommendation was a preliminary measure intended to help and prepare the way for the work of the Council. He agreed that it was not absolutely necessary to resort to the measures proposed in every situation brought to the attention of the Council. There was therefore no reason to include the recommendation in the Council's provisional rules of procedure. In conclusion, he said that it would be advisable if the procedure could come into force when the Council had the full representation provided by the Charter.

The representative of YUGOSLAVIA recalled that his delegation's main objection to the General Assembly resolution during the discussion in the Assembly had been that the proposal would involve renunciation by the Security Council of some of its prerogatives in favour of the representative of a single country, not as an exceptional procedure or a measure decided upon in a particular case, but as a normal procedure, which the Council would have to follow before having examined the substance of the question and the nature of the dispute brought before it. His delegation continued to hold that view, and he consequently agreed with the Egyptian representative that more time should be devoted to the study of the recommendation. He suggested that the Council might take note of the General Assembly resolution without taking a position on the question as to when the recommendation would be followed and when it could not be followed.

The representative of NORWAY associated himself with the approval expressed by most of the preceding speakers with regard to the idea embodied in the General Assembly resolution. He favoured general adherence to the recommended procedure.

The representative of INDIA, reiterating his Government's support of every effort to improve the method and procedure of pacific settlement of disputes, stated that his Government would give its continued support to the principles embodied in the recommendation of the General Assembly.

The President, speaking as the representative of FRANCE, said that if the matter were one of subscribing to the terms of the recommendation or of replacing them by a different text better suited to the Council's purpose, he would also ask for time for further consideration. He did not think that the Council was obliged to go into such detail, however, and stated that the Council should reserve the possibility of resorting to the recommended practice whenever it appeared useful and timely to do so.

He therefore submitted a draft resolution (S/1486) which, taking note of General Assembly resolution

268 B (III) of 28 April 1949, stated that the Security Council decided, should an appropriate occasion arise, to base its action on the principles set forth in that resolution.

**Decision:** *At the 472nd meeting on 24 May 1950, the draft resolution submitted by the representative of France (S/1486) was adopted unanimously, one member (USSR) being absent.*

## Chapter 13

### Travelling expenses and subsistence allowances of alternate representatives on certain Security Council commissions

By a letter dated 17 June 1949 (S/1338), addressed to the President of the Security Council, the representatives of Australia, Belgium, Colombia and France recalled that the General Assembly, by its resolution 231 (III) of 8 October 1948, had decided that the travelling expenses and subsistence allowances of alternates for the representatives of any Members participating in a commission of inquiry or conciliation instituted by the Security Council should be payable out of United Nations funds if the organ concerned decided that such an alternate was necessary. That need had arisen in the Commission of Inquiry concerning Greek Frontier Incidents, in the Committee of Good Offices—subsequently the United Nations Commission for Indonesia—and in the United Nations Commission for India and Pakistan. A joint draft resolution was submitted which called for recognition of that need by the Security Council.

The question was considered by the Security Council at its 432nd meeting (27 July 1949), when the representative of the UNITED STATES OF AMERICA pointed out that the Commission of Inquiry concerning Greek Frontier Incidents, having gone out of existence prior to the adoption of General Assembly resolution 231 (III), would not come within the terms of the joint proposal.

The representative of the UNITED KINGDOM concurred with that view and stated that his delegation would support retroactive payment in respect of the other commissions.

The representative of FRANCE, explaining the purpose of the draft resolution, stated that it was proper that the United Nations budget should bear the expenses of the principal representatives participating in commissions of inquiry or conciliation. Those representatives were delegated by the Security Council or the General Assembly and any other solution would create inequality between Members of the United Nations, and might soon result in the smaller and poorer countries refusing to participate in common tasks for fear of being unable to bear the financial burden involved. In the particular cases envisaged in the draft resolution, the same reasons applied in so far as alternates were concerned. Regarding the interpretation of the General Assembly resolution, however, he agreed that the Commission of Inquiry concerning Greek Frontier Incidents would not come under that resolution.

The representatives of ARGENTINA and CANADA supported the joint proposal. The representative of

CANADA felt that the General Assembly resolution in question should be interpreted as meaning that reimbursement of expenses to alternates was an exception to the general rule. However, in view of the heavy duties laid upon the Commissions for Indonesia and for India-Pakistan, his delegation felt that for those Commissions, alternate representatives had been and still were essential.

