

**UNITED**



**NATIONS**

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

**Covering the period from 16 July 1946 to 15 July 1947**

**GENERAL ASSEMBLY  
OFFICIAL RECORDS: SECOND SESSION  
SUPPLEMENT No. 2 (A/366)**

LAKE SUCCESS  
New York  
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## TABLE OF CONTENTS

	<i>Page</i>		<i>Page</i>
INTRODUCTION. . . . .	1		
 <i>PART ONE: QUESTIONS CONSIDERED BY THE SECURITY COUNCIL UNDER ITS RESPONSIBILITY FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY</i>			
A. THE SPANISH QUESTION . . . . .	3	5. Resolution of the Council of 19 December 1946 establishing a Commission of Investigation concerning Greek frontier incidents . . . . .	20
B. THE GREEK QUESTION		6. Work of the Commission of Investigation . . . . .	20
I. Application of the Ukrainian Soviet Socialist Republic		7. Consideration of the Commission's request to the Government of Greece for postponement of death sentences . . . . .	21
1. Communication dated 24 August 1946 . . . . .	4	8. Statement of the representative of the Union of Soviet Socialist Republic . . . . .	22
2. Discussion on the inclusion of the application in the Council's agenda . . . . .	4	9. Consideration of the statement of the representative of the United States of America . . . . .	22
3. Requests of Greece and the Ukrainian Soviet Socialist Republic to participate in the discussion . . . . .	5	10. Decisions of the Council at the 131st meeting, on 18 April 1947 . . . . .	28
4. Continuation of the discussion on the inclusion of the application in the agenda . . . . .	5	11. Decision of the Council that the Commission should appear in New York to present its report . . . . .	28
5. General discussion. . . . .	7	12. Discussion on the terms of reference of the Subsidiary Group . . . . .	28
6. Request of Albania to be heard before the Security Council . . . . .	8	13. Decisions of the Council at its 137th meeting, on 22 May 1947 . . . . .	32
7. Continuation of the general discussion . . . . .	8	14. Consideration of the report of the Commission of Investigation . . . . .	33
8. Draft resolutions and suggestions presented to the Council . . . . .	10		
9. Decisions of the Council . . . . .	13	C. THE FREE TERRITORY OF TRIESTE	
II. Application of Greece		1. Communication dated 12 December 1946 from the Chairman of the Council of Foreign Ministers . . . . .	47
1. Communication dated 3 December 1946 . . . . .	15	2. General discussion . . . . .	47
2. Procedural questions . . . . .	15	3. Decision of the Council . . . . .	49
3. Statements by the representatives of the Governments concerned . . . . .	16	4. Consideration of the appointment of a Governor . . . . .	49
4. General discussion . . . . .	18		

	Page		Page
D. UNITED KINGDOM COMPLAINT AGAINST ALBANIA REGARDING INCI- DENTS IN THE CORFU CHANNEL		2. General discussion. . . .	76
1. Communication dated 10 January 1947 from the re- presentative of the United Kingdom. . . . .	51	3. Decision of the Council .	77
2. General discussion . . .	51	C. SPECIAL AGREEMENTS UNDER AR- TICLE 43 OF THE CHARTER AND ORGANIZATION OF UNITED NA- TIONS ARMED FORCES	
3. Discussion on the establish- ment of a sub-committee	55	1. Directives of the Security Council to the Military Staff Committee . . . .	78
4. Procedural questions . . .	55	2. General discussion of the report of the Military Staff Committee . . . . .	78
5. Establishment of the Sub- Committee and considera- tion of its report . . .	56	3. Detailed examination of the report of the Military Staff Committee . . . . .	82
6. Consideration of a draft resolution recommending the parties to refer the dis- pute to the International Court of Justice . . . . .	60	D. REPORT ON THE PLAN OF WORK OF THE COMMISSION FOR CONVEN- TIONAL ARMAMENTS . . . . .	87
7. Decision of the Council . .	61	—	
PART TWO: QUESTIONS CON- SIDERED BY THE SECURITY COUNCIL CONCERNING THE GENERAL REGULATION AND REDUCTION OF ARMAMENTS AND THE ORGANIZATION OF THE ARMED FORCES TO BE MADE AVAILABLE TO THE SECURITY COUNCIL		PART THREE: OTHER MATTERS CONSIDERED BY THE SECURITY COUNCIL AND BY ITS SUBSI- DIARY ORGANS	
A. IMPLEMENTATION OF THE GENERAL ASSEMBLY'S RESOLUTIONS ON PRIN- CIPLES GOVERNING THE GENERAL REGULATION AND REDUCTION OF ARMAMENTS AND INFORMATION ON ARMED FORCES TO BE SUPPLIED BY MEMBERS OF THE UNITED NATIONS		A. TRUSTEESHIP AGREEMENT FOR THE FORMER JAPANESE MANDATED IS- LANDS	
1. Communication dated 27 December 1946 from the representative of the Union of Soviet Socialist Republics	62	1. Communication dated 17 February 1947 from the re- presentative of the United States of America . . . .	90
2. General discussion. . . .	63	2. General discussion . . .	90
3. Postponement of discussion to 4 February 1947. . . .	68	3. Decision of the Council to invite interested States to participate in the discussion	92
4. Continuation of the gene- ral discussion . . . . .	69	4. Views of representatives of States not members of the Security Council . . . .	92
5. Informal conversations be- tween the authors of the draft resolutions . . . . .	71	5. Detailed examination of the draft trusteeship agreement	92
6. Discussion of the joint draft resolution. . . . .	71	6. Decisions of the Council .	94
7. Decisions of the Council .	74	B. ADMISSION OF NEW MEMBERS	
B. FIRST REPORT OF THE ATOMIC ENERGY COMMISSION		1. Special report of the Secu- rity Council to the second part of the first session of the General Assembly . .	98
1. Communication dated 31 December 1946 from the Chairman of the Atomic Energy Commission . . .	76	2. Further consideration of the application of Siam during the second part of the first session of the General As- sembly . . . . .	98
		3. Special report to the second session of the General Assembly. . . . .	99
		C. RE-EXAMINATION OF APPLICATIONS FOR MEMBERSHIP. . . . .	99

	<i>Page</i>		<i>Page</i>
D. RULES GOVERNING THE ADMISSION OF NEW MEMBERS . . . . .	100	<i>PART FIVE: MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT PLACED ON THE AGENDA</i>	
E. INTERPRETATION OF ARTICLES 11 AND 12 OF THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE . . . . .	101	A. INFORMATION ON ALLIED FORCES ON NON-ENEMY TERRITORY	
F. CONDITIONS UNDER WHICH THE INTERNATIONAL COURT OF JUSTICE SHALL BE OPEN TO STATES NOT PARTIES TO THE STATUTE . . . . .	101	1. Statement of the representative of the Union of Soviet Socialist Republics . . . . .	106
G. APPLICATION OF SWITZERLAND TO BECOME A PARTY TO THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE . . . . .	102	2. Discussion concerning the inclusion of the matter in the agenda . . . . .	106
H. STATUTE AND RULES OF PROCEDURE OF THE MILITARY STAFF COMMITTEE . . . . .	103	B. COMMUNICATION DATED 5 DECEMBER 1946 FROM THE AMBASSADOR OF IRAN TO WASHINGTON . . . . .	109
<i>PART FOUR: REPORT ON THE WORK OF THE MILITARY STAFF COMMITTEE</i>		C. COMMUNICATION DATED 26 MARCH 1947 FROM THE REPRESENTATIVE OF THE NETHERLANDS TO THE UNITED NATIONS . . . . .	110
1. Committee meetings . . . . .	104	* * *	
2. Examination of Article 43 of the Charter . . . . .	104	<i>Appendix I. Representatives and alternate representatives accredited to the Security Council. . . . .</i>	111
3. General principles for the organization of armed forces . . . . .	104	<i>Appendix II. Presidents of the Security Council . . . . .</i>	111
4. Future programme of work . . . . .	104	<i>Appendix III. Representatives, Chairmen and Principal Secretaries of the Military Staff Committee . . . . .</i>	112
5. Standard form of agreement . . . . .	105		



## INTRODUCTION

1. This report is submitted in accordance with Article 24, paragraph 3, and Article 15, paragraph 1, of the Charter.
2. The Security Council began its work in January 1946. The General Assembly, during the first part of its first session, elected Australia, Brazil and Poland as non-permanent members of the Council for a term of two years, and Egypt, Mexico and the Netherlands for a term of one year. At its 48th plenary meeting, on 19 November 1946, the General Assembly elected Belgium, Colombia and Syria to replace Egypt, Mexico and the Netherlands on 1 January 1947.
3. The period covered in this report is from 16 July 1946 to 15 July 1947, during which time the Council held 108 meetings.
4. The first three parts of the report give a summary account of the proceedings of the Security Council during this period. Part One is devoted to questions connected with the Council's responsibility for the maintenance of international peace and security. Part Two deals with questions concerning the organization of the United Nations armed force and the general regulation and reduction of armaments. Part Three covers other matters, such as the admission of new Members to the United Nations, the Trusteeship Agreement for the former Japanese mandated islands and certain questions connected with the International Court of Justice.
5. Part Four is an account of the work of the Military Staff Committee.
6. Part Five contains matters brought to the attention of the Security Council but not placed on its agenda.



## Part One

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

### A. THE SPANISH QUESTION

7. As indicated in its previous report on the Spanish question (A/93) the Council, at its 49th meeting, resolved to keep the situation in Spain under continuous observation and maintain it on the list of matters of which the Council was seized, in order that the latter might be at all times ready to take such measures as might become necessary to maintain international peace and security (S/172 and A/93).

8. At the 78th meeting, on 30 October 1946, the representative of POLAND observed that the discussion in the General Assembly had indicated a general interest in the Spanish question, which had previously been discussed by the Council. He stated that his delegation intended to present to the General Assembly a draft resolution containing certain recommendations on that problem. According to Article 12 of the Charter, the General Assembly was not free to make recommendations on a matter in connexion with which the Council was exercising its functions. In order to dispel any doubts as to whether the General Assembly was free to make recommendations on the matter, the delegation of Poland therefore proposed that the Spanish question should be taken off the list of matters of which the Council was seized.

9. At the 79th meeting, on 4 November 1946, the representative of Poland submitted the following draft resolution :

10. "*The Security Council*

10a. "*Resolves* that the situation in Spain be taken off the list of matters of which the Council is seized, and that all records and documents of the case be put at the disposal of the General Assembly."

11. He explained that the adoption of such a resolution would not affect in any way the general rights and privileges of the Security Council.

12. After some discussion, during which the representative of AUSTRALIA expressed the view that the adoption of the resolution would not settle the interpretation of Article 12, and that the mere retention of an item on the Council's agenda did not necessarily limit the General Assembly's rights, the PRESIDENT suggested the addition of the following sentence to the Polish draft resolution :

13. "[The Security Council] *requests* the Secretary-General to notify the General Assembly of this decision."

14. **Decision :** *The President's suggestion was accepted by the Polish representative and the resolution, with that addition, was adopted unanimously.*

## B. THE GREEK QUESTION

### I. APPLICATION OF THE UKRAINIAN SOVIET SOCIALIST REPUBLIC

#### 1. *Communication dated 24 August 1946*

15. The Minister for Foreign Affairs of the Ukrainian Soviet Socialist Republic, in a telegram dated 24 August 1946 addressed to the Secretary-General (S/137), stated that, as a result of the policy of the Greek Government, a situation had arisen in the Balkans which represented a grave danger to peace and security in that part of Europe. Concern was felt at the numerous border incidents on the Greek-Albanian frontier, which were being provoked by Greek armed units with the connivance and encouragement of the Greek authorities. The principal factor contributing to the situation created in the Balkans by the policy of the Greek Government was the presence of British troops in Greece and the direct interference in the internal affairs of Greece by British military representatives on behalf of aggressive monarchist elements.

16. Pursuant to Article 35, paragraph 1, of the Charter, the Minister for Foreign Affairs of the Ukrainian Soviet Socialist Republic brought the situation in the Balkans to the attention of the Security Council; he pointed out that that situation endangered the maintenance of international peace and security, and was of the nature referred to in Article 34. He requested that the situation should be placed on the Council's agenda and that the Council should consider without delay what measures to adopt in order to eliminate the threat to peace.

#### 2. *Discussion on the inclusion of the application in the Council's agenda*

17. The communication of the Ukrainian SSR was placed on the provisional agenda of the Security Council at its 54th meeting, on 28 August 1946.

18. The representative of the NETHERLANDS considered that, before admitting any matter to the agenda, the Council should satisfy itself that there was sufficient *prima facie* evidence that a serious and genuine difficulty was involved. The complaint of the Ukrainian SSR was a series of unsubstantiated accusations against two Members of the United Nations. If such an inadequate submission were once admitted to the agenda, a most dangerous and regrettable precedent would have been set, and the Council would have no defence if some State presented an entirely fictitious complaint made solely for the purpose of

annoying another State. He moved that the Council should vote on the question whether the application of the Ukrainian SSR should be included in the agenda.

19. The representative of the UNITED KINGDOM noted that the communication of the Ukrainian SSR, while attributing the situation in the Balkans to the policy of the Greek Government, stated that the principal factor contributing to the situation in the Balkans, as created by that policy, was the presence of British troops in Greece and the direct intervention in the internal affairs of Greece by British military representatives on behalf of aggressive monarchist elements. He pointed out that that charge had been brought up previously during the Council's meetings in London, and that, as a result of the discussion, the United Kingdom Government had been completely exonerated. If the charge were to be made again, it seemed only reasonable to ask that some facts should be produced to substantiate it. For that reason, he endorsed the proposal of the representative of the Netherlands that the representative of the Ukrainian SSR should be asked to amplify his application.

20. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the Government of the Ukrainian SSR had submitted to the Council a very important and serious question directly connected with the maintenance of international peace and security. It was the duty of the Council to consider such questions. He pointed out that at previous meetings the representative of the Netherlands had favoured the widest and most thorough discussion of the questions raised by certain governments. It might well be that the Government of the Ukrainian SSR could supply supplementary facts; the representative of the Netherlands was not in a position to know that such facts could not be submitted. The inconvenience and annoyance caused to certain States were not factors to be considered in deciding whether to place any question on the agenda.

21. The representative of the UNITED KINGDOM stated, in reply, that his Government was not in the least embarrassed by the application of the Ukrainian SSR and was perfectly prepared to have the application discussed. His point had been that the application had been made in a somewhat frivolous manner.

3. *Requests of Greece and the Ukrainian Soviet Socialist Republic to participate in the discussion*

22. The representative of Greece, in a telegram dated 26 August 1946 addressed to the Secretary-General (S/142), stated that Greece wished to participate in the Council's debate concerning the application of the Ukrainian SSR.

23. The Minister for Foreign Affairs of the Ukrainian SSR, in a letter dated 29 August 1946 addressed to the Secretary-General (S/145), stated that he would be ready to give the Council any necessary explanations regarding his application.

24. At the 58th meeting, the PRESIDENT proposed that the representatives of Greece and the Ukrainian SSR should be invited to the Council table to answer such questions as representatives might wish to put during the discussion on the inclusion of the application of the Ukrainian SSR in the Council's agenda.

25. The representative of the UNITED KINGDOM pointed out that the discussion on the inclusion of the application of the Ukrainian SSR in the Council's agenda was a preliminary, procedural one. He felt that, if the representatives of Greece and the Ukrainian SSR were invited to the Council table, discussions of substance might ensue.

26. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the representatives of the United Kingdom and the Netherlands had questioned the propriety of including the application of the Ukrainian SSR in the Council's agenda on the grounds that the application was not based on facts and was unsubstantiated. It would logically result from those statements that the representative of the Ukrainian SSR should be invited to submit additional facts to the Council.

27. The representatives of the UNITED KINGDOM and the NETHERLANDS recalled that, during the Council's discussion of the Iranian question, the representative of the USSR had stated that the representative of Iran could not possibly be invited to participate in the discussion of the proposal for the postponement of the discussion on the Iranian question. The representative of the USSR had also stated that an invitation to the representative of Iran to participate in the Council's discussions at that time would have constituted the beginning of a treatment of the substance of the question.

28. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS replied that the representative of Iran had been invited to take part in the Council's discussions while the procedural aspects of the Iranian question were being considered.

29. **Decision :** *The President's proposal, namely, that the representatives of Greece and the Ukrainian SSR should be invited to the Council table, was not adopted, having failed to obtain the requisite 7 affirmative votes. There were 6 votes in favour, 3 against (France, United Kingdom, United States of America) and 2 abstentions (China, Egypt).*

30. The representative of FRANCE explained that he had voted against the proposal because he considered the question of inclusion in the agenda to be a previous question.

4. *Continuation of the discussion on the inclusion of the application in the agenda*

31. The representative of AUSTRALIA recalled that, on a previous occasion, his delegation had expressed the opinion that the admission of an item to the agenda should be governed solely by two considerations : first, whether the question was within the scope of the Council's powers and, secondly, whether it had been properly presented. At first sight, it appeared that the application of the Ukrainian SSR was within the scope of the Council's powers. With regard to proper presentation, the Council was entitled to expect that any complaint should be couched in moderate and seemly language, but, although some of the phrases in the application were rather emotional and oratorical, he would not exclude the item from the agenda solely on that ground.

32. On the other hand, if the Council's attention was being directed to a situation likely to cause international friction or to lead to a dispute, then the Council would need to give its attention not only to those aspects of the situation which resulted from the policy of the Greek Government, but also to those resulting from the policies of other governments which might have contributed to the situation. If the application were admitted to the agenda, the Council should include the Balkan situation, and not merely the Greek question.

33. The representative of the UNITED KINGDOM hoped that the representative of the Ukrainian SSR might be persuaded to replace his recent paper by a more sober document, briefly summarizing the evidence in support of his charges. That was why he asked that the application, in its existing form, should not be put on the Council's agenda.

34. The representative of BRAZIL felt that the dignity of the Council required that the application of the Ukrainian SSR should be better substantiated and submitted in a form more acceptable to the Council.

35. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, commenting on the situation in Greece, quoted from two statements by Mr. Solley, a British Member of Parliament, and from a letter received by the

USSR envoy in Athens from the leaders of a number of Greek democratic parties. He asserted that the Charter required the Council to consider the internal conditions of a country when they constituted a threat to international peace and security. In Greece, anti-democratic groups were repressing other political groups by terroristic measures, and the internal situation was directly related to the aggressive foreign policy of the Greek Government.

36. The representative of the UNITED STATES OF AMERICA stated that his Government had consistently held the position that the Council could not deny to any Member of the United Nations which alleged the existence of a situation likely to threaten international peace and security the opportunity to present its case. Consideration of the situation by the Council should be made dependent on a minimum of technical requirements. For those reasons, the Council should examine the application with complete objectivity. If it found that the charges were unsubstantiated or motivated by considerations extraneous to the issue, the application should be summarily dismissed without regard to the feelings of the applicant or its supporters. Since the Security Council represented all the United Nations, it could not permit itself to be used to further any propaganda of a national character.

37. The representative of MEXICO recalled that, at San Francisco, great importance had been attached to the principle that any complaint of any small nation should be heard in the Security Council. It was for that reason that inclusion of an item in the agenda had not been made subject to the rule of unanimity. He considered it essential that the right to be heard should not be lessened by procedural considerations. He pointed out that, under the rules of procedure, the President was obliged to call a meeting when any dispute or situation was brought to his attention under Article 35.

38. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out that the application had drawn the Council's attention to the aggressive intentions of the ruling circles in Greece towards Albania, as a result of which relations between Greece and Albania had become strained. Greek armed forces had made systematic, frequent and unprovoked incursions into Albanian territory, and had murdered and robbed peaceful Albanian citizens. He recalled that the British Foreign Secretary had stated on 4 February 1946 that he was ready to use his influence with the Greek Government to prevent frontier incidents. However, the situation had changed sharply for the worse. Further, the Greek Government had openly declared its territorial claims upon Albania, and the reactionary, pro-fascist Greek Press was conducting a systematic campaign against Albania, affirming that a state of war existed between Greece and Albania. The Greek Press also attempted to identify the Albanian

people with Albanian war-time quislings. The Albanian people were no more to be blamed for the conduct of Albanian quislings than were the French people to be blamed for the military activities of the Vichy government.

39. Further, a cruel terror was raging in northern Greece against minorities, to the detriment of relations between Greece and Albania. The USSR representative cited the figures for persons shot, kidnapped, tortured, exiled or persecuted by right-wing bands, by the *gendarmarie* and other authorities. The activities of trade unions had been suppressed. On the other hand, persons who had collaborated with the Germans were playing an increasing role in the existing regime. Such a situation ceased to be purely internal as soon as it threatened the maintenance of international peace and security.

40. The situation was a result of the presence of British troops, which were being increasingly used by anti-democratic elements to crush Greek democracy. The USSR representative quoted from various protests against British interference in Greece and against attempts to hold a plebiscite under existing conditions. The presence of British troops could be regarded only as an interference in the internal affairs of Greece.

41. The representative of FRANCE considered it illogical to contend, before having examined an application, that it was not sufficiently serious to be examined. Moreover, he felt it regrettable that the Council had already started a discussion of the substance of a complaint which it had not yet decided to include in its agenda. For those reasons, he considered that the application of the Ukrainian SSR should be placed on the agenda immediately, and that the representatives of Greece and the Ukrainian SSR should be heard.

42. The representative of EGYPT said that, on general principles and in the light of the Charter and the purposes of the United Nations, the application should be included in the Council's agenda.

43. The representative of AUSTRALIA stated that his delegation's doubts had not been satisfied. He felt that the Council had heard many accusations, and much about the policies of the Greek Government and the internal conditions of Greece, but the actual situation had not been any more precisely described. That was regrettable, in view of the difficulties raised by Article 2, paragraph 7, of the Charter. For those reasons, he could not support the inclusion of the application in the agenda. His position was based mainly on the opinion that the application had not been made in strict conformity with the requirements of the Charter.

44. The representative of CHINA stated that he would vote for the inclusion of the application in the agenda, on the understanding that his position did not imply approval or dis-

approval of the substance, purpose or form of the application.

**45. Decision :** *The proposal that the application of the Ukrainian SSR should be put on the agenda was adopted by 7 votes to 2 (Netherlands, United Kingdom), with 2 abstentions (Australia, Brazil).*

#### 5. General discussion

46. The representatives of Greece and the Ukrainian SSR were invited to take their seats at the Council table.

47. The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLIC recalled at the 60th meeting that, when the matter had been brought to the attention of the Council in February of that year, it had been pointed out that the elections which were to take place in Greece on 31 March could not be an expression of the will of the Greek people, but would inevitably lead to civil war and would greatly strain relations between Greece and other Balkan States. Seven months had elapsed, and the situation in Greece was worse than it had been in February. Immediately after the elections of 31 March 1946, the Greek Government had proceeded to what was called in Greece the "monarchization" of the country. A wave of terror had swept through Greece. The representative of the Ukrainian SSR cited a statement made by three British Members of Parliament, to the effect that Greece was already ninety per cent a fascist country, and that there could be no question of free elections there. He suggested that a Commission should be sent to the spot which would confirm the truth of his statement.

48. The practice of carrying out punitive expeditions had been particularly intensified during the few weeks preceding the plebiscite. The employment of such methods was contrary to the very idea of a plebiscite, and constituted a serious violation of the fundamental principle of democracy.

49. It had been said that the question of the conduct of the plebiscite was an internal affair of the Greek people. That was absolutely true, provided that no foreign Power intervened in their internal affairs. The introduction of British troops into the territory of an Allied State, however, constituted an intervention. Article 2, paragraph 7, of the Charter denied to any State the right to intervene in the internal affairs of another State. That paragraph of Article 2 therefore applied to the British authorities who had violated it. Action by the Security Council would not constitute interference in the internal affairs of Greece. It was the duty of the Security Council to ensure that the plebiscite remained in the true sense an internal affair of the Greek people. The question of the plebiscite ceased to be a purely internal affair when the existing Greek Government made it an instrument for the execution of aggressive plans against other peoples.

50. The representative of the Ukrainian SSR also accused the Greek Government of demanding the dismemberment of Albania and publishing claims to about one-third of the territory of Albania. The continual assertion by the Greek Government that a state of war existed between Albania and Greece could hardly be explained except as a preparation for military operations against Albania. In the light of the above, the intensification of frontier incidents assumed the most sinister significance.

51. The Security Council should not ignore those facts, but should find ways and means of preventing the development of events which might destroy peace and security in the Balkans and lead to international complications.

52. The representative of GREECE made his statement at the 61st meeting of the Security Council, on 5 September 1946. He declared that Greece was profoundly distressed by the idea that its territory might become a centre of disturbance in the Balkans. Greece had never coveted what belonged legitimately to others. It had asked for nothing beyond the areas inhabited by Greeks. If one could speak of a threat to peace in the Balkans, that threat would have to be sought outside Greece. Bulgaria at the time maintained a trained army of 150,000 and Yugoslavia was keeping 300,000 men mobilized. Albania also had tens of thousands of men massed on the northern frontier of Greece. If there was a threat, the threat did not come from Greece.

53. Greece harboured no hostile feelings towards Albania. The Greek claim to Northern Epirus was based on incontestable rights, and had been recognized at the Paris Peace Conference by 12 votes to 7.

54. In reply to the charge that British troops were interfering in Greece, the Greek representative declared that they had come to Greece in November 1940, at the request of the Greek Government, in order to take part in the hard and unequal defensive struggle against the overpowering force of the invaders. At the time of the liberation, British troops had disembarked in Greece, once more at the request of the Greek Government and in conformity with an agreement concluded in Italy and signed by the representatives of all the political parties of Greece without exception, i.e., including those of the extreme left. Since that time, British troops had remained in Greece at the wish, and with the consent, of each successive government, which was fully aware that the presence of those troops was still indispensable in order to safeguard the rights of the people and to prevent a relapse into bloody internal strife. The accusation that British troops in Greece had shown partiality was without foundation. The advice given by the United Kingdom had not favoured the domination of one political group over another.

55. As to the remarks made by the representatives of the USSR and of the Ukrainian SSR regarding the internal affairs of Greece, the Greek representative described them as distorted, wild and imaginary. He regarded as inadmissible any public discussion of the internal affairs of Greece, and thought it would constitute interference in the internal affairs of a sovereign State, of the kind referred to in Article 2, paragraph 7, of the Charter.

56. It was extravagant to accuse Greece of fascism when Greece had opposed the armed forces of the Italian and German fascists at a time when other countries would have preferred to follow the cautious policy of waiting.

57. The representative of the UNITED KINGDOM said he could not accept the doctrine of the infallibility of the representative of the Ukrainian SSR concerning the charge regarding border incidents on the Greek-Albanian frontier. He doubted that the question of the treatment of minorities was a matter for the Security Council, since the Council had no direct responsibility for minorities. The Greek territorial claims against Albania, which were backed by evidence and argument, were no new claims and should not be regarded as "sinister repetition" and proof of aggressive designs.

58. Quotations from Greek newspapers did not impress him unduly, and statements made by British Members of Parliament should be read in conjunction with the replies made to them.

59. Greece was not the only country in which an election or a plebiscite had been held while foreign troops were on its soil. United Kingdom policy in Greece had been explained to the USSR Government at Yalta, at Potsdam and, on the last occasion, at Moscow in December 1945. On none of those occasions had that Government had any proposal to make or any objections to raise. Yet in the Security Council the USSR gave its fullest support to the unsubstantiated allegations of the representative of the Ukrainian SSR. The case raised by the representative of the Ukrainian SSR was simply a re-hash of the case raised in London by the USSR representative.

60. British troops had entered Greece first in an attempt to defend it against the fascist Hitlerite hordes, at a time when the Ukrainian SSR and the USSR had been in friendly relations with the main enemies of those who were bearing the brunt of the fight alone. The intervention of British troops in Greece had almost certainly postponed the Hitlerite attack on the USSR. Their heroic resistance had failed, but later, in happier days, they had returned. A Greek government of all Greek parties had been formed as a result of a conference in the Levant in the autumn of 1944. The existing Greek Government was the legitimate successor of that all-party

government. It was that legitimate Government which had begged the British troops to remain in Greece.

61. Article 2, paragraph 7, of the Charter did not say that no Member of the United Nations might maintain troops on the territory of another Member at the request of the latter. If it did say that, it could be asked what USSR troops had been doing in Iran by virtue of the treaty between the United Kingdom, the USSR and Iran.

62. In conclusion, the United Kingdom representative expressed the view that the matter under discussion should not properly have been brought before the Council. It had always been intended that if difficulties or differences of opinion arose between certain Members of the United Nations, such Members should seek to settle them in the first instance directly by themselves, or by an agreed procedure. If the current procedure were followed further, the Security Council would be brought into disrepute and the purpose of the United Nations Charter would be defeated.

#### *6. Request of Albania to be heard before the Security Council*

63. At the 62nd meeting, on 5 September 1946, the PRESIDENT read a letter dated 5 September 1946 from the representative of the People's Republic of Albania, requesting that Albania might have an opportunity to be heard before the Security Council.

**64. Decision :** *After some discussion at the 64th meeting, the Council decided by 9 votes to one (United Kingdom), with one abstention (Australia), to invite the representative of Albania to make a factual statement before the Council.*

#### *7. Continuation of the general discussion*

65. The representative of ALBANIA expressed his country's disappointment that it had not been accepted as a Member of the United Nations despite the supreme sacrifices it had made in the struggle for a common cause.

65 a. With regard to the charges that Albania was in a state of war with Greece, the Albanian representative declared that his Government had never wished to be in a state of war with Greece. The Albanian people had never been aggressive; they had always been victims of foreign aggression, even of Greek aggression. He recalled the collaboration and brotherly understanding existing between the peoples of Albania and Greece in the struggle against the common enemies. Unfortunately, however, the changed situation in Greece after the war had not been to the advantage of the Greek people.

65 b. The representative of Albania charged the Greek Government with the responsibility for the Greek provocations on the Albanian

border, the systematic extermination of Albanian minorities in Greece, the absurd Greek claims to southern Albania and the accusations, fabrications and unbridled lies concerning Albania.

65 c. He expressed the hope that the Security Council would judge the question in all its serious aspects.

66. The representative of GREECE, replying to the Albanian representative's statement, said that technically speaking a state of war existed between Albania and Greece because there had been no peace treaty or armistice since the declaration of war by Albania on Greece. Speaking of Albanian resistance, the Greek representative asserted that there had been no such resistance movement at the time of the Italian occupation. He added that there was no one in Greece who would think of using violence or force to take away territory from Albania.

67. The representative of the UNITED STATES OF AMERICA expressed surprise at the manner in which the Government of the Ukrainian SSR had seen fit to present its grave charges against two Members of the United Nations. He felt that any Member of the United Nations which was concerned about a situation should at least make an effort to call that situation to the attention of the government or governments directly involved before submitting the case to the Security Council. The Council had listened to statements by representatives of the Ukrainian SSR, Greece, the United Kingdom, the USSR and Albania. It could be seen from those statements that certain major questions were the object of conflicting allegations and opposing views. On the other hand, certain other charges, in the view of the delegation of the United States, might be disposed of forthwith as not having been substantiated.

68. The representative of AUSTRALIA felt that there was some doubt whether the real purpose of the complaint of the Ukrainian SSR was to bring peace or to make things uncomfortable for a Member of the United Nations. Nor was it entirely clear whether the Albanian allegations were really intended to lead to a settlement of the differences or rather to accentuate them. He recalled that the Security Council had discussed the Greek question in London and had rejected the allegation that the presence of British troops endangered the maintenance of international peace and security.

69. The policy of the Australian Government had always been to press for an impartial investigation of the facts before final decisions were taken. But the Council should not allow its machinery to be set in motion for frivolous or vexatious reasons. The Council had studied the charges of the representative of the Ukrainian SSR and his supporting statements, and the result of the study showed that it

should pass to the next item of business on the agenda.

70. The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLICS, in reply to the remarks of the representative of the United States, stated that preliminary discussions on the Greek question had been conducted by the Government of the USSR. The latter had submitted a memorandum at the Berlin Conference on 21 July 1945 and a second memorandum on the same subject at the Council of Foreign Ministers in September 1945 in London. Finally, the question of the presence of British troops in Greece had been raised at the Conference of the three Foreign Ministers in Moscow in December 1945.