At the suggestion of the representative of ARGENTINA, the PRESIDENT invited the representative of Belgium to the Council table to present his delegation's views.

The representative of BELGIUM stated that his delegation would agree to having the reference to the Commission of Inquiry concerning Greek Frontier Incidents deleted from the draft resolution. Endorsing the arguments put forth by the representative of France, he asked why there should be two different systems of reimbursement and why Governments participating in commissions set up by the Security Council should be subject to a system clearly less favourable than that applied to Governments participating in commissions set up by the General Assembly. Pointing out that his Government had participated and was participating in the three commissions mentioned in the draft resolution, he stated that the sum spent by his Government for that purpose was large and was gradually becoming too large. If such a discriminatory procedure continued to be applied systematically, some Governments might become reluctant to participate in commissions established by the Council.

The President, speaking as the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC, opposed the joint proposal as being completely unjustified since the purpose of the General Assembly resolution of 8 October 1948 had clearly been to discourage the sending of alternate representatives. That resolution made it clear that only in exceptional cases, and in accordance with a specific decision of the organ concerned, namely the Security Council or the General Assembly, would alternates be paid. The delegations submitting the joint proposal were thus placing the United Nations before a *fait accompli*. The matter should have been raised when the questions of Indonesia, Greece and India-Pakistan had arisen. Moreover, the countries concerned, which had had a perfect right to refuse to participate, should be willing to shoulder the financial burden of such an honour since they had accepted the obligation to take part in the commissions.

The representative of CHINA supported the joint proposal.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the relevant paragraph of General Assembly resolution 321 (III) made it clear that, as a rule, the expenses of representatives only would be reimbursed, and that only in exceptional cases and in accordance with the specific decision of the organ concerned would the expenses of alternates be reimbursed. As the expenditures for which the four States were claiming reimbursement retroactively had not been authorized by specific decisions of the organs concerned, their claim was unwarranted and could not be met by the Council.

At the 447th meeting (16 September 1949), the Council resumed consideration of the matter. After a

short discussion, on the suggestion of the representative of CANADA, the representative of FRANCE agreed to consult with the other sponsors of the joint draft resolution regarding the deletion of its reference to the Commission of Inquiry concerning Greek Frontier Incidents.

At the 448th meeting (27 September 1949), the representative of FRANCE submitted an amendment (S/1395) deleting that reference.

**Decision:** *Following some discussion at the 448th meeting on 27 September 1949, the joint draft resolution submitted by the representatives of Australia, Belgium, Colombia and France, as modified (S/1401), was put to the vote and adopted by 7 votes to one (Ukrainian SSR) with 3 abstentions (Cuba, Egypt, USSR).*

## Chapter 14

### Future costs of United Nations military observers in Indonesia

By a cablegram dated 5 August 1949 (S/1366), addressed to the President of the Security Council, the Consular Commission in Batavia requested that the United Nations assume future costs of allowances of the military observers in Indonesia.

At the 448th meeting (27 September 1949), the representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC contended that the United Nations should not incur any unnecessary expenditure and inflate its budget. Reviewing the agreements concluded between Indonesia and the Netherlands as well as the series of Security Council decisions regarding a cease-fire, he stated that the Netherlands Government refused to abide by those agreements and decisions. All this had been done despite the fact that the Consular Commission had been in Batavia at the time. Again, the Consular Commission had not carried through the orders of the Security Council regarding the cessation of military activities following military operations launched at the end of 1948. He considered that if costs were to be paid, they should be paid by the States which were responsible for such a policy and which had their observers in Indonesia.

The representative of ARGENTINA supported the request of the Commission.

The President, speaking as the representative of the UNITED KINGDOM, also supported that request, stating that inasmuch as the observers had been placed under the instructions and command of a United Nations organ, their expenses should come from the funds of the United Nations.

At the request of the representative of the UNION OF SOVIET SOCIALIST REPUBLICS, the PRESIDENT gave some figures regarding the number and nationality of observers.

The representative of the UNITED STATES OF AMERICA emphasized that the proposal did not affect the

question of the budget since that matter had been taken care of by General Assembly resolution 252 (III). Since the United States contributed a large proportion of whatever sums the United Nations voted to spend, the largest share of the burden would fall upon the United States.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS asked why the question of the payment of allowances of observers in the future was being raised when an armistice had been concluded and when, according to rumours from The Hague, matters were proceeding smoothly. It appeared that military operations might be in question.

At the 449th meeting (5 October 1949), the ASSISTANT SECRETARY-GENERAL IN CHARGE OF THE DEPARTMENT OF SECURITY COUNCIL AFFAIRS stated that travel and subsistence allowances were currently paid to military observers in most of the United Nations political commissions which were in need of such assistance. The fact that such payments had not been made so far to the United Nations Commission for Indonesia was due only to the absence of a request from the Commission to that effect. He suggested that it might facilitate the task of the Council if the matter were left to the Secretary-General, to be dealt with as a purely administrative question in harmony with procedures which had been laid down for all commissions.

The PRESIDENT suggested that the Council might merely transmit the matter to the Secretary-General.

The representative of CANADA supported the views of the President.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that expenditure on the maintenance of the so-called military observers in Indonesia, chosen and appointed unilaterally by the so-called Consular Commission without consultation

with or participation by the Security Council, was not justified. His delegation could not support a proposal to that effect.

The PRESIDENT pointed out that, under the Council's resolution of 28 January 1949, the Consular Commission was requested to provide military observers for the United Nations Commission for Indonesia. One of the purposes in referring this communication to the Secretary-General was to have him, as chief administrative officer of the United Nations, take the decision as to the future payment of military observers. These observers had not been appointed unilaterally, as alleged, but on the authority of the United Nations under a Security Council decision.

The representative of CUBA proposed that the Security Council should agree to transmit the message from the Consular Commission to the Secretary-General.

The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC considered that the step proposed by the representative of Cuba was not in order in view of the differences of opinion that had arisen in the Security Council. A large proportion of the observers in Indonesia were maintained by the United States and Australia. There was no reason why the expenses of those observers, which had thus far been paid by those Governments, should now be paid by small nations. In point of fact, those observers were serving certain specific interests of the States of which they were nationals and he saw no reason for paying for information destined for the United States. His delegation was opposed to paying for the expenses in-

curred by those observers and considered that their activities should cease.

The representative of NORWAY pointed out that the new proposal would actually cost the United States more than it had cost to pay the expenses of its own observers. Emphasizing the necessity of military observers at a time when negotiations were proceeding favourably, he stated that in his delegation's opinion it was his Government's duty to pay its share as a Member of the Organization.

The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the Council's resolution of 28 January, referred to by the President, had been forced upon the Security Council by those interested in raw materials in Indonesia and in putting down the national liberation movement in that country. The paragraph on observers had been intended to maintain the corps as it had been selected and appointed without the Council's participation. The USSR delegation had not voted for that resolution and did not consider that the observers for Indonesia had been legally appointed. Nor could it agree to evading the question by having it referred to the Secretary-General. In view of the part they had played in crushing the Indonesian Republic, it was clear that the military observers could not ensure impartial military observation. The costs which it was proposed to impose upon the United Nations for their maintenance would therefore be not only useless but harmful.

**Decision:** *At the 449th meeting on 5 October 1949, the draft resolution submitted by the representative of Cuba (S/1404) was adopted by 9 votes to one (Ukrainian SSR) with one abstention (USSR).*

## Part IV

### THE MILITARY STAFF COMMITTEE

#### Chapter 15

#### Work of the Military Staff Committee

##### A. The status of work of the Military Staff Committee

Since the dispatch of letters dated 6 and 16 August 1948 to the Security Council (MS/417 and MS/420) indicating the inability of the Military Staff Committee to agree upon the question of its future work, as reported in the last annual report (A/945), the Military Staff Committee has continued to hold its regular meetings but without further progress on matters of substance.

##### B. Committee meetings

The Military Staff Committee has been functioning continuously under its draft rules of procedure during the period under review and has held a total of twenty-six meetings.

##### C. Withdrawal of the USSR delegation from the 120th meeting

On 19 January 1950, the delegation of the Union of Soviet Socialist Republics withdrew from the 120th meeting of the Military Staff Committee when that Committee, by a majority vote, decided that a USSR proposal challenging the right of representation of the Chinese delegation on the Military Staff Committee could not be discussed by that Committee since the matter fell within the competence of the Security Council. The Committee continued its meeting and completed the items on the agenda. A letter (MS/513) was sent to the President of the Security Council informing him of the development that had taken place at that meeting.

Since its withdrawal from the 120th meeting, the delegation of the USSR has not attended any of the thirteen subsequent meetings of the Committee. The other four delegations were represented at all meetings.