71. The Ukrainian people had a feeling of deep respect for Greece and the Greek people, for their patriotic front (EAM), and for the heroic fighters (ELAS), but the Ukrainian people did not identify the Greek people with the aggressive monarchist elements, backed by foreign forces, which had made the Greek people the first victims of the aggressive policy towards Albania.

72. The representative of the Ukrainian SSR explained that the refusal of the USSR to send observers to Greece during the elections of 31 March 1946 should be regarded as a sign of respect for the dignity of Greece and the Greek people, inasmuch as such action would have constituted interference in the internal affairs of Greece.

73. He rejected the charge that he was aiming at propaganda in his speech; those who were trying to revive once more the moth-eaten bogey of Soviet propaganda were working, not for the benefit of co-operation among the United Nations, but for the disruption of such co-operation.

74. In conclusion, he declared that the aggressive policy of the Greek monarchist extremists had long ceased to be an internal affair of Greece; those extremists were passing to aggressive actions against other States, and primarily against Albania. He therefore requested the Security Council to take measures, without delay, in conformity with Articles 34 and 35 of the Charter, to put an end to the situation which had arisen on the Greek-Albanian frontier.

75. The representative of BRAZIL regarded the minority problem as a problem concerning Greece alone, and the accusations and counter-accusations in respect of frontier incidents between Greece and its neighbours as accessory in the case under discussion. He therefore supported the Australian representative's suggestion that the Security Council should pass to the examination of other items on the agenda.

76. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the efforts of the representative of the United

Kingdom to prove that the presence of British forces in Greece did not constitute intervention in the internal affairs of that country conflicted with the facts. Hundreds of facts could be cited to prove that there had been brutal interference by British military and civil authorities in the internal affairs of Greece. In view of the provisions of article 99 of the Greek Constitution, and the Varkis agreement of 26 September 1944, it was entirely incorrect to say that there was a legal basis for the presence of British troops in Greece. The representative of the United Kingdom had tried to justify some intervention in the internal affairs of Greece by quoting Article 2, paragraph 7, of the Charter. The meaning of that Article was perfectly clear; it allowed the United Nations to undertake appropriate measures to remove threats to peace, even if those threats arose from the internal conditions of a country.

77. The USSR representative explained his Government's refusal to send observers to Greece to follow the course of the plebiscite. The sending of observers was one of the aspects of interference in the internal affairs of Greece.

78. Speaking of the role played by the various States before the Second World War, he stated that the Government of the USSR had given warning of imminent dangers and had requested that action should be taken against Hitlerite Germany. Some people had stubbornly refused to pay any attention to that warning, and had done everything in their power to direct the aggression of Hitlerite Germany eastward. The people of the USSR had paid a high price for the defeat of fascist Germany. They would therefore continue to urge the peace-loving peoples of other countries to check at the outset every attempt at a new aggression, before the world was caught once more in the conflagration of a new war.

79. The question raised in the document submitted by the Ukrainian SSR was a very serious one. It was true that the Greek Government styled its aggressive intentions as claims, but those claims were backed by the attacks of Greek military forces. Attempts were being made to draw the attention of world public opinion away from the substance of the question by talk about Soviet propaganda; that was an old trick. The people of the USSR would make every effort to unmask the instigators of war and their protectors in whatever form they might try to disguise themselves.

80. The representative of the UNITED KINGDOM explained his difficulty in replying to the "bits and pieces" of evidence which the representative of the Ukrainian SSR had chosen to produce, without notice, from his rather voluminous luggage. He would confine himself to rebutting the slanders on the British army and the more serious charges which the representative of the Ukrainian SSR had seen fit to bring against the United Kingdom.

81. He rejected the charge that the promises given by Mr. Bevin with respect to the plebiscite had not been carried out. He also repudiated the idea that the Government of the United Kingdom shared the responsibility for the so-called monarchization of Greece. He deplored the fact that the representative of the Ukrainian SSR should have multiplied five or six times the figure for casualties on the day of the plebiscite.

82. He contended that there was no intervention by one nation in the affairs of another nation if the latter had requested the former to maintain troops on its territory. He endorsed the statement of the representative of the Ukrainian SSR that it was the co-operation of the great Powers which was the principal guarantee of peace, but added that co-operation could hardly be achieved by open accusations; he hoped that other means might prove more efficacious for realizing that co-operation which must be at the base of any constructive effort for the maintenance of peace and security.

#### 8. *Draft resolutions and suggestions presented to the Council*

83. The representatives of the NETHERLANDS, at the 67th meeting, on 16 September 1946, declared that he was one of those who shared the view that the representative of the Ukrainian SSR had failed to substantiate his accusations. He suggested that, thenceforth, all complaints submitted to the Security Council should be placed in the first instance in the hands of a sub-committee of the Council. The sub-committee could then examine each case in a preliminary way and bring out a preliminary report on the subject. Should that preliminary report assure the Council that there appeared to be a good case, then the matter would be taken up by the Council as a whole; and it would, of course, always be the Council which would have the final word. In conclusion, he suggested that the governments concerned in the case under discussion might be notified that the Council, without going into the question of responsibility, very earnestly hoped that they would do their utmost to put a stop to those regrettable incidents.

84. The representative of the UKRAINIAN SOVIET SOCIALIST REPUBLICS objected strongly to the proposal of the representative of the Netherlands that a sub-committee should be created to study communications addressed to the Council. The setting up of such a "preliminary guillotine" would cut short the life of certain questions at the outset, and would prevent them from ever reaching the Council table. He considered that such a proposal would be in direct violation of Article 35 of the Charter.

85. The representative of AUSTRALIA stated that, after hearing all the statements, he wished to submit the following proposal:

85 a. " That the Security Council pass to the next item on the agenda."

86. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS submitted the following draft resolution for the consideration of the Council :

87. " *The Security Council,*

88. " *Having established* that on the Greek-Albanian border there have recently been an increasing number of frontier incidents provoked by aggressive Greek monarchist elements, who are thus striving to bring about an armed conflict between Greece and Albania with the purpose of detaching southern Albania for the benefit of Greece ;

89. " *Having established* that the persecution of national minorities in Greece by the Greek Government, by provoking national strife, is bringing strain in the relations between Greece and her other neighbours ;

90. " *Having established* that the unbridled propaganda of the aggressive Greek monarchist elements demanding the annexation of territories belonging to these neighbours threatens to complicate the situation in the Balkans where, for the first time, as the result of the victory won by the armed forces of the United Nations, the foundation has been laid for the democratic development of the Balkan countries, and for their close collaboration in the cause of establishing a firm and lasting peace ;

91. " *Having established* that in their policy of aggression, the aggressive Greek monarchist elements are striving to exploit the results of the falsified plebiscite held on 1 September under terroristic conditions, in which all the democratic parties of various trends were removed from political life, and that they are likewise exploiting the presence of British troops on Greek territory, who in spite of the repeated declarations by the Minister for Foreign Affairs of Great Britain that these troops would be withdrawn after the elections of 31 March 1946, continue to remain even at the present time on the territory of Greece ;

92. " *Having established* that all these circumstances create a situation envisaged by Article 34 of the Charter of the United Nations and endanger peace and security,

93. " *Resolves :*

94. " 1. To call upon the Greek Government to take measures in accordance with Article 2, paragraph 4, of the Charter of the United Nations for the immediate cessation of the provocative activities of the aggressive monarchist elements on the Greek-Albanian frontier ;

95. " 2. To call upon the Greek Government to put end to the agitation regarding the state of war which is said to exist between Greece and Albania, in spite of the fact that

Albania is endeavouring to establish normal peaceful relations with Greece ;

96. " 3. To call upon the Greek Government to terminate the persecution of national minorities in Greece, which is contrary to Article 1, paragraphs 2 and 3, of the Charter of the United Nations ;

97. " 4. To retain on the agenda of the Security Council the question of the menacing situation brought about as the result of the activities of the Greek Government so long as the latter fails to carry out the recommendations proposed by the Security Council."

98. The representative of POLAND said he regarded the argument of the Ukrainian SSR, namely, that the Greek-Albanian frontier incidents were connected with the internal situation in Greece, to be convincing. The presence of nazi collaborationists in the administration and police force of the Greek Government, the destruction of the free trade-union movement, the terror against opponents of the monarchist restoration, and the handling of the Greek elections by the Allied Commission had caused great concern and alarm to the delegation of Poland and the Polish Government. In the circumstances, he was astonished at the desire of several members of the Council to dismiss the question light-heartedly. It seemed to him that the draft resolution presented by the representative of the USSR provided a means of avoiding immediate international conflict.

99. At the 69th meeting, on 18 September 1946, the representative of the UNITED STATES OF AMERICA expressed his opposition to the draft resolution submitted by the representative of the USSR and stressed that the frontier incidents along the Greek-Albanian frontier deserved special attention. His Government felt that the information submitted to the Council by the representatives of the Ukrainian SSR, Greece and Albania made it apparent that the unsettled situation was upsetting relations between Greece and all three of its northern neighbours : Albania, Bulgaria and Yugoslavia. His Government inclined to the view that the Council should not, without further examination of the facts in connexion with the alleged border difficulties, attempt to make a final decision in regard to them. Moreover, if the Council were to look further into those frontier incidents, it ought not to limit itself to those along the Greek-Albanian frontier but should also seek further information with regard to incidents on the Greek-Yugoslav frontier. If, in the considered judgment of the members of the Council, such a course would help towards a solution, his Government would be favourably disposed to the setting-up of a sub-committee of inquiry.

100. The representative of the UNITED KINGDOM said that the representative of the Ukrainian SSR had charged Greece with threatening the peace of the world. The fact

was that the forces of Greece in relation to those of its neighbours were in the ratio of one to five. It was a frivolous charge frivolously presented, and the Council for its own dignity and repute should reject it out of hand. With regard to the suggestion put forward by the representative of the United States to send a Commission to investigate on the spot, he personally would be inclined not to oppose it, as, in theory, it might be the only practical way of dealing with the matter; but there was also the other consideration that to undertake such measures at that moment might increase the tension and multiply the acts of provocation.

101. The representative of AUSTRALIA stated that he still stood by his own proposal. Rejecting the draft resolution of the representative of the USSR, he warmly associated himself with the suggestion of the representative of the Netherlands, although he did not see the necessity for incorporating it in a formal decision of the Council. With regard to the suggestion for an investigation, his instructions from his Government did not allow him to support such a proposal, in view of the manner in which the complaint had been brought.

102. The representative of FRANCE, taking up the point regarding the presence of British troops in Greece, considered that, since the peace treaties were at that very moment being worked on and certain difficulties were being encountered, it would be wise for the Council to refrain from further discussion of the question. He expressed his regret that the facts brought up by the representative of the Ukrainian SSR were concerned with the internal situation in Greece; he thought that the Security Council need not consider them to be within its province. As to the frontier incidents, a positive decision on that subject would be more useful than a mere decision to pass to the next item on the agenda. He favoured the suggestion that a recommendation should be made to the governments concerned. He suggested that the Council should set up a Committee to consider the United States suggestion and to draft it in a more positive form.

103. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered the suggestions of the representatives of the Netherlands and the United States of America as tactical manœuvres for the purpose of diverting the Council's attention from the question raised by the representative of the Ukrainian SSR towards other considerations unconnected with the subject.

104. The representative of CHINA declared that he had originally been in favour of a full and frank discussion of the communication of the Ukrainian SSR. After examining the facts and hearing the arguments, he had come to the conclusion that, juridically, the situation in Greece did not endanger the maintenance of international peace and security, and that, politically, it would be unwise to magnify or

over-emphasize a passing phase in an international situation. He expressed the earnest hope that the situation would improve with the return of peaceful conditions. The delegations of China welcomed in principle any proposal or suggestion aiming at the amelioration of certain aspects of the situation which were amenable to treatment by the Council.

105. The representative of the UNITED STATES OF AMERICA considered that his Government's purpose had been quite clear when it had suggested that a situation existed on the Greek frontier which called for the attention and consideration of the Council. That situation was separate from the charges brought by the representative of the Ukrainian SSR, and he denied that the United States was trying in any way to evade a decision on those charges. If the Australian proposal were put to the vote, he would vote for it, while reserving the right to submit a positive draft resolution to the Council at a later date.

106. The representative of the NETHERLANDS expressed his willingness to co-operate in reaching agreement on setting up a Commission, but he repeated that it would still be useful to address a notification to the governments concerned as he had previously suggested. He therefore presented the following draft resolution for the consideration of the Council:

107. " *The Security Council,*

108. " *Having been informed* that a number of frontier incidents have taken place on the frontier between Greece on the one hand and Yugoslavia, Albania and Bulgaria, on the other hand,

109. " *Invites* the Secretary-General to notify the Governments of the said countries, on behalf of the Security Council, that the Council, without pronouncing any opinion on the question of responsibility, earnestly hopes that these Governments, each in so far as it is concerned, will do their utmost, inasmuch as that should still be necessary, to stop those regrettable incidents by giving appropriate instructions to their national authorities and by making sure that these instructions are rigidly enforced. "

110. At the 70th meeting, on 20 September 1946, the representative of the UNITED STATES OF AMERICA formally placed before the Security Council the following draft resolution:

111. " *Resolved*

112. " That the Security Council, acting under Article 34 of the Charter, establish a Commission of three individuals, to be nominated by the Secretary-General, to represent the Security Council on the basis of their competence and impartiality, and to be confirmed by the Security Council;

113. " That the Security Council instruct the Commission:

114. " 1. To investigate the facts relating to the border incidents along the frontier between Greece on the one hand and Albania, Bulgaria, and Yugoslavia on the other ;

115. " 2. To examine the statements submitted to the Security Council concerning these incidents and such further information from other sources as it deems necessary ; and

116. " 3. To submit to the Security Council as soon as practicable a report on the facts disclosed by its investigation.

117. " That the Commission shall have authority to conduct its investigation in the area and to call upon Albania, Bulgaria, Greece and Yugoslavia for information relevant to its investigation ;

118. " That the Security Council request the Secretary-General to communicate with the appropriate authorities in the countries involved in order to obtain permission for the Commission to conduct its investigation in these countries."

119. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS opposed the United States draft resolution principally because the Security Council had in no way examined questions such as the situation on the Greek-Yugoslav and Greek-Bulgarian frontiers. The setting-up of such a Commission constituted a political decision implying that the Security Council was satisfied that the accusations brought against Yugoslavia and Bulgaria were to some extent founded. The Council had no grounds for taking any decision directed against Bulgaria and Yugoslavia such as that suggested by the United States draft resolution.

120. The representative of FRANCE declared that, as he understood it, the United States draft resolution did not in any way imply a judgment with regard to the countries in which the inquiry was proposed to be carried out. Nor was it designed to bury the question at issue, but rather to give the Council a complete picture of the situation, in order that the Council might decide whether action was necessary.

121. The representative of the NETHERLANDS proposed that the first paragraph of his own draft resolution should be amended as follows :

121 a. " *Having been informed* that a number of frontier incidents have taken place on the frontier between Greece and Albania. "

122. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that he could not accept the suggestion of the representative of the Netherlands. Albania was in no way guilty of the incidents, but merely a victim of the aggressive activities of the existing Greek Government.

123. The SECRETARY-GENERAL stated that, if the United States draft were not adopted,

he hoped the Council would understand that he must reserve his right to make such inquiries or investigations as he might think necessary in order to determine whether or not he should consider bringing any aspect of the matter to the attention of the Council under the provisions of the Charter.

124. The PRESIDENT stated that since he had received no further requests for permission to speak, he considered that the discussion on the question raised in the letter sent to the Secretary-General by the Minister for Foreign Affairs of the Ukrainian Soviet Socialist Republic was closed. Turning to the Australian proposal that the Council should pass to the next item of business, he said that there was no necessity for the Security Council to adopt such a proposal, and expressed the hope that the Australian representative might find it possible to withdraw it.

125. The representative of AUSTRALIA maintained his proposal and asked for a vote on it.

## 9. Decisions of the Council

126. The Security Council agreed to vote on the Australian proposal only after the other drafts directly related to the question under consideration had been voted upon.

127. **Decision :** *The USSR draft resolution was rejected by 9 votes to 2 (Poland, Union of Soviet Socialist Republics).*

128. **Decision :** *The Netherlands draft resolution was not adopted, having failed to obtain the affirmative votes of 7 members. There were 6 votes in favour, 3 against (Egypt, Poland, Union of Soviet Socialist Republics), and 2 abstentions (Australia, France).*

129. The PRESIDENT stated that the draft resolution of the United States, as the two previous drafts, was related to the substance of the matter.