## Part V

# MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT DISCUSSED IN THE COUNCIL

## Chapter 16

### The Question of the Free Territory of Trieste

Following the Security Council's consideration of this question during July and August 1948, as described in the Council's last annual report to the General Assembly (A/945), the representative of Yugoslavia on 5 July 1949 forwarded to the Secretary-General a letter (S/1348) from his Government concerning a loan agreement concluded on 1 July 1949 between the Military Administration of the Yugoslav Army for the Yugoslav Zone of the Free Territory of Trieste and the Government of the Federal People's Republic of Yugoslavia. On 14 July, the representatives of the United States of America and the United Kingdom transmitted to the Secretary-General the texts of notes (S/1350, S/1351 and Corr.1) from their Governments to the Yugoslav Government. In those notes the charge was made that the loan was aimed at replacing the medium of exchange of the Zone with Yugoslav dinars

and represented a move toward further integrating the Yugoslav Zone into the Yugoslav economy.

Three quarterly reports have been transmitted to the President of the Security Council by the representatives of the United Kingdom and the United States of America from the Administration of the British-United States Zone of the Free Territory of Trieste. The report submitted on 11 August 1949 (S/1374) covered the period 1 April to 30 June; that of 30 November 1949 (S/1424) covered the period 1 July to 30 September; and that of 22 March 1950 (S/1473) covered the period 1 October to 31 December 1949. The representative of Yugoslavia, on 6 March 1950, transmitted to the President of the Security Council the annual report (S/1467) of the Yugoslav Army Military Government on the Administration of the Yugoslav Zone of the Free Territory of Trieste for the period 15 September 1948 to 15 September 1949.

## Chapter 17

### Strategic Areas under Trusteeship

As indicated in chapter 11 of the last annual report (A/945), the Security Council adopted, at its 415th meeting on 7 March 1949, a resolution defining the respective functions of the Trusteeship Council and the Security Council with regard to strategic areas under trusteeship. In accordance with that resolution the Acting Secretary-General transmitted to the President of the Security Council on 28 July 1949 the report (S/1358) of the Trusteeship Council on the exercise of its functions in respect of strategic areas under trusteeship.

On 6 March 1950 the Secretary-General transmitted to the President of the Security Council the report (S/1464) received from the representative of the United States of America on the administration of the Trust Territory of the Pacific Islands for the period from 1 July 1948 to 30 June 1949.

Also in accordance with the terms of the Security Council resolution of 7 March 1949, the Secretary-General, in a letter (S/1493) dated 6 June 1950 to the President of the Security Council, advised the Council of all petitions received from or relating to strategic areas under trusteeship.

## Part VI

# MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT PLACED ON THE AGENDA

## Chapter 18

### Communications received from the Organization of American States

During the period under review, a number of communications were received by the Secretary-General for the information of the Security Council from various agencies of the Organization of American States.

#### A. The situation between Cuba and Peru

On 7 September 1949, the Chairman of the Inter-American Commission for Peace informed (S/1390) the Security Council that the Government of Cuba, on 3 August 1949, had requested the Commission's good offices in solving the situation between Cuba and Peru resulting from the granting of asylum to two Peruvian citizens by the Cuban Embassy at Lima. Since those two persons had left the Cuban Embassy on 14 August 1949, the Cuban Government had informed the Commission that it was not necessary for any action to be taken on the matter.

#### B. The situation in the Caribbean

On 4 August 1949, the Chairman of the Inter-American Commission for Peace addressed a letter to the representatives of States members of the Organization of American States requesting information and suggestions which would assist the Commission in undertaking a study, requested by the representative of the United States of America, of the situation in the Caribbean. The text of that letter (S/1389) was communicated to the Secretary-General on 7 September 1949 by the Chairman of the Commission, who stated that it had been examining the replies received concerning the question at issue and hoped to reach conclusions shortly.

On 15 September 1949, the Chairman of the Commission transmitted the text (S/1407) of the "Conclusions of the Inter-American Commission for Peace regarding the Caribbean situation" in which the Commission solemnly reaffirmed certain standards and principles basic for American peace and solidarity, principles and standards whose proper observance would, in the Commission's opinion, not only keep such a situation as the one under consideration from arising, but avert even the slightest symptom of disturbed relations among the American States.

#### C. Cases submitted by the Governments of Haiti and the Dominican Republic

At a special meeting of the Council of the Organization of American States held on 6 January 1950, the Council took cognizance of a note presented on 3 January by the delegation of Haiti requesting that the Organ of Consultation be convoked in conformity with the Inter-American Treaty of Reciprocal Assistance, and also of a note presented at the meeting by the delegation of the Dominican Republic. The Council decided at that meeting to constitute itself provisionally as the Organ of Consultation and to appoint a committee to investigate on the spot the events, and the antecedents thereof, mentioned in the notes of Haiti and the Dominican Republic.

On 13 March 1950, the Investigating Committee reported to the Organ of Consultation its findings and recommendations relative to the petition of the Dominican Republic concerning the same situation in the Caribbean resulting from the support given by some governmental authorities to revolutionary movements and exile groups, with particular reference to the acquisition of armaments by groups in Cuba and Guatemala for the purpose of attacking the territory of the Dominican Republic. On 8 April the Council of the Organization adopted several decisions on the basis of the report of the Committee of Investigation declaring, *inter alia*, that the danger to international peace that might have arisen from the events affecting relations between Haiti and the Dominican Republic had fortunately been dispelled and that there had formerly existed within Cuba and Guatemala armed groups animated by the purpose of overthrowing by force the Government of the Dominican Republic; and resolving to appoint a committee of five to acquaint itself with the manner in which the Council's resolutions were carried out and to assist the interested parties in complying with the resolutions.

Those activities of the Council of the Organization of American States were outlined in a letter (S/1492) dated 23 May 1950 from its Chairman to the Secretary-General enclosing the report of the Investigating Committee of the Organ of Consultation and the Council's decisions.

## **Chapter 19**

### **Panel for Inquiry and Conciliation**

At the 199th plenary meeting of the General Assembly on 28 April 1949, resolution 268 D (III) was adopted providing for the establishment of a list of persons deemed to be well fitted to serve as members of commissions of inquiry or conciliation. In accordance with article 2 of the annex to that resolution, the Secretary-General, in letters dated 27 March (S/1476)

and 3 May 1950 (S/1476/Add.1) to the President of the Security Council, communicated lists of persons who had been nominated by Governments of Member States for inclusion in the panel.

Biographical information on these individuals has been made available for consultation in the Security Council Affairs Department of the Secretariat.

## APPENDICES

### I. Representatives, and Alternate and Acting Representatives accredited to the Security Council

The following representatives and alternate and acting representatives were accredited to the Security Council during the period covered by the present report:

#### *Argentina*

Dr. José Arce  
Dr. Rodolfo Muñoz

#### *Canada*

General the Hon. A. G. L. McNaughton  
Mr. R. G. Riddell  
Mr. Arnold Cantwell Smith

#### *China*

Dr. Tingfu F. Tsiang  
Dr. G. L. Hsia  
Dr. Shuhsi Hsu

#### *Cuba*

Dr. Alberto I. Alvarez  
Dr. Carlos Blanco  
Mr. Manuel G. Hevia  
Mr. José Miguel Ribas

#### *Ecuador\**

Dr. Homero Viteri Lafronte  
Dr. José A. Correa

#### *Egypt*

Mahmoud Fawzi Bey  
Mr. A. Farrag

\* Replaced Argentina, Canada and the Ukrainian SSR on the Security Council on 1 January 1950.

#### *France*

M. Jean Chauvel  
M. Guy de la Tournelle  
M. Francis Lacoste

#### *India\**

Sir Benegal N. Rau  
Mr. Copala Menon

#### *Norway*

Mr. Arne Sunde  
Mr. Ivar Lunde  
Mr. Bredo Stabell

#### *Ukrainian Soviet Socialist Republic*

Dr. Dmitri Z. Manuilsky  
Mr. Vaili A. Tarasenko  
Mr. Andrei I. Calagan

#### *Union of Soviet Socialist Republics*

Mr. Yakov A. Malik  
Mr. Semyon K. Tsarapkin

#### *United Kingdom of Great Britain and Northern Ireland*

Sir Alexander Cadogan  
Sir Gladwyn Jebb  
Sir Terence Shone

#### *United States of America*

The Hon. Warren R. Austin  
The Hon. Ernest A. Gross  
The Hon. John C. Ross

#### *Yugoslavia\**

Dr. Ales Bebler  
Mr. Jaksa Petric  
Mr. Djura 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:

#### *Ukrainian Soviet Socialist Republic*

Dr. Dmitri Z. Manuilsky (1 to 31 July 1949)