130. The representative of FRANCE considered that the United States draft fell under Article 29 of the Charter, and should be considered as a matter of procedure.

131. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the United States draft resolution dealt with a question which was a matter of substance and not of procedure. He reminded the Council that the declaration on the voting procedure in the Security Council made by the sponsoring Governments at San Francisco had made it clear that such questions, including all proposals relating to an investigation, should be considered as points of substance and not of procedure.

132. The representative of the UNITED STATES OF AMERICA agreed with the statement of the USSR representative.

133. The representative of AUSTRALIA maintained that the San Francisco statement had no binding force on the Council. Moreover, paragraph 2 of the document referred to mentioned, among items which might be covered by a procedural vote, the establishment of such bodies or agencies as the Council might deem necessary for the performance of its functions.

134. The general feeling of the Council being that the United States draft resolution was a matter of substance, the PRESIDENT put it to the vote.

135. **Decision :** *The United States draft resolution was not adopted, one of the permanent members of the Security Council having voted against it. There were 8 votes in favour, 2 against (Poland, Union of Soviet Socialist Republics), and one abstention (Australia).*

136. The representative of POLAND stated that his delegation would be sorry if the Council concluded its discussion without arriving at some positive result, and he therefore proposed the following draft resolution :

137. " *The Security Council,*

138. " *Having considered the situation brought to its attention by the Ukrainian Soviet Socialist Republic,*

139. " *Decides to keep the situation under observation and to retain it on the list of the matters of which the Council is seized.*"

140. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the Polish draft resolution was the weakest imaginable in relation to the question raised in the statement of the Ukrainian SSR. In that draft there was not even a hint that the terrorist regime in Greece and the incidents on the Albanian frontier were being provoked by the definitely reactionary and aggressive policy of the Greek monarchists. That was one of the reasons why he called the Polish draft resolutions weak and altogether toothless, one which in no way met the situation that had arisen in the region of Greece and Albania. But it seemed to him that he might nevertheless agree to such a minimum, in view of the fact that the Security Council had proved itself incapable of undertaking any concrete measures to put an end to the Greek provocations. For that reason alone, with a number of reservations, he was prepared to support the text of the draft resolution submitted by the representative of Poland.

141. **Decision :** *The Polish draft resolution was rejected by 8 votes to 2 (Poland, Union of Soviet Socialist Republics).*

142. Turning next to the Australian proposal, the PRESIDENT asked the Council to decide whether it was necessary to adopt such a proposal, inasmuch as the agenda itself obliged the Council to pass to the next item on the agenda.

143. The representative of AUSTRALIA felt that it was necessary for the Council to take some formal decision in order to remove the item from its agenda ; his proposal was intended to have that effect.

144. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS asked whether, in the event that the Australian proposal was not adopted, the Security Council would be unable to proceed to the next item on the agenda. In view of the interpretation given by the Australian representative, namely, that the adoption of his proposal would mean disapproval of the statement of the Ukrainian SSR, the proposal could not be regarded as procedural. He would definitely vote against such a proposal. Perhaps the Australian representative was under the impression that the rejection of the USSR and Polish draft resolutions meant that the question was left on the agenda.

145. The representative of AUSTRALIA, in reply, stated that in order to meet the first point raised by the USSR representative he would alter the proposal to read :

146. " The Security Council removes this item from the agenda."

147. He considered the second point raised by the representative of the USSR exceedingly novel. If the Council admitted items to the agenda by procedural vote, the Council also removed them by procedural vote.

148. As to the third point, the USSR representative had raised the question whether the rejection by the Council of the USSR and Polish draft resolutions had the effect of removing the item from the agenda. Short of a clear statement from the President, he felt obliged to press his proposal.

149. The PRESIDENT gave the following ruling :

149 a. " In view of the negative vote on the fourth point of the USSR draft resolution, and in view of the negative vote on the Polish draft resolution, there is no need to take a vote on the proposal to retain the matter on the agenda or to exclude the matter from the agenda. Further, since the Security Council has no other proposal on the substance of the matter beside those which have already been voted upon, the Security Council is ready to pass on to the next item on the agenda."

150. The representative of AUSTRALIA stated that he could not understand the President's remarks with regard to a formal ruling. He thought that a formal ruling applied to a point of order raised under rule 30 of the rules of procedure of the Security Council and not in a statement of that kind concluding the business of the Council. He also asked if the words " there is no need to take a vote " meant a recognition that the item had already been removed from the agenda.

151. The PRESIDENT stated that if the Australian representative challenged his ruling, the Council would have to vote on it.

152. The representative of the UNITED STATES OF AMERICA asked the President whether he would request the Secretary-General to give his opinion regarding his ruling.

153. The SECRETARY-GENERAL stated that if the Security Council followed the ruling of the President, the Council, in his opinion, would no longer be seized of the case, which would automatically be taken off the agenda.

154. The representative of FRANCE stated that, in rejecting the drafts of the representatives of the USSR and Poland, the Council had decided not to keep the item on its agenda. That interpretation had been confirmed by the remarks of the President and the Secretary-General.

155. The representative of AUSTRALIA agreed that those three statements, taken together, made it clear that the Council, by a vote of 9 to 2, had removed the item of the Ukrainian SSR from the agenda. He therefore withdrew his proposal.

## II. APPLICATION OF GREECE

### 1. *Communication dated 3 December 1946.*

156. The Acting Chairman of the delegation of Greece, in a letter dated 3 December 1946 addressed to the Secretary-General (S/203), stated that a situation existed which was leading to friction between Greece and its neighbours, owing to the support lent by the latter to the violent guerrilla warfare being waged in northern Greece against public order and the territorial integrity of Greece. That situation, if not promptly remedied, was likely to endanger the maintenance of international peace and security. His Government, under Articles 34 and 35 of the Charter, desired to draw the attention of the Security Council to the urgent need for an investigation to be undertaken on the spot. With his letter was enclosed a detailed memorandum in support of the application.

157. The Governments of the People's Republic of Albania, Bulgaria and Yugoslavia, in letters addressed to the Secretary-General (S/207, S/208 and S/209), requested that their representatives might be invited to attend the meetings of the Security Council at which the Greek question would be discussed.

### 2. *Procedural Questions*

158. The Greek communication was placed on the agenda of the Security Council at its 82nd meeting, on 10 December 1946.

159. The PRESIDENT raised the question as to how the Council would like to proceed in connexion with the requests of certain Governments for the right to be heard before the Council. He assumed that, since the Greek Government had brought the matter to the attention of the Security Council, the Greek representative should be invited to the table to participate in the discussion of the matter, without the right to vote. He also assumed that the Council would extend an invitation under Article 31 of the Charter to the representative of Yugoslavia. But as Albania and

Bulgaria were not Members of the United Nations, he thought that it would be necessary to deal with them on a different basis. He recalled that, when the Greek question had been discussed in September, the representative of Albania had been invited to the Council table to make a factual statement. He therefore suggested that the Council should follow that precedent and invite the representatives of Albania and Bulgaria to the Council table to present any facts bearing on the issues before the Council.

160. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared that it was imperative to invite the representatives of Albania, Bulgaria and Yugoslavia before starting any discussion on the substance of the question. If the Council decided to do so, then the Secretary-General or the President of the Security Council would have to notify the Governments of Yugoslavia, Bulgaria and Albania that they were invited to participate in a discussion of the question raised by the Greek Government.

161. The representative of AUSTRALIA thought that the procedure outlined by the President was acceptable, provided that, in inviting the temporary participation of the States directly concerned, that participation should be limited to a simple submission of the relevant facts, so that the Council could decide whether or not there was substantial cause for investigating the situation in accordance with Article 34.

162. The representative of the NETHERLANDS thought there was little doubt that the representatives of Greece and Yugoslavia ought to be invited under Article 31. As Bulgaria and Albania were not Members of the United Nations, Article 31 could not be applied in their case. It was true that Article 32 dealt with any State not a Member of the United Nations, but, unless the Council decided that there was a dispute, Albania and Bulgaria could not be invited to participate in the discussion.

163. The representative of EGYPT could not share the view expressed by the representative of the Netherlands. In the interests of justice, the Albanian and Bulgarian Governments ought to be heard. However, since those Governments had already requested to be heard, he did not feel it was necessary for the Council to address any invitation to them.

164. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS maintained that, according to Article 32, both parties to a dispute had the right to participate in the discussion. The various countries affected should be treated alike. In discussing whether the case was a situation or a dispute, the Council should proceed with equity and fairness. A dispute did not become a situation merely because certain representatives had called it a situation. The only fair solution would be that all parties should be invited to participate in the discussion.

165. The representative of the UNITED KINGDOM declared that, in fairness to Bulgaria and Albania, they should be given an opportunity to speak in answer to the charges which had been brought against them.

166. The representative of POLAND thought that the representatives of Greece and Yugoslavia should have the right of full participation in the discussion, whereas the representatives of Albania and Bulgaria should be invited to hear and to answer any charges which might be made against them and any questions that members of the Council might wish to ask.

167. The representative of CHINA suggested that the Council, without delay, should invite the Greek and Yugoslav representatives to the Council table to present their cases, so that the Council could decide whether there was a dispute. On the basis of Article 32, the Council could then invite the representatives of Albania and Bulgaria to be heard.

168. The representative of MEXICO considered that it could be under Article 32, not Article 31 of the Charter, that the representatives of Greece and Yugoslavia should be invited to participate in the discussion. As the Greek complaint had been made against three Governments, representatives of all three should be present. The Council could act objectively only after hearing the facts. The Charter nowhere provided that representatives invited under Article 32 should be allowed only to make statements and then withdraw from the table.

169. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that when a representative was invited to take part in the discussion of a question which directly concerned his country, he had the right to participate fully in the debate, including the right to put forward proposals.

170. The representative of the NETHERLANDS proposed that the representatives of Albania

and Bulgaria should be heard, whether the matter was a situation or a dispute. If the Council should decide later that the matter was a dispute, then, under Article 32, they should be admitted to full participation in the debate.

171. The representative of AUSTRALIA contended that the representatives of Albania and Bulgaria could have no right of participation, in the full sense of the term, until it had been decided that their Governments were parties to a dispute.

172. The representative of the UNITED STATES OF AMERICA supported the proposal of the representative of the Netherlands.

173. After some further discussion, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS presented a draft resolution as follows :

174. "*The Security Council*

174 a. "*Resolves to invite the representatives of Greece, Yugoslavia, Bulgaria and Albania to participate in the consideration of the question raised by the Greek Government.*"

175. **Decision :** *The resolution was not adopted, having failed to obtain the affirmative votes of 7 members.*

176. The representative of the NETHERLANDS presented a draft resolution as follows :

177. "*The Security Council*

177 a. "*Resolves that the representatives of Greece and Yugoslavia are invited to participate in the discussion without vote ;*

178. "*That the representatives of Albania and Bulgaria are invited to enable the Security Council to hear such declarations as they may wish to make.*

179. "*Should the Security Council find at a later stage that the matter under consideration is a dispute, the representatives of Albania and Bulgaria will be invited to participate in the discussion without vote.*"

179 a. **Decision :** *The resolution was adopted.*

180. At the 84th meeting, on 16 December 1946, the Council accepted the President's suggestion that the Council should invite Albania and Bulgaria to participate without vote during the remainder of the discussion on condition that they accepted the obligations of pacific settlement provided in the Charter.

3. *Statements by the representatives of the Governments concerned*

181. At the 83rd meeting of the Security Council, on 12 December 1946, the representatives of Albania, Bulgaria, Greece and Yugoslavia took their seats at the Council table.

182. The representative of GREECE opened his statement by recalling that at the most critical period in the recent struggle for peace and justice, Greece had not hesitated to pay a terrible toll in lives and in suffering. When peace had come, it had been content to ask for the peace and justice for which it had fought. Greece did not feel it was excessive to claim a few mountain peaks in order to free the population of its northern provinces, three times decimated by the invader, from the direct threat of surprise attacks, or that it was unreasonable to expect to be allowed to recover in peace. But such hopes had been cruelly disappointed.

183. Almost two years had passed since the end of the struggle, and Greece continued to suffer and to bleed. The number of officers, soldiers and *gendarmes* killed during the previous two months in Macedonia amounted to several hundreds, whilst countless inhabitants were put to death with unspeakable cruelty every day.

184. Those acts of aggression against Greece were being committed on the basis of a systematic plan, using two kinds of tactics; first, intensive propaganda in favour of the incorporation of Greek Macedonia in the Yugoslav Federal State of Macedonia; secondly, active assistance to the insurgent bands that were using the territory of Yugoslavia, Albania and Bulgaria as operational bases for their raids into Greek territory.

185. The representative of GREECE cited a number of recent declarations and broadcasts from Belgrade, Tirana and Sofia by persons of note in those countries. The broad objective of all those declarations was to represent that area of Greece as being irredentist Slav territory and to denounce Greece as the persecutor of the Slavonic-speaking elements.

186. He requested the Security Council to take forthwith the measures necessary to put an end to that tragic situation, the continuance of which was likely to endanger the maintenance of international peace and security.

187. The representative of YUGOSLAVIA stated that the existence of civil war in Greece was due to the fact that the existing regime was contrary to the feeling of the Greek people. The Greek Government laid claim to Albanian and Bulgarian territories, and even tolerated and encouraged propaganda supporting territorial claims against Yugoslavia. Innumerable instances of violent incitement were to be found in the Greek Press. The existing Greek regime strove to divert the attention of the Greek people by casting suspicion on their neighbours. The Greek army and *gendarmes* included a considerable number of officers who had served under German command during the war.

188. He denounced the memorandum of the Greek Government as mistaken, unsubstantiated and unscrupulous, and considered that

the developments in Greece constituted a danger to peace. He pointed out that the United Kingdom, which supported the Greek representative, still maintained troops in Greece, two years after the war in Greece was over. The presence of those foreign troops had prevented the Greek people from exercising their true will, and had exacerbated all the conflicts within that unhappy country.

189. The representative of ALBANIA made his statement at the 84th meeting of the Security Council, on 16 December 1946. He denounced the Greek memorandum as a series of unfounded and tendentious accusations against Albania, Bulgaria and Yugoslavia.

190. The Albanian people had put up a fierce resistance to the fascist and nazi invaders. They had made heavy sacrifices, and had contributed substantially to the common victory. Grave injustice had been done to Albania. It was not the first time that the Greek Government had accused Albania; it had done so on two previous occasions: first, in the United Nations, and again at the Paris Peace Conference. It was now returning to the charge with fresh accusations of the same type.

191. In 1945 and 1946, nearly one hundred incidents had been provoked by Greece on its Albanian frontier. The Secretary-General of the United Nations had been officially notified in detail. A considerable number of Albanian war criminals had found shelter in Greece, while the Albanian minority in Greece was being persecuted in the most inhuman way.

192. Moreover, in spite of the war waged by the Albanian people against the Italians and Germans, in spite of official statements and international instruments which definitely established Albania's status as an ally during the recent war, the Greek Government took pleasure in considering itself unilaterally as being in a state of war with Albania. In addition, the Greek Government put up imperialistic territorial claims to about two-fifths of Albania. The Greek accusations brought jointly against Albania, Yugoslavia and Bulgaria were new tactics. That new large-scale manoeuvre, backed up by foreign agitators, was a proof of the Greek Government's lack of good will with regard to the establishment of friendly relations with neighbouring countries.

193. In Greece, thousands of patriots who had fought bravely against the Italian and German invaders were being massacred, imprisoned or deported to desert islands, where they were destined to die of hunger or from the tortures they had undergone. The collaborationists and fascists enjoyed power and honour. A Commission of inquiry should be sent rather to Greece itself, in order to observe on the spot the situation brought about by the current rulers of Greece.

194. The representative of BULGARIA stated that, ever since the Paris Peace Conference,

the Bulgarian people and Government had been subjected to a particularly vicious and slanderous attack on the part of the Greek Press. It was true that the pro-German King of Bulgaria and his obedient ministers had declared war on the United Kingdom and the United States ; but it was equally true that not a single soldier had been sent to fight against the Allies. The only fighting Bulgaria had done had been against the Germans and their satellites. It was also true that, at Hitler's command, the pro-German Bulgarian Government had occupied part of Thrace ; but that act, too, had been contrary to the desires of the Bulgarian people, and those responsible had been made to pay for it.

195. With regard to the immediate background of the Greek accusation, the representative of Bulgaria stated that after the defeat of the German forces of occupation in the Balkans in the latter part of 1944, large numbers of Greek political refugees had entered Bulgaria. Those people had been entitled to refuge, not only by international law, but also because the vast majority of them had been men who had fought the Axis oppressors, in close collaboration with the partisan movements of the other Balkan countries. The Bulgarian Government most emphatically denied that any of the above-mentioned refugees had ever been allowed to prepare and carry out armed raids across the frontier.

196. He pointed out that ever since September 1944 Bulgaria had been, and still was, under the supervision of an Allied Control Commission, which effectively exercised direct, absolute and strict control over all Bulgarian territory.

197. Foreign correspondents had reported cases of mutiny in several units of the royal Greek army, followed by court martial. They had also reported disturbances in southern Greece similar to those in the north. It was logical to conclude that such incidents were the result, not of interference on the part of Greece's northern neighbours, but of the struggle for justice and liberty carried on by an oppressed people.

#### 4. General discussion

198. A general discussion took place at the 85th, 86th and 87th meetings on 18 and 19 December.

199. The representative of the UNITED STATES OF AMERICA, at the 85th meeting, on 18 December 1946, declared that from all the conflicting allegations which had been presented to the Council, the central fact emerged that there had clearly been many border violations along the frontier between Greece on the one hand, and Albania, Bulgaria and Yugoslavia on the other. Border violations such as those alleged to have taken place could not be ignored by the Security Council. It seemed to be the Council's inescapable and

self-evident duty to investigate the facts pertaining to those border violations without attempting at that time to prejudge the issues. His Government had accordingly instructed him to propose the setting-up of a Commission of investigation to ascertain the facts relating to the border incidents, as an absolutely essential first step in the Council's proceedings in the case. He put forward the following draft resolution :

200. " *Whereas* there have been presented to the Security Council oral and written statements by the Greek, Yugoslav, Albanian and Bulgarian Governments relating to disturbed conditions along the frontier between Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other, which conditions, in the opinion of the Council, should be investigated ;

201. " *Resolved* :

202. " That the Security Council, under Article 34 of the Charter, establish a Commission of investigation to ascertain the facts relating to the alleged border violations along the frontier between Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other ;

203. " That the Commission be composed of a representative of each of the permanent members of the Council and of Brazil and Poland ;

204. " That the Commission shall proceed to the area at once, and not later than 15 January 1947, and shall submit to the Security Council at the earliest possible date a report of the facts disclosed by its investigation. The Commission shall, if it deems it advisable or if requested by the Security Council, make preliminary reports to the Security Council ;

205. " That the Commission shall have authority to conduct its investigation in the area, including such territory in Albania, Bulgaria, Greece and Yugoslavia as the Commission considers should be included in its investigation in order to facilitate the discharge of its functions, and to call upon the Governments, officials, and nationals of those countries, as well as such other sources as the Commission deems necessary, for information relevant to its investigation ;

206. " That the Security Council request the Secretary-General to communicate with the appropriate authorities of the countries named above in order to facilitate the Commission's investigation in those countries ;

207. " That each representative on the Commission be entitled to select the personnel necessary to assist him and that, in addition, the Security Council request the Secretary-General to provide such staff and assistance to the Commission as it deems necessary for the prompt and effective fulfilment of its task."

208. The representative of the UNITED KINGDOM stated that the Council had embarked on a procedure consisting in the delivery of speeches first from one side of the table and then from the other. That procedure could be protracted almost indefinitely without leading to any conclusion. The Council had no means of verifying the charges made on one side or the other. But that work could be done by a Commission, commanding the confidence of the Security Council, sent to the spot to investigate the local situation. On the basis of such a Commission's report, the Security Council would be able to reach a just conclusion on which to base any recommendation which it might see fit to make.

209. He added that such a Commission should be empowered to visit both sides of the frontier, and that some provisions should be made for preventing the repetition of the incidents. He believed that the very presence in the danger area of an important Commission would go far to allay unrest and suspicion. He hoped that it might be possible thereby to bring about an improved state of affairs in which the neighbouring countries might live together in the future in peace and amity.

210. The representatives of AUSTRALIA and BRAZIL warmly supported the United States draft resolution.

211. The representative of YUGOSLAVIA expressed apprehension that the United States draft, if adopted, would not bring about a complete solution of the problem. He suggested that the proposed Commission should concentrate on investigating the causes of the turbulent situation in Greece. Suspicion cast even indirectly on other nations would divert attention and hamper the Council in its search for the truth.

212. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that he had no objection to the establishment of a Commission of inquiry to examine the situation on the spot in order to help the Security Council to reach a correct conclusion on the situation in Greece. He had, however, two amendments to the draft resolution. The first amendment concerned the fifth paragraph, which defined the terms of reference of the Commission. He proposed that the fifth paragraph should be replaced by the following paragraph :

213. " That the Commission shall have authority to conduct its investigation in Greece and also in such border areas of Albania, Bulgaria, and Yugoslavia as the Commission considers should be included in its investigation in order to facilitate the discharge of its functions, and to call upon the Governments, officials and nationals of these countries, as well as such other sources as the Commission deems necessary, for information relevant to its investigation."

214. The other amendment concerned the last paragraph of the draft resolution, which he proposed should be amended as follows :

215. " That each representative on the Commission be entitled to take with him one or two assistants and that, in addition, the Security Council request the Secretary-General to provide the necessary number of technical staff."

216. The representative of EGYPT was convinced that an investigation as suggested by the delegation of the United States would be most helpful, and believed that it was the only practical way to obtain a true picture of the situation. It was in the interest of all parties that such an investigation should take place.

217. The representative of BULGARIA announced that his Government agreed to the establishment of a Commission of investigation as provided for in the United States draft resolution and in the USSR amendments.

218. He also suggested that one representative of each of the four countries concerned in the current dispute should be admitted as members of the Commission of investigation without a vote.

219. The representative of POLAND supported the idea of sending a Commission of investigation to the spot, but suggested certain changes in the United States draft. He proposed that the phrase " to disturbed conditions along the frontier ", in the first paragraph of the original draft, should be amended to read " to disturbed conditions in northern Greece and along the frontier ". In the fifth paragraph, too, he had intended to suggest a slight change in the wording. But the representative of the USSR had presented an amendment which contained ideas similar to his, and he was not insistent on the exact wording. He also proposed an addition at the very end, namely :

220. " That the representatives of Greece, Albania, Bulgaria and Yugoslavia be invited to participate in the work of the Commission in a consultative capacity."

221. The representative of ALBANIA thought that the United States draft resolution did not constitute a happy conclusion to the foregoing discussion, inasmuch as it tended both to minimize and to localize the problem, by speaking only of the troubled situation along the frontiers between Greece on the one hand, and Albania, Bulgaria and Yugoslavia on the other. It tended to neglect the real problem. The real source of the troubles was in Greece itself.

222. The representatives of CHINA and FRANCE supported the United States draft resolution.

223. The representative of the UNITED KINGDOM proposed the addition of the following paragraph to the United States draft :

224. "That the Commission be invited to make any proposals that it may deem wise for averting a repetition of disturbances in those frontier areas."

225. The representative of the UNITED STATES OF AMERICA stated that he could not accept a final form of his draft resolution which would contain, by implied or direct prejudgment of the case, an indictment of one of the parties. He was ready to accept all the Polish amendments except the last one. He suggested that the words "impartially before attempting to reach any conclusions regarding the issues involved" should be added at the end of the first paragraph.

5. *Resolution of the Council of 19 December 1946 establishing a Commission of Investigation concerning Greek Frontier Incidents*

226. The United States draft resolution, modified and expanded by amendments proposed by the representatives of Mexico, Poland and the United Kingdom, was adopted unanimously at the 87th meeting of the Security Council on 19 December 1946. The full text of the resolution was as follows :

227. "Whereas there have been presented to the Security Council oral and written statements by the Greek, Yugoslav, Albanian and Bulgarian Governments, relating to disturbed conditions in northern Greece along the frontier, between Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other, which conditions, in the opinion of the Council, should be investigated before the Council attempts to reach any conclusions regarding the issues involved ;

228. "The Security Council resolves :

229. "That the Security Council under Article 34 of the Charter establish a Commission of Investigation to ascertain the facts relating to the alleged border violations along the frontier between Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other ;

230. "That the Commission be composed of a representative of each of the members of the Security Council, as it will be constituted in 1947 ;

231. "That the Commission shall proceed to the area not later than 15 January 1947, and shall submit to the Security Council at the earliest possible date a report of the facts disclosed by its investigation. The Commission shall, if it deems it advisable or if requested by the Security Council, make preliminary reports to the Security Council ;

232. "That the Commission shall have authority to conduct its investigation in northern Greece and in such places in other parts of Greece, Albania, Bulgaria and Yugoslavia as the Commission considers should be included in its investigation, in order to elucidate the

causes and nature of the above-mentioned border violations and disturbances ;

233. "That the Commission shall have authority to call upon the Governments, officials, and nationals of those countries, as well as such other sources as the Commission deems necessary, for information relevant to its investigation ;

234. "That the Security Council request the Secretary-General to communicate with the appropriate authorities of the countries named above in order to facilitate the Commission's investigation in those countries.

235. "That each representative on the Commission be entitled to select the personnel necessary to assist him and that, in addition, the Security Council request the Secretary-General to provide such staff and assistance to the Commission as it deems necessary for the prompt and effective fulfilment of its task ;

236. "That a representative of each of the Governments of Greece, Albania, Bulgaria and Yugoslavia be invited to assist in the work of the Commission in a liaison capacity ;

237. "That the Commission be invited to make any proposals that it may deem wise for averting a repetition of border violations and disturbances in these areas."

6. *Work of the Commission of Investigation*

238. The Commission established by the resolution of the Security Council of 19 December 1946 first met in Athens on 30 January 1947, and held 32 meetings there. Having moved to Salonika, it held 28 meetings there. In order to cover as wide an area as possible in its investigation, the Commission sent out 7 investigating teams, while the main body was functioning at its headquarters in Athens, Salonika, Sofia and Belgrade. On 26 March 1947, the Commission convened in Sofia, where it held 6 meetings, and on 30 March, the Commission convened in Belgrade, where it held 7 meetings.

239. Some of the Commission's meetings were private and were devoted primarily to questions of procedure, while public meetings, in which the liaison representatives took part, were held for the purpose of receiving oral statements from the latter or for examining witnesses. On two occasions, the main body of the Commission itself proceeded to the investigation of frontier incidents and the examination of witnesses. In all other cases, field trips were performed by the investigating teams of the Commission.

240. On the completion of its investigation on the spot, the Commission moved to Geneva, where it held its first meeting on 7 April and held altogether 16 meetings. That period of the Commission's work was devoted primarily to the drafting of its report (S/360), which

was adopted on 23 May 1947. The Commission was also called upon to deal with matters arising from the appointment by the Security Council of the subsidiary group.

241. Following the decision taken at the 133rd meeting of the Security Council, the Commission moved to New York to present its report to the Security Council. It held a number of meetings in New York during the Council's discussion of the report to consider various communications and the reports of the subsidiary group.

7. *Consideration of the Commission's request to the Government of Greece for postponement of death sentences*

242. The Secretary of the Commission of Investigation concerning Greek Frontier Incidents, in a cablegram dated 6 February 1947 addressed to the Secretary-General (S/266), reported that the Commission had received a number of petitions regarding 14 persons sentenced to death by the Greek military tribunals. Intervention was requested to suspend execution of the capital sentences. With the approval of the Commission, an informal approach was made to the Greek Government with a view to the postponement of the sentences. The Commission requested the Security Council to deal with the matter immediately and inform the Commission whether its action in requesting the Greek Government to postpone the executions for political offences was covered by the terms of reference set down in the resolution adopted by the Security Council on 19 December 1946.

243. The representative of GREECE to the United Nations, in a letter dated 7 February 1947 addressed to the Secretary-General (S/271), stated that the action of the Commission was contrary to Article 2, paragraph 7, of the Charter of the United Nations, as well as to the terms of reference of the Commission as established by the Security Council's resolution of 19 December 1946 (see also S/272 and S/273).

244. The matter was debated by the Security Council at its 100th and 101st meetings, on 10 February 1947. The Council first entered into the discussion of whether the representatives of Greece, Yugoslavia, Albania and Bulgaria should be invited to participate in the discussion.

245. **Decision :** *The proposal that the representatives of Greece, Yugoslavia, Albania and Bulgaria should be invited to the Council table was rejected by 8 votes to 3 (Poland, Union of Soviet Socialist Republics, United States of America).*

246. The representative of the UNITED STATES OF AMERICA thought that all the Council needed to do was to send a simple and concrete reply to the Commission, which was a subsidiary organ, and he submitted the

following draft resolution for the consideration of the Council.

247. " *Whereas* the Commission of Investigation established by the Security Council, by the resolution adopted on 19 December 1946, has referred to the Council the question of whether the Commission's request to the Greek Government to postpone the execution of persons sentenced to death by that Government for political offences is covered by the terms of reference of such resolution.

248. " *It is resolved* that the Security Council request the Secretary-General to advise the Commission of Investigation :

249. " That it is the sense of the Security Council that the Commission, acting under the resolution adopted by the Council on 19 December 1946, is not empowered to request the appropriate authorities of Greece, Albania, Bulgaria and Yugoslavia to postpone the execution of any persons sentenced to death, unless the Commission has reason to believe that the examination of any such person as a witness would assist the Commission in its work, and makes its request on this ground."

250. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS suggested that the Council should approve the action of the Commission, which was perfectly comprehensible in view of the situation prevailing in Greece. He considered the United States draft resolution quite unsatisfactory because it did not say whether the action taken by the Commission was right or wrong.

251. The representatives of the UNITED KINGDOM and AUSTRALIA supported the United States draft.

252. The representative of POLAND submitted an amendment to the last paragraph of the United States draft resolution as follows :

253. " That it is the sense of the Security Council that the Commission, in its informal request to postpone the executions, did not act contrary to the terms of reference contained in the resolution of the Security Council of 19 December 1946 ; but that the Security Council advises the Commission to use extreme caution with such requests in the future, unless the Commission has reason to believe that such action would assist the Commission in its work."

254. At the 101st meeting of the Security Council, on 10 February 1947, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS proposed that a portion of the United States draft resolution, namely, from the words " unless the Commission " to the end, should be deleted and replaced by the following :

255. " . . . and at the same time the Security Council approves the action of the Commission

of Investigation consisting in the appeal of the Commission to the Greek Government with regard to the sentencing to death of a group of political prisoners, as the question of these persons, according to the reports received from the Commission, is connected with its work."

**256. Decision :** *The USSR amendment was rejected by 9 votes to one (Union of Soviet Socialist Republics), with one abstention (Poland). The Polish amendment was rejected by 7 votes to 2 (France, Poland), with 2 abstentions (China, Union of Soviet Socialist Republics). The United States draft resolution was adopted by 9 votes, with 2 abstentions (Poland, Union of Soviet Socialist Republics).*

**8. Statement of the representative of the Union of Soviet Socialist Republics**

**257.** At the 122nd meeting of the Security Council, on 25 March 1947, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS drew the attention of the Council to the fact that when Mr. Graur, an expert and adviser to the USSR representative on the Commission of Investigation, and a group who were with him, had returned a few days previously to Trikkala, the Greek authorities had said they were unable to guarantee their safety. If the Greek authorities were unable to guarantee the safety of the members of the Commission, the Greek Government was failing to comply with the terms of the Security Council's resolution, by which all the Governments concerned were asked to co-operate with the Commission. He hoped that appropriate measures would be taken by the Council to prevent a repetition of such incidents.

**258.** The Secretary-General, in a telegram dated 26 March 1947 (S/315) to the Greek Foreign Minister, regarding the complaint of the representative of the Union of Soviet Socialist Republics, pointed out that the Greek Government, in a letter dated 8 January 1947, had undertaken to provide all facilities and assistance for the work of the Commission, and he expressed the hope that the necessary steps would be taken to prevent similar incidents in the future.

**259.** The Greek Foreign Minister, in a telegram dated 28 March 1947 (S/315), stated in reply that, according to a communication from the Prefect of Trikkala, spontaneous unfriendly demonstrations by the population had been caused by the presence of Albanian and Bulgarian liaison representatives. However, the military authorities had intervened to disperse the population massed in front of the town hall, and to take all necessary steps to ensure the safety of the members of the Commission pending the receipt of instructions from the Prime Minister. The visit of the members of the Commission and the Albanian and Bulgarian liaison representatives to Trikkala had not been included in the original itinerary. The statement by the authorities at

Trikkala that they could not guarantee the safety of the persons in question had been due to legitimate scruples. The Greek Government's undertaking, as mentioned in its letter of 8 January 1947, applied to the regular activities of the Commission and could not cover the special case in question (see also S/315/Add.1).

**9. Consideration of the Statement of the representative of the United States of America**

**260.** The deputy representative of the United States of America, in a letter dated 25 March 1947 addressed to the Secretary-General (S/309), requested that the Greek question should be placed on the provisional agenda of the following meeting of the Security Council.

**261.** At the 123rd meeting of the Security Council, on 28 March 1947, the Greek question was placed on the agenda.

**262.** The representative of the UNITED STATES OF AMERICA stated that the Security Council should assure itself that it agreed as to the manner in which the Commission of Investigation could most effectively assist it in its further consideration of the complaint brought by the Greek Government. He thought that the Commission should continue its work, including the investigations along the northern borders of Greece, until the Security Council itself had disposed of the Greek case. He pointed out that with the spring an intensification of the activities of the guerrilla bands operating in that area might be expected. In those circumstances the United States Government believed it was of the utmost importance that the Commission should leave representatives in the frontier area while the report was being prepared and while it was being considered by the Security Council.

**263.** He then recalled the social and economic destruction wrought by the Germans in Greece and the assistance received by the latter from the Members and agencies of the United Nations. Greece was still prostrate because of the damage wrought by the Nazi occupation, and because of the operations of guerrilla bands and other factors. In response to an urgent appeal from the Greek Government for immediate additional economic, financial and expert assistance, the President of the United States had proposed to Congress a programme of assistance which would result in meeting the immediate requirements of Greece and would materially contribute to that country's economic and financial recovery. Owing to the recent requests from Turkey, the proposed programme of assistance would be extended to help meet the needs of Turkey.

**264.** The emergency programme of economic assistance contemplated by the United States was of a temporary character. The United Nations and its related agencies should assume the principal responsibility, within their capa-

cities, for the long-range assistance needed for the reconstruction of Greece. It was by combining national and international action of both immediate and long-range character, aimed at both the security and the economic aspects of the problem, that the Members of the United Nations could advance the cause of collective security.

265. At the outset of the meeting, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS said he considered that the United States request to put the Greek question on the agenda was a new question and not a continuation of the old Greek question. He had no objection to the inclusion of the matter as a new item on the agenda, but thought it should be treated as a separate and independent question.

266. At the 126th meeting of the Council, on 7 April 1947, the discussion of the Greek question was continued.

267. The representatives of Greece, Yugoslavia, Albania and Bulgaria were invited to take their seats at the Council table.

268. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said he considered that the statement of the United States representative on 28 March had raised an important question. He disagreed with the assertion that United States action with regard to Greece and Turkey was in conformity with the principles and purposes of the United Nations and would contribute to the strengthening of the Organization. The United States Government had not approached the United Nations regarding the question, but had informed it of the intended measures only *post factum*. Such action would inevitably give rise to suspicion with respect to the actual aims of the United States and hamper the development of friendly relations among States.

269. He rejected the charges of the United States representative that the tense situation existing in northern Greece was linked with an alleged threat to the country from outside. If such were the case, the United States Government should first prove to the Security Council the existence of such a threat, in order that the latter might be able to take the measures provided in the Charter for the maintenance of peace.

270. The attempt of the United States representative to connect the so-called aid to Greece and Turkey with the work of the Commission of Investigation was artificial and unjustified. The Council should await the completion of the Commission's work and take any necessary measures as the result of a finding based on the conclusions of the Commission.

271. The United States aid to Greece and Turkey was not economic but military. The major portion of the proposed sums assigned for Greece was intended neither for the reconstruction of its economy nor for rendering

material aid to the population, but for military needs. The aid to Turkey was also intended for military purposes.

272. Greece, as well as other Allied countries which had suffered from fascist occupation, unquestionably had the right to receive aid from outside, provided that that aid in no case served as an instrument of foreign influence in Greece. The USSR representative suggested that such aid could be carried out with the participation of a special Commission of the Security Council which would supervise the proper realization of such aid in the interests of the Greek people.

273. On the other hand, no reason could be found for granting aid to Turkey. In his opinion, Turkey had no such right to receive aid from outside, since it was not a country that had suffered in the war. Its territory had not been occupied, and it had not assisted the Allies in their struggle against Hitlerite Germany. The formal declaration of war by Turkey on the eve of the final defeat of Germany had amounted to no more than a gesture.

274. The representative of the UNITED KINGDOM stated that it was indisputable that Greece was in immediate need of relief and that the United Nations was not in a position at that moment to provide the necessary financial assistance. In the opinion of his Government, the action of the United States Government was in full accord with the purposes and principles of the United Nations.

275. He supported the United States proposals that a Sub-Commission should be left on the Greek border to observe the situation while the main body of the Commission was drawing up its report, and that the Sub-Commission should remain there while the Commission presented its report and until final action by the Security Council. He considered that such a Sub-Commission should be a subsidiary organ of the Commission and should be guided by the precedents and practices of the Commission.

276. The representative of SYRIA thought it would be premature to discuss the United States suggestion before the Council received a report from the Commission.

277. The representative of AUSTRALIA was in favour of the proposed assistance by the United States to Greece and considered that such aid was entirely in conformity with the purposes and principles of the United Nations.

278. He also agreed with the United States suggestion that a section of the Commission should remain in Greece. Such a group could exercise a stabilizing influence on the frontier and could also pass on to the Commission any further evidence which might come to hand.

279. The representative of the UNITED STATES OF AMERICA submitted a formal draft resolution as follows :

280. " *Resolved* :

280 a. " that, during the absence of the Commission from the area in which the Commission has conducted its investigation, the Commission shall maintain in the area concerned a subsidiary group composed of a representative of each of the members of the Commission."

281. The representative of BULGARIA noted that the proposed United States aid came under two headings: goods for the needs of the civilian population, and military supplies and a military mission to help the existing Greek Government in its military operations against the Greek partisans. In his opinion, the first part of the proposed aid ought to be administered by the United Nations or under its guidance. As to the second part, his Government feared that it might bring about a worsening of political conditions in Greece and create international complications.

282. The representative of YUGOSLAVIA viewed the proposed United States assistance to Greece and Turkey with great apprehension. The United Nations had been by-passed and certain Members of the United Nations were being armed against alleged threats from other Members. He thought any purely economic aid should be granted in a spirit of co-operation and not of animosity and discrimination among the Members of the United Nations.

283. He also pointed out that, after a thorough investigation, the United Nations had recently established which countries had urgent need of relief and assistance, and that Turkey was not among the countries listed. It was therefore strange that economic aid should be given to a country which was comparatively well off and which had not had a single soldier in the war against nazi Germany and fascist Italy.

284. The representative of GREECE expressed his approval of the United States draft resolution.

285. The representative of FRANCE supported the United States draft resolution, which would serve the maintenance of peace and security in the area concerned, but felt that its temporary nature should be brought out more clearly.

286. He therefore proposed that the draft should be amended as follows :

287. " *Resolved* :

287 a. " that, pending a new decision of the Security Council, the Commission shall maintain in the area concerned a subsidiary group composed of a representative of each of the Members of the Commission."

288. The representative of the UNITED STATES OF AMERICA accepted the amendment.

289. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS proposed that a

special Commission of the Security Council should be established to participate in the giving of aid to Greece and to ensure that the help given to Greece from outside should be used only for the benefit of the Greek people.

290. He regarded the Commission of Investigation and the United States aid to Greece and Turkey as two distinct questions; the former was a definite and limited question and the latter was a different, independent and wider one.

291. At the 128th meeting, on 10 April 1947, the representative of POLAND stated that the Greek problem consisted of three parts: first, the need of economic aid for the relief and reconstruction of Greece; secondly, the need to maintain the internal integrity of the Greek State; and, thirdly, the need to maintain the independence of Greece.

292. He agreed that Greece, like the other countries devastated by the war, was in need of economic assistance. He therefore welcomed the intention of the United States to aid Greece; but in order to attain its objectives, such aid must further the reconstruction of the Greek economy and not be used for political ends.

293. He fully sympathized with the objective of maintaining the integrity of the Greek State. The Greek nation was torn by civil strife. He wished to see the restoration of unity among the Greek people, but that unity would not be fostered by financing the activities of an irresponsible, corrupt, inefficient, unpopular regime which had failed to bring internal peace to the Greek nation.

294. He recognized the necessity of maintaining the national independence of Greece. But before there could be any question of taking special action to maintain the independence of the Greek State, that independence would have to be threatened by somebody. He agreed with the USSR proposal that the Security Council should establish a Commission to supervise the application of economic aid to Greece.

295. The case of Turkey was quite different from that of Greece. Turkey had not been devastated by war, nor did it need relief or aid for reconstruction. The United States aid to Turkey was going partly for building up Turkey's armed forces and partly for the purpose of industrialization, which was also to be of a military character. The Polish representative pointed out that in recent years 53 per cent of Turkey's total national expenditure had been for military purposes. If the national independence of Turkey was being threatened, the Security Council should ask for specification of the State which was alleged to threaten the independence of Turkey and summon that State before the Council.

296. The Council was then seized of the

following draft resolution submitted by the Union of Soviet Socialist Republics :

297. " As a result of the discussion which took place in the Security Council on the question raised by the representative of the United States in his statement of 28 March 1947,

298. " *The Security Council resolves* to establish a special Commission composed of representatives of the member States of the Security Council, the task of which shall be to ensure through proper supervision that aid which Greece may receive from the outside be used only in the interests of the Greek people."

299. The representative of the UNITED STATES OF AMERICA maintained that the purpose of the Security Council in creating the Commission implied that the Commission should be in a position to discharge its duties until the Council itself should have reached a decision on the matter. He thought his draft resolution, as amended by the French representative, should dispose of any charge that the United States Government wished the Security Council to anticipate or prejudge the report which was being drafted by its Commission.

300. There seemed to be an inconsistency in the position of the USSR representative, since on the one hand he raised objections to the idea of leaving a subsidiary group of the Commission of Investigation in Greece, and on the other hand he proposed that the Security Council should establish a new Commission to supervise the carrying-out of aid in Greece.

301. The proposed United States aid to Greece and Turkey was still only a proposal. Nothing could be *post factum* until the policy had been decided by the legislative and executive branches of the United States Government. The President's proposal to Congress had been made pursuant to requests from the established Governments of Greece and Turkey. Any agreement entered into would be registered with the United Nations. The purpose of the proposed military aid was consistent with the purposes and principles of the United Nations Charter with regard to the maintenance of the integrity, domestic tranquillity and security of the State, which were necessary for economic welfare.

302. The representative of GREECE declared that he would welcome a group from the Commission of Investigation to observe and report upon further frontier violations, but objected to the proposal of the representative of the Union of Soviet Socialist Republics.

303. In reply to the criticisms of the representative of Poland with respect to the Greek Government, he cited a Press report regarding the financial and military agreement recently concluded between the USSR and Poland, noting that he could not speak with certainty,

as the agreement had not been registered with the United Nations.

304. At the 129th meeting of the Security Council, on 14 April 1947, the representative of ALBANIA declared that the United States aid to Greece and Turkey was in contradiction with the spirit of the Charter and could not serve to strengthen the United Nations. Any such economic and military aid under existing conditions would constitute an intervention in the internal affairs of Greece and Turkey. He considered that the proposal to leave a subsidiary group in the frontier region of Greece was pointless. The neighbours of Greece had nothing to do with the so-called frontier violations.

305. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, replying to what the United States representative had said at the previous meeting of the Security Council, stated that the United States aid to Greece and Turkey was an independent question and a much wider one than that of the work of the Commission of Investigation, which was limited to the border incidents along the northern Greek frontiers. The United States representative was trying to create the impression that there was a link between the two questions. If the United States proposal were accepted by the Security Council, the interpretation would be that the United States wanted to create the impression that its unilateral action would be protected or concealed by the trademark of the United Nations. The proposed amendment to the bill, by stipulating what decisions by the Security Council or the General Assembly would affect it, seemed to dictate to the Security Council and the General Assembly the way they would have to vote if they wanted to take a decision on the substance of the matter.

306. He could not agree with the argument of the United States representative that it was undesirable that a decision should be taken on the USSR draft resolution before the United States Congress had acted upon the bill. The fate of the USSR draft was not dependent upon a decision to be taken by the United States Congress or upon any decision to be taken by any group in any country.

307. The United States representative had hinted that the question of aid to Greece should be considered by other organs of the United Nations and not by the Security Council. The question brought up by the United States was not a purely economic question, but had political significance, as was proved by the fact that the Security Council was dealing with the question. It was the United States that had brought the question before the Security Council.

308. At the 130th meeting, on 18 April 1947, the representative of FRANCE stated that the principle of economic aid to Greece could

not be contested by anybody, and had not been contested by any member of the Security Council. Aid had been asked for by the Greek Government and was to be given in circumstances of great urgency. He could not support the idea that the aid should be controlled by an organ of the United Nations unless the United States Government agreed to it.

309. He suggested, however, that the delegation of the United States might keep the United Nations informed of the aid given to Greece and of the results obtained by those means. He thought it was desirable and within the scope of the Council that the latter should request the United States Government to accompany its aid with advice which would enable the Greek Government to appear in the eyes of the world as acting in the name of a truly democratic regime.

310. The representative of BRAZIL pointed out that the emergency aid requested by Greece and Turkey was intended to assist them in the maintenance of order without which it would be impossible to carry out the work of reconstruction in those countries and to ensure to their peoples the degree of tranquillity to which they were entitled under the broad scope and purposes of the United Nations.

311. The United Nations, he contended, did not constitute a superstate involving derogation of sovereignty. The Charter was a pact between sovereign nations, which were not forbidden the normal establishment of relations by means of bilateral or multilateral treaties aiming at the most varied objectives and interests, including those of military defence.

312. In his opinion, the Member States were not precluded from requesting or receiving the assistance of other nations or from extending such help to others, and there was nothing in the Charter which stipulated that such requests or assistance were subject to the control of the United Nations. The action of the United States in consulting the United Nations and, still more, the proposed amendment to the bill, were facts of great significance.

313. The representative of SYRIA was of the opinion that it would be appropriate for the Council to take note of the question while awaiting the presentation of the project to the Council in its final form. He heartily supported the proposed help to Greece and Turkey in the social, economic and civic fields, and welcomed any help to any Member State within the provisions of the Charter of the United Nations.

314. The representative of the UNITED KINGDOM stated that what the United States Government was proposing to do for Greece, the USSR Government itself had already done for Poland, Yugoslavia and other countries. Pointing out the USSR aid to Poland and Yugoslavia, as reported in the Press, he said

that there would seem to be no particular reason why the Council should support the USSR contention that United States aid to Greece should be treated in one way, and USSR aid to Yugoslavia and other countries in another way.

315. The representative of COLOMBIA said that his delegation was quite willing to agree that, pending a new resolution of the Security Council, the Commission should maintain in the area concerned a subsidiary group consisting of a representative of each of the members of the Commission. At the same time, he saw no difficulty in supporting the appointment of a new Commission composed of representatives of all the member States of the Security Council whose task it would be to co-operate on behalf of the Council with the agents designated by the United States Government to handle its aid to Greece.

316. In his opinion, the Council should go one or two steps further, to examine the advisability of promoting a general Balkan convention, in order to safeguard peace, security and orderly development in the Balkan peninsula. He suggested a draft resolution reading as follows :

317. "*The Security Council*

317 a. "*Resolves to invite the Governments of the United States, the United Kingdom, France and the Soviet Union to examine jointly the possibility of a Balkan agreement in order to settle all pending questions which are likely to endanger security and friendly relations among Albania, Bulgaria, Yugoslavia and Greece.*"

318. If the above paragraph were acceptable to the Council, a second provision might be added to the draft as follows :

319. "*[The Security Council] further resolves to appoint a Committee of four permanent members and three non-permanent members to be known as the Balkan Committee of the Security Council, the task of which will be to co-operate with the Governments of the Soviet Union, France, the United Kingdom and the United States, if they decide to accept the invitation of the Security Council. The Balkan Committee will likewise co-operate with the competent authorities or agencies appointed by the Government of the United States to handle its aid to Greece. The Commission appointed by the Security Council to investigate border disputes between Greece and the neighbouring countries shall maintain in the area concerned a subsidiary group of a representative of each of the members of the Commission, which will keep the Balkan Committee fully informed of its activities and findings.*"

320. The representative of POLAND, replying to the remarks of the representatives of Greece and the United Kingdom, stated that the USSR's aid to Poland could not be compared

with the United States aid to Greece. Between the USSR and Poland there existed a treaty of mutual assistance. Poland and the USSR were neighbouring countries, while there were at least seven seas between the United States and Greece. The situation in Poland was also quite different: Poland had no civil war, whereas Greece was an international problem.

321. As to the registration and publication of certain treaties, some treaties had been registered, some would be registered in the near future, and some were pending ratification.

322. The Polish representative thought the United States draft resolution was not quite satisfactory, particularly in that it did not define the case clearly, and he suggested an amendment to the USSR draft resolution in order to give the assurance that the aid would not become a political weapon. He proposed that the following words should be added to the end of the draft:

323. "In accordance with the resolution of the fifty-sixth plenary meeting of the General Assembly on 11 December 1946, such aid cannot be used as a political weapon and shall be distributed without any discrimination because of race, creed, or political belief."<sup>1</sup>

324. At the 131st meeting, on 18 April 1947, the representative of BELGIUM said that he would vote for the United States draft. With regard to the United States aid to Greece and Turkey, he felt it was not for the Council to pronounce on that question.

325. The representative of AUSTRALIA stated that the United States draft resolution was a matter of urgency. He thought the subsidiary group proposed by the United States representative might well exercise a stabilizing influence on the frontiers. It would also be able to supply the Commission and the Security Council with information right up to the moment the report was received.

326. If the USSR resolution were put to the vote at that time, he would vote against it. He felt that until the Council knew what the terms of the programme proposed by the United States were, it would be premature to consider the setting-up of a Commission as proposed by the USSR representative.

327. He considered the Colombian proposal a long-term solution of the Balkan problem. It should be deferred for consideration until the Council had the report of the Commission.

328. The representative of YUGOSLAVIA, replying to the United Kingdom representative's comparison of the Soviet-Yugoslav agreement with the United States aid to Greece, said that it was a sovereign privilege of any State to

enter into a bilateral trade agreement or a bilateral relief action. The proposed United States aid to Greece might well be exploited against the interests of the Greek people.

329. As to the remarks regarding the delivery of arms and instructions to Yugoslavia from the USSR, the Soviet military aid to Yugoslavia could not constitute an interference as there was no civil war in Yugoslavia.

330. The representative of FRANCE, in order to meet the criticism of certain representatives to the amended United States draft, submitted the following new amendment:

331. "The Security Council

331 a. "Resolves that, pending a new decision of the Security Council, the Commission shall maintain in the area where it has been conducting its inquiry a subsidiary group composed of a representative of each of the members of the Commission to continue to fulfil such functions as the Commission may prescribe, in accordance with the terms of reference given in the resolution of the Council of 19 December 1946."

332. The representative of CHINA welcomed the statement of the United States representative on 28 March and considered that the United States clearly did not intend to by-pass the United Nations. The Greek people had suffered long and severely and had played a truly heroic role in resisting Axis aggression in the cause of the United Nations. The Greek people deserved all the economic and financial assistance that the United Nations itself, or any Member or Members of the United Nations, could possibly render. He believed that the United States, in trying to help Greece to restore its economic life and political stability and, similarly, in undertaking to supply Turkey with its urgent needs as requested, was rendering a great service to the cause of international peace and security to which the Security Council was dedicated.

333. In his opinion, a subsidiary group such as that proposed by the representative of the United States would be useful in making day-to-day investigations of any border violations and disturbances which might occur during the following few weeks. The United States draft resolution was in harmony with the terms of reference of the Commission.

334. The draft resolution put forward by the representative of the USSR involved two questions: first, whether any and every international aid or inter-governmental loan should be supervised or administered by an organ of the United Nations; secondly, if so, whether the Security Council was the proper organ of the United Nations to undertake such supervision or administration. In any case the creation of such a Commission seemed unnecessary at that stage.

<sup>1</sup> See *Resolutions adopted by the General Assembly during the second part of its first session*, No. 48 (1), page 74.

10. *Decisions of the Council at the 131st meeting, on 18 April 1947*

335. **Decision :** *The United States draft resolution, after being further amended, was adopted by 9 votes, with 2 abstentions (Poland, Union of Soviet Socialist Republics).*

336. The resolution read as follows :

337. " *Resolved* that, pending a new decision of the Security Council, the Commission established by the resolution of the Council of 19 December 1946 shall maintain in the area concerned a subsidiary group composed of a representative of each of the members of the Commission to continue to fulfil such functions as the Commission may prescribe in accordance with its terms of reference."

338. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS objected to the postponement of the decision on the USSR draft resolution. He could not see how the Security Council could take a decision on a question which it had not really studied and at the same time postpone a decision on a question which was being studied by the Security Council and which was directly concerned with the action of the United States in regard to aid for Greece.

339. The representative of the UNITED STATES OF AMERICA expressed his opposition to the USSR draft resolution. He wished to have it put on record that the United States would not exercise a veto in the current instance but would abstain from voting, although it was opposed to the draft resolution.

340. **Decision :** *The Polish amendment was not adopted, having failed to obtain the requisite 7 affirmative votes. There were 2 votes in favour (Poland, Union of Soviet Socialist Republics), and 9 abstentions.*

341. **Decision :** *The USSR draft resolution was rejected by 4 votes (Australia, Belgium, Brazil, United Kingdom) to 2 (Poland, Union of Soviet Socialist Republics), with 5 abstentions.*

11. *Decision of the Council that the Commission should appear in New York to present its report*

342. At the 133rd meeting, on 12 May 1947, the Council discussed a cablegram from the Chairman of the Commission asking whether the Security Council desired that the Commission as a body should appear in New York to present its report to the Council (S/348).

343. **Decision :** *After some discussion the Council decided, by 8 votes to none, with 3 abstentions (Poland, Syria, Union of Soviet Socialist Republics), that the reply to the Chairman's question was in the affirmative, with the understanding that only chief representatives of each delegation or their substitutes would be expected.*

12. *Discussion on the terms of reference of the Subsidiary Group*

344. The Chairman of the Commission of Investigation concerning Greek Frontier Incidents, in a cablegram dated 5 May 1947 (S/343) informed the President of the Security Council that the Commission, at its 84th meeting, on 5 May, had considered letters from the Albanian and Yugoslav liaison representatives stating that their respective Governments would not participate in the work of the Subsidiary Group of the Commission (S/342 and S/341, respectively). As the matter was outside its terms of reference, the Commission had decided to refer the whole question to the Security Council together with the verbatim record of the 84th meeting (S/344).

345. The Bulgarian liaison representative, in a letter dated 7 May 1947, informed the Commission that instructions received from his Government confirmed the attitude he had taken at the 84th meeting of the Commission : his Government did not consider it advisable to send a representative to participate in the work of the Subsidiary Group (S/345).

346. The representative of the Union of Soviet Socialist Republics, in a letter (S/347) dated 7 May 1947 addressed to the Secretary-General, requested that, in connexion with the decision taken by the Commission on 29 April 1947 on the terms of reference of the Subsidiary Group, the Greek Question should be put on the agenda of the following meeting of the Security Council (see also S/337).

347. The Greek Question was put on the agenda of the Security Council at the 133rd meeting, on 12 May 1947, and discussion continued through the 137th meeting, on 22 May 1947. The representatives of Albania, Bulgaria, Greece and Yugoslavia were invited to take their seats at the Council table.

348. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS explained that he had asked that the Greek Question should be put on the agenda because the resolution taken by the Commission of Investigation on 29 April 1947 deserved the attention of the Security Council. A study of that resolution showed that its definition of the functions and powers of the Subsidiary Group was not in accordance with the decision of the Security Council's resolution of 18 April 1947.

349. It could be seen from the records of the meetings of the Commission that the latter had decided to delegate and transfer its functions and powers automatically to the Subsidiary Group. Such a decision would mean that the Subsidiary Group was not a subsidiary group of the Commission at all, but a Commission with exactly the same functions and powers as those given to the Commission itself by the Security Council. Thus, in violation of the decision of the Security Council, there would be not one,

but two Commissions acting along parallel lines.

350. The aim of the Council's resolution of 19 December 1946 had been to ensure that an inquiry should be carried out into those incidents to which the Greek Government had called the attention of the Security Council. It had to deal with incidents which took place before the Commission got to work. The terms of reference did not cover future incidents, and the powers and functions which the Security Council assigned to its Commission could not be mechanically extended into the future.

351. Moreover, whereas the Security Council had followed the procedure of inviting the representatives of Albania, Bulgaria, Greece and Yugoslavia to participate in its debates on the question, the Commission, by its decision of 29 April, had adopted a resolution regarding the powers and functions of the Subsidiary Group without the participation of the representatives of Albania, Bulgaria and Yugoslavia. Such a situation could not be approved.

352. The delegation of the USSR could not understand the decision of the Commission to choose Salonika as the headquarters of the Subsidiary Group, when Athens was the political and administrative centre of Greece. Furthermore, the presence of the Subsidiary Group in Salonika might encourage the activities of certain irresponsible and adventurous Greek circles.

353. For the above-mentioned reasons, the of the UNION OF SOVIET SOCIALIST REPUBLICS, submitted the following draft resolution :

354. "*Having discussed* the decision taken by the Commission of Investigation concerning Greek Frontier Incidents on 29 April 1947, about the terms of reference of the Subsidiary Group of the Commission,

355. "*The Security Council resolves :*

356. "1. The Subsidiary Group will carry out the investigation of facts only on the instructions of the Commission in each separate case and will report to the Commission about the results of such investigation ;

357. "2. The Subsidiary Group will have its headquarters in Athens and will carry out such functions which the Commission of the Security Council will assign to the Subsidiary Group in accordance with the provisions of the above paragraph 1 ;

358. "3. The Subsidiary Group will cease its activity with the liquidation of the Commission itself ;

359. "4. The Commission should bring its decision on the terms of reference of the Subsidiary Group in conformity with this decision of the Security Council."

360. The representative of BELGIUM said there seemed to be some confusion regarding the Council's resolution of 18 April 1947 and the Commission's resolution of 29 April 1947. The Greek question did not constitute a situation, but a dispute, to which Greece, Yugoslavia, Albania and Bulgaria were parties. It was in the capacity of parties to a dispute that those four States had been invited, under Article 32 of the Charter, to participate in the deliberations of the Security Council. Albania and Bulgaria, non-members of the United Nations, had assumed, for the purpose of the dispute, the obligations imposed by the Charter.

361. Article 32 of the Charter denied the right of voting to States invited to the Council, whether they were Members of the United Nations or not. Consequently, the four States were placed upon the same footing and they could not have expressed assent or dissent capable of influencing the resolution of 18 April 1947. Under Articles 34 and 25 of the Charter, the States parties to the dispute were obliged to conform to the resolution of 18 April 1947.

362. The Commission, in giving the Subsidiary Group powers similar to its own, but less extended, had respected the character of the Subsidiary Group as an organ whose function was that of a deputy.

363. The representative of YUGOSLAVIA stated that the resolution of the Security Council adopted on 18 April 1947 was inconsistent with the provisions of the Charter. It was for that reason that the liaison representative of Yugoslavia on the Commission had felt that he could not co-operate in the work of the Subsidiary Group until the misinterpretation of the Charter was cleared up.

364. The Security Council was the only organ which could take decisions regarding matters relating to the maintenance of international peace and good relationship among the United Nations. The Council could not transfer to some other organ the power with which it was invested.

365. The Commission had prescribed the competence and procedure of the Subsidiary Group without consulting Yugoslavia, whose interests were directly affected. The Yugoslav Government could not consider such a decision legal. The Council had not envisaged that the Subsidiary Group should in every respect have the same competence as the Commission had had. The Commission, transferring the terms of reference given it under the resolution of 19 December 1946, had created a breach of the terms of reference which it had received on the basis of the resolution of 18 April 1947.

366. In the opinion of the Yugoslav representative, the interpretation of the resolution of 18 April 1947 should be revised. The resolution spoke of the "area concerned", which was understood to be limited to northern Greece and to the frontier areas. The decision of the Commission, however, entitled the

Subsidiary Group to investigate freely in all areas of all the four States mentioned. Moreover, according to the resolution of 19 December 1946, the Commission had been created to investigate the incidents of the past. Meanwhile, the decision of the Commission empowered the Subsidiary Group to investigate future incidents.

367. The representative of ALBANIA said his delegation had felt that the appointment of the Subsidiary Group was useless and premature for the following reasons: first, the Security Council had not yet received any report from the Commission; secondly, in the absence of any report, preliminary or final, the appointment of such a group seemed to prejudge the fundamental aspects of the question; thirdly, the work performed by such a group could not constitute effective assistance for the Commission or for the Security Council, since the Commission had just visited all the areas concerned and collected all possible information.

368. Nevertheless, he assured the Council that there was no refusal on the part of his delegation to act in accordance with the Council's decisions. He thought the Security Council should examine with great care the problem brought before it so that the new situation created by the decisions of the Council and of the Commission could be cleared up and a correct and precise interpretation given to all the documents concerned, in conformity with the terms prescribed in the Charter of the United Nations.

369. The representative of GREECE declared that Greece accepted and would carry out the decisions of the Security Council, the Commission of Investigation and the Subsidiary Group established pursuant to the Council's resolution of 18 April 1947.

370. Commenting on the proposal of the representative of the USSR, he contended that the purpose of the Council was to achieve a pacific settlement of the dispute by bringing to an end the continuing foreign interferences and border violations. It was not only past incidents that endangered the maintenance of international peace, but also incidents occurring at that very moment.

371. The representative of the UNITED STATES OF AMERICA recalled that most members of the Council had felt, when setting up the Subsidiary Group, that the purposes of the resolution of 19 December 1946 could be better served if, after the main Commission had completed its principal investigation and was in Geneva writing its report, there remained in the area concerned a holding group which would have a deterrent effect on elements wishing to make trouble or to create new situations. There was little doubt that the words "area concerned", in the resolution of 18 April 1947, referred to the area described in the resolution of 19 December 1946.

372. No substantial reason had been advanced by the USSR representative for repudiating the action of the Commission in choosing Salonika for the headquarters of the Subsidiary Group. The Council had authorized the setting-up of that Subsidiary Group and had also instructed the main Commission to give it its terms of reference, keeping within the resolution of 19 December 1946. The Subsidiary Group had not been given any executive functions but had merely been instructed to report to the main Commission on each individual case as it occurred.

373. The current arrangement was not permanent. The United States delegation had never envisaged the possibility that the Subsidiary Group might continue its activity after the liquidation of the Commission.

374. Regarding the attitude taken by the Governments of Yugoslavia, Bulgaria and Albania, he felt it was a serious matter that those Governments should have refused to abide by decisions made under the authority of the Security Council.

375. The representative of AUSTRALIA, commenting on certain points in the statement by the representative of the USSR at the previous meeting, drew attention to certain facts. First, the Commission had not delegated its entire terms of reference to the Subsidiary Group; there had been three reservations. Secondly, as the resolution of 19 December 1946 had said nothing about rules of procedure, the Commission was perfectly free to adopt any rules of procedure it desired. Thirdly, the tenor of the debates and the language used in the discussions on the terms of reference had indicated clearly that the Commission would deal with all incidents right up to the time its report came before the Council. Fourthly, the members of the Commission had not taken a decision concerning the liquidation of the Subsidiary Group owing to the fact that they were not clear as to the intentions of the Council regarding the time of dissolution of the Subsidiary Group or the Commission.

376. The representative of Australia held that the whole work of the Group would be nullified if it could carry out the investigation of facts only on the instructions of the Commission in each separate case. As to the location of the Subsidiary Group, he thought Salonika had been proposed for purely practical reasons.

377. In order to clear up any misunderstanding, he proposed that it should be recorded that, in the opinion of the Security Council, the Commission, in its decision of 29 April 1947 establishing terms of reference for its Subsidiary Group in the area concerned, had correctly interpreted the intention of the Council's resolution of 18 April 1947.

378. The representative of BRAZIL considered that the cablegram of 5 May 1947 from the

Chairman of the Commission had raised two important questions. The first concerned the obligation of Members and non-members of the United Nations to carry out the decisions of the Security Council in matters relating to the peaceful settlement of disputes. So far as Members were concerned, they were obliged to carry out the decisions of the Security Council under Article 25 of the Charter. Albania and Bulgaria, non-members of the United Nations, in accepting the invitation of the Security Council to participate in the discussion, had assumed the obligation to abide by the Council's decision. The four countries in question, as parties to a dispute invited to participate in the discussion, had had no say in the establishment of the Subsidiary Group, inasmuch as Article 32 of the Charter denied them the right to vote.

379. With regard to the delegation of powers contained in the Council's resolution of 18 April 1947, he could find no juridical grounds for invalidating it.

380. The delegation of Brazil was therefore of the opinion that the Subsidiary Group should proceed with its work until the Commission had presented its report and the Security Council had reached a decision on it.

381. The representative of CHINA was of the opinion that, in carrying out its duties in connexion with the Greek Question, the power of the Council to create a Subsidiary Group was unchallengeable. So long as the Council was seized of the question, it had the right and duty to keep an eye on the situation. The Council could not deal with the situation adequately by confining its attention to isolated incidents.

382. The Commission, in defining the terms of reference of the Subsidiary Group, had acted entirely within its powers. The Commission had been authorized by the Council to define the terms of reference of its Subsidiary Group.

383. Albania, Bulgaria and Yugoslavia were legally and morally under the obligation to assist the Subsidiary Group in its work, and the Subsidiary Group should have authority by a formal decision to investigate any incidents that might occur, without having to await an order in each case from the Commission or the Council.

384. The representative of BULGARIA expressed his regret that his Government's attitude had been described, in some quarters, as a refusal to co-operate with the Subsidiary Group. Although not a Member State, Bulgaria abided by its formal obligation to observe the decision of the Council on the Greek Question. The Bulgarian Government wished for clarification as to the purposes and scope of activity of the Subsidiary Group. That request could not be represented as an

action undermining the authority of the Security Council.

385. In his opinion, the Commission had not instructed the Subsidiary Group to perform subsidiary functions, but had transformed it into a new Commission to investigate possible future incidents. The Commission could not in any circumstances assign to its Subsidiary Group the investigation of cases of which the Security Council had not been seized.

386. The Security Council should determine the period of time during which the Subsidiary Group would exercise its functions. The Group could not remain in the Balkans indefinitely. The representative of Bulgaria doubted very much whether any sovereign country would tolerate the presence of an international body on its borders for an unlimited period of time.

387. From a procedural point of view, he did not see how the Council could accept the report of the Commission, if there was going to be a continuous flow of new information. There must be a limitation of the period of time and of the facts under discussion. He did not think the Council expected the Bulgarian Government to assume a vague obligation to allow the Subsidiary Group to make investigations in Bulgaria for an indefinite future period on matters which were not yet known.

388. The representative of the UNITED KINGDOM thought that, under the terms of the Security Council's resolution of 18 April 1947, there seemed to be no reason why the Subsidiary Group might not have had exactly the same powers as the Commission itself with regard to watching the situation. In point of fact, the Commission had actually limited the Subsidiary Group's powers. In his view, the Commission had acted properly under a Council decision.

389. He was in full agreement with the statement that the Subsidiary Group, in accordance with the resolution of the Security Council, could and should investigate any incidents that might take place in the Greek frontier areas. He drew the attention of the Council to the last clause in the Security Council's resolution of 19 December 1946: "That the Commission be invited to make any proposals that it may deem wise for averting a repetition of border violations and disturbance in these areas." As the Commission was clearly intended to make recommendations for the future, it would be ridiculous to leave a gap between the time when the original incidents were alleged to have taken place and the time when the Commission's report might be acted upon by the Council.

390. Commenting on the USSR draft resolution, he contended that the effect of its first paragraph, by making the Subsidiary

Group refer each case back to the Commission, would be to stultify the whole purpose of the Council's decision. Paragraph 2, which proposed to transfer the Group's headquarters to Athens, was equally inappropriate and unacceptable. With regard to paragraph 3, concerning the liquidation of the Subsidiary Group, since the latter was a subsidiary of the Commission he did not think that any one could maintain that it should not cease its activity if the Commission itself were liquidated. If the objections to paragraphs 1 and 2 of the USSR draft resolution were well founded, paragraph 4 was superfluous.

391. The representative of FRANCE could see no ambiguity in the resolution of 18 April 1947 and could not accept the suggestion that the Security Council had violated the Charter of the United Nations. He believed that the Commission had in no way exceeded its rights and its powers. With regard to the headquarters of the Subsidiary Group, the Commission was free to select whatever town it thought fit. As to the duration of the Subsidiary Group, it could clearly not exceed the existence of the Commission itself.

392. The representative of POLAND thought that the Commission, in drawing up directives for the Subsidiary Group, had given the latter much wider powers than it possessed itself. He believed that no organ of the Security Council could deal with incidents which had not been reported to the Security Council, and with cases of which the Council had not been seized.

393. The representative of SYRIA considered that the Subsidiary Group was the same as the Commission, and that there had been no need for the Commission to establish new terms of reference for the Subsidiary Group. He proposed that the Council should adopt the following draft resolution :

394. "*The Security Council,*

395. "*Having examined* the directives adopted by the Commission of Investigation concerning Greek Frontier Incidents for the Subsidiary Group, and

396. "*Having considered* the attitudes of the four Balkan States concerned towards the Group,

397. "*Resolves :*

398. "1. That those directives limiting the scope of the Subsidiary Group's capacity are unnecessary. The Group is to continue exercising the same attributes assigned to the Commission by the Security Council in its resolution of 19 December 1946 ;

399. "2. To instruct the four Balkan States concerned to collaborate with the Subsidiary Group in conformity with the resolution of the Security Council of 19 December 1946."

13. *Decisions of the Council at its 137th meeting, on 22 May 1947*

400. **Decision :** *The USSR draft resolution was rejected by 6 votes to 2 (Poland, Union of Soviet Socialist Republics), with 3 abstentions (Colombia, France, Syria).*

401. The representative of AUSTRALIA stated that the rejection of the USSR draft resolution showed three things. In the first place, it showed that the majority of the members of the Commission had in fact interpreted the will and intention of the Council ; secondly, that the Security Council's resolution of 18 April 1947 was positively reaffirmed ; and, thirdly, that the Commission's instructions of 29 April 1947 had not been invalidated by the current discussion.

402. He therefore asked to be allowed to withdraw his proposal, for which there was no further need.

403. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS suggested that the Council should postpone further discussion of the question and should not take any decision until the Council had considered the report of the Commission.

404. The representative of the UNITED STATES OF AMERICA supported the suggestion of the USSR representative, and added that, from the legal point of view, the situation was entirely clear and that the directive given by the Commission to the Subsidiary Group had the effect of law.

405. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS presented a formal draft resolution as follows :

406. "*The Security Council resolves* that further discussion or decision on the question of the terms of reference of the Subsidiary Group of the Commission of Investigation concerning Greek Frontier Incidents should be postponed until such time as the final report of the Commission is submitted to the Security Council."

407. The representatives of AUSTRALIA, the UNITED KINGDOM, the UNITED STATES OF AMERICA and FRANCE submitted that the question of terms of reference had already been settled when the draft resolution of the USSR representative had been rejected.

408. The representatives of YUGOSLAVIA and BULGARIA contended that no interpretation had been given in a positive form.

409. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said he could not agree with the opinion expressed by some members of the Council who seemed to consider that the decision of the Council had been taken on the question of the rights and powers of the Subsidiary Group. His proposal was that the Council should postpone further

discussion upon the question, and that it should not decide at that juncture to approve or disapprove the decision by which the Commission had defined the powers of the Subsidiary Group.

410. The representative of SYRIA withdrew his draft resolution.

411. The representative of AUSTRALIA proposed an amendment to the USSR draft resolution to read as follows :

412. "*The Security Council resolves* that further discussion on the Greek Question shall be postponed until such time as the final report of the Commission is submitted to the Security Council."

413. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS then amended his own draft by deleting the words " further discussion or ".

414. After some discussion, the representative of POLAND presented an amendment to the Australian amendment, substituting " the question under discussion " for " the Greek Question."

415. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that he had no objection to the Australian amendment, on the understanding that the Council had taken no decision in the matter, and that the postponement of further discussion meant postponement of the discussion of the question under consideration and not of the Greek Question as a whole.

416. The representative of the UNITED KINGDOM declared that he could not accept the interpretation given by the representative of the USSR.

417. **Decision :** *The Polish amendment was rejected by 6 votes to 2 (Poland, Union of Soviet Socialist Republics), with 3 abstentions (Colombia, France, Syria).*

418. At the suggestion of the representative of SYRIA, the word " final " was deleted from the Australian amendment.

418 a. **Decision :** *By 9 votes to none, with 2 abstentions (Poland, Union of Soviet Socialist Republics the Council adopted the following resolution :*

419. "*The Security Council resolves* that further discussion of the Greek Question should be postponed until such time as the report of the Commission is submitted to the Security Council."

#### 14. *Consideration of the report of the Commission of Investigation*

420. At the 147th meeting, the Rapporteur of the Commission of Investigation concerning Greek Frontier Incidents submitted the Commission's report (S/360).

421. The report consisted of the following major sections :

Part I : Narrative account and analysis of the-work of the Commission ;

Part II : Survey of evidence submitted to the Commission, classified into evidence in support of charges and evidence in refutation ;

Part III : Two sets of conclusions drawn from the evidence and account of the attitude of delegations to each set of conclusions ;

Part IV : Proposals made pursuant to the final paragraph of the Security Council's resolution of 19 December 1946 and an account of the attitude of delegations to those proposals.

Annexes relating to the composition of the Commission and its teams, the work of the teams and the field investigations carried out by the Commission and its teams, including a list of the witnesses heard and a bibliography of the Commission's documentation.

Annexes setting out the comments and oral statements made by the liaison representatives of Albania, Bulgaria, Greece and Yugoslavia on parts II and III of the report.

422. The discussion of the report continued at the 148th, 150th, 151st, 153rd, 156th and 158th meetings, with the participation of the representatives of Albania, Bulgaria, Greece and Yugoslavia, and had not been completed by the closing date of this report.

423. The representative of the UNITED STATES OF AMERICA stated that in his opinion the Commission had met its responsibility squarely and had conducted its work with vigour and thoroughness. The facts elicited by the Commission substantiated without a doubt the conclusions of the majority of eight members, namely, that Yugoslavia, and to a lesser extent Albania and Bulgaria, had supported the guerrilla warfare in Greece. The conclusions stated that assistance had been rendered in Yugoslavia to the guerrillas ; Greek refugees had been recruited, trained on Yugoslav territory, and dispatched to Greece to serve with the guerrillas, as well as being supplied with arms, supplies, transport, guides and hospitalization. At a camp at Bulkes, in Yugoslavia, a special course had been established in the spring of 1946 for the purpose of giving theoretical and practical training in guerrilla warfare, in addition to political indoctrination and propaganda aiming at the overthrow of the Greek Government. The Bulgarian Government had helped Greek partisans entering and leaving Bulgarian territory, providing them with transport, arms and hospitalization. The conclusions stated that Albania, too, had assisted the partisans, and that the Albanian Government had operated a camp at Rubig giving Greek refugees political instruction and practical and theoretical military training. Albania had also provided arms and ammunition to the Greek partisans and made available routes of entry, guides and liaison assistance for partisan groups returning to Greece from Albania and Yugoslavia.

424. It was apparent that, in committing such acts, Albania, Bulgaria and Yugoslavia had violated some of the fundamental principles of the Charter. The United States representative referred in particular to Articles 1 and 2. The Charter ought not to be interpreted too narrowly in view of the fact that a country's independence could be attacked by means other than invasion by organized armies. In modern times, infiltration, intimidation and subterfuge had also proved effective. The Council would have to recognize what intelligent and informed citizens already knew, namely, in supporting guerrillas in northern Greece, Albania, Bulgaria and Yugoslavia had been using force against the territorial integrity and political independence of Greece. They had been committing acts of the very kind which the United Nations was designed to prevent. Referring to the provisions of Article 2, paragraph 6, of the Charter, he pointed out that the Council must treat alike all States using force against the territorial integrity of another, even if those States were not members of the United Nations, as was the case with Albania and Bulgaria.

425. Nine members of the Commission had subscribed to the recommendations for action by the Security Council, stated in the report to have been framed in the spirit of Chapter VI of the Charter. Those proposals should be considered as the most urgent business of the Council. The United States representative summarized the majority proposals, which were closely followed in the resolution of the Commission. He emphasized in particular the proposal by the Commission that, in the area of its investigation, future cases of the support of armed bands formed on the territory of one State and crossing into the territory of another, or of refusal of the former, in spite of the demands of the latter, to take all possible measures on its own territory to deprive such bands of any aid or protection, should be considered by the Security Council as a threat to the peace within the meaning of the Charter. Although the Charter provided for the pacific settlement of a dispute of that kind, the Council could not overlook the fact that the Charter also provided for enforcement action when a situation became sufficiently aggravated. It was important that the Council should adopt that particular proposal, and thus make it clear to the countries in question, and to the world, that the continued use of force in violation of the Charter must be regarded by the United Nations as requiring enforcement measures.

426. At the current stage, the Council should continue to act under Chapter VI of the Charter, bearing in mind that, if the acts and practices found by the Commission should continue, the Council would be compelled to consider that there was no longer a dispute but a threat to the peace, breach of the peace, or act of aggression, within the meaning of Chapter VII. The United States representative emphasized that the authority of the Security

Council under Chapter VI carried with it the full weight of the United Nations. Members of the United Nations and those countries which looked forward to becoming Members must be deeply conscious of Members' obligations under Article 25 "to accept and carry out the decisions of the Security Council in accordance with the present Charter".

427. The representative of the United States submitted the following draft resolution, based on the text of the majority proposals of the Commission :

428. "*The Security Council,*

429. "*Having received and considered the report of the Commission of Investigation established by resolution of the Council dated 19 December 1946,*

430. "*Resolves that :*

431. "*1. The Security Council adopts the proposals made by the majority of the members of the Commission ;*

432. "*2. In giving effect to proposals contained in paragraphs A, B, D and E, the Security Council hereby recommends to the Governments of Greece on the one hand, and Albania, Bulgaria and Yugoslavia on the other, that they take the action proposed therein ;*

433. "*3. In giving effect to paragraph C of these proposals, the Security Council, for the purpose of restoring normal conditions along the frontiers between Greece on the one hand and Albania, Bulgaria and Yugoslavia on the other, and thereby assisting in the establishment of good-neighbourly relations, establishes a Commission as a subsidiary organ.*

434. "*(a) The Commission shall be composed of a representative of each of the nations members of the Security Council, as they may be from time to time.*

435. "*(b) The duties and powers of the Commission shall be :*

436. "*(i) To use its good offices for the settlement, by the means mentioned in Article 33 of the Charter, of*

"(1). Controversies arising from frontier violations ;

"(2) Controversies directly connected with the application of the frontier conventions recommended to the four Governments under this resolution ;

"(3) Complaints regarding conditions on the border which may be brought to the attention of the Commission by one Government against another ; and in order to carry out these tasks, the Commission is empowered to make an investigation of any frontier violations that occur and of any complaints brought by one Government against another in connexion with the application of the frontier conventions or regarding conditions on the border ;

437. “(ii) To use its good offices to assist the Governments concerned in the negotiation and conclusion of the frontier conventions recommended under this resolution ;

438. “(iii) To study and make recommendations to the Governments concerned with respect to such additional bilateral agreements between them for the pacific settlement of disputes relating to frontier incidents or conditions on the frontier as the Commission considers desirable ;

439. “(iv) To assist in the implementation of the recommendations made to the four Governments under this resolution with respect to refugees ; to receive reports from the four Governments with respect to persons who may cross or have crossed from the territory of any one of such countries to any of the others ; to