#### *Union of Soviet Socialist Republics*

Mr. Semyon K. Tsarapkin (1 to 31 August 1949)

#### *United Kingdom of Great Britain and Northern Ireland*

Sir Alexander Cadogan (1 to 30 September 1949)

#### *United States of America*

Mr. Warren R. Austin (1 to 31 October 1949)

#### *Argentina*

Dr. José Arce (1 to 30 November 1949)

#### *Canada*

General A. G. L. McNaughton (1 to 31 December 1949)

#### *China*

Dr. Tingfu F. Tsiang (1 to 31 January 1950)

#### *Cuba*

Dr. Carlos Blanco (1 to 28 February 1950)

#### *Ecuador*

Dr. Homero Viteri Lafronte (1 to 31 March 1950)

#### *Egypt*

Mahmoud Fawzi Bey (1 to 30 April 1950)

#### *France*

M. Jean Chauvel (1 to 31 May 1950)

#### *India*

Sir Benegal N. Rau (1 to 30 June 1950)

#### *Norway*

Mr. Arne Sunde (1 to 31 July 1950)

### III. Meetings of the Security Council during the period from 16 July 1949 to 15 July 1950

<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
		JULY 1949			DECEMBER 1949
431st	Admission of new Members	20	455th	The Indonesian question	12
432nd	Application of Liechtenstein to become a party to the Statute of the International Court of Justice	27	456th	The Indonesian question	13
	Travel expenses and subsistence allowances of alternate representatives on certain Security Council Commissions		457th	The India-Pakistan question	17
		AUGUST 1949	458th	The India-Pakistan question	29
433rd	The Palestine question	4	459th	The question of the representation of China on the Security Council	10
434th	The Palestine question	4	460th	The question of the representation of China on the Security Council	12
435th	The Palestine question	8	461st	The question of the representation of China on the Security Council	13
436th	Report of the Security Council to the (closed) General Assembly	10		Regulation and reduction of conventional armaments and armed forces	
437th	The Palestine question	11	462nd	Regulation and reduction of conventional armaments and armed forces	17
438th	Report of the Security Council to the (closed) General Assembly	15		Provisional rules of procedure of the Security Council	
		SEPTEMBER 1949		The question of the representation of China on the Security Council	
439th	Admission of new Members	7			FEBRUARY 1950
440th	Admission of new Members	9	463rd	The India-Pakistan question	7
441st	Admission of new Members	9	464th	The India-Pakistan question	8
442nd	Admission of new Members	13	465th	The India-Pakistan question	9
443rd	Admission of new Members	13	466th	The India-Pakistan question	10
444th	Admission of new Members	15	467th	The India-Pakistan question	24
445th	Admission of new Members	15	468th	The India-Pakistan question	28
	International control of atomic energy			Provisional rules of procedure of the Security Council	
446th	International control of atomic energy	16			MARCH 1950
447th	International control of atomic energy	16	469th	The India-Pakistan question	8
	Travel expenses and subsistence allowances of alternate representatives on Security Council commissions		470th	The India-Pakistan question	14
448th	Travel expenses and subsistence allowances of alternate representatives on Security Council commissions				APRIL 1950
	Future costs of the United Nations military observers in Indonesia	27	471st	The India-Pakistan question	12
		OCTOBER 1949			MAY 1950
449th	Future costs of the United Nations military observers in Indonesia	5	472nd	Appointment of a rapporteur or conciliator for a situation or dispute brought to the attention of the Security Council	24
	Regulation and reduction of armaments and armed forces				JUNE 1950
450th	Regulation and reduction of armaments and armed forces	11	473rd	Complaint of aggression upon the Republic of Korea	25
451st	Regulation and reduction of armaments and armed forces	14	474th	Complaint of aggression upon the Republic of Korea	27
452nd	Regulation and reduction of armaments and armed forces	18	475th	Complaint of aggression upon the Republic of Korea	30
453rd	Demilitarization of the Jerusalem area, with special reference to General Assembly resolution 194 (III) of 11 December 1948	25			JULY 1950
		NOVEMBER 1949	476th	Complaint of aggression upon the Republic of Korea	7
454th	The Indonesian question	18			

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

(16 July 1949 to 15 July 1950)

##### REPRESENTATIVES OF EACH SERVICE

<i>Delegation of</i>	<i>Period of service</i>
<i>China</i>	
Lt General Mow Pong-tsu, Chinese Air Force	16 July 1949 to present time
Commodore Kao Ju-fon, Chinese Navy	16 July 1949 to present time
<i>France</i>	
Général de Division P. Billotte, French Army	16 July 1949 to 27 January 1950
Général de Brigade M. Penette, French Army	28 January 1950 to present time
Lt. Colonel Jean Fournier, French Air Force	23 December 1949 to present time
Captain de Frégate Pierre Mazoyer, French Navy	5 July 1950 to present time
<i>Delegation of the Union of Soviet Socialist Republics</i>	
Lt. General A. Ph. Vasiliev, Soviet Army	16 July 1949 to 17 January 1950
Major General Ivan A. Skliarov, Soviet Army	18 January 1950 to present time
Lt. General A. R. Sharapov, USSR Air Force	16 July 1949 to present time
<i>Delegation of the United Kingdom of Great Britain and Northern Ireland</i>	
General Sir Richard L. McCreery	16 July 1949 to 29 October 1949
Air Vice-Marshal G. E. Gibbs	16 July 1949 to present time
Rear-Admiral Lord Ashbourne	16 July 1949 to 29 March 1950
Captain R. G. Mackay, RN	30 March 1950 to present time
Colonel G. O. N. Jameson	30 October 1949 to 29 March 1950
Colonel J. G. E. Reid	30 March 1950 to present time
<i>Delegation of the United States of America</i>	
Lt. General Willis D. Crittenger, United States Army	16 July 1949 to present time
Vice-Admiral B. H. Bieri, United States Navy	16 July 1949 to present time
Lt. General H. R. Harmon, United States Air Force	16 July 1949 to present time

##### CHAIRMEN AND PRINCIPAL SECRETARIES

<i>Meeting</i>	<i>Date</i>	<i>Chairman</i>	<i>Principal Secretary</i>	<i>Delegation</i>
	1949			
	July			
**106th	7	Lt. General Willis D. Crittenger,	Colonel Arno H. Luehman,	United States of America
107th	21	USA	USAF	
	August			
108th	4	Lt. General Mow Pong-tsu, CAF	Lt. Colonel Chang Shung-	China
109th	18		sang, CAF	
	September			
110th	1	Lt. Général P. Billotte,	Lt. Colonel J. Fournier,	France
111th	15	French Army	French Air Force	
112th	29			
	October			
113th	13	Lt. General A. Ph. Vasiliev,	Colonel M. I. Maximov,	Union of Soviet Socialist Republics
114th	27	Soviet Army	USSR Air Force	
	November			
115th	10	Air Vice-Marshal G. E. Gibbs	Colonel T. E. Williams,	United Kingdom
116th	23		British Army Lt. Colonel T. V. Somers, British Army	

<i>Meeting</i>	<i>Date</i>	<i>Chairman</i>	<i>Principal Secretary</i>	<i>Delegation</i>
<i>December</i>				
117th	8	Lt. General Willis D. Crittenberger, USA	Colonel J. C. Reddoch, Jr. USAF	United States of America
118th	22			
<i>1950</i>				
<i>January</i>				
119th	5	Lt. General Mow Pong-tsu, CAF	Lt. Colonel Chang Shungsang, CAF	China
120th	19		Major Cheng Hsueh-suey, CAF	
<i>February</i>				
121st	2	Général de Brigade M. Penette, French Army	Lieutenant de Vaisseau J. C. Devin, FN	France
122nd	16			
<i>March</i>				
*123rd	2	Air Vice-Marshal G. E. Gibbs	Colonel T. E. Williams, British Army	United Kingdom
*124th	16			
*125th	30			
<i>April</i>				
126th	13			
127th	27			
<i>May</i>				
128th	11	Lt. General Willis D. Crittenberger, USA	Lt. Colonel C. E. Leydecker, USA	United States of America
129th	25			
<i>June</i>				
130th	8	Lt. General Mow Pong-tsu, CAF	Major Cheng Hsueh-suey, CAF	China
131st	22			
<i>July</i>				
132nd	6	Général de Brigade M. Penette, French Army	Major L. LeGelard, French Air Force	France

\* Assumed the Chairmanship at that meeting at the request of the other delegations and in the absence of the USSR delegation.

\*\* Although not falling within the specified period of this report, this meeting is included in the present appendix since it was not recorded in the last annual report (A/945).

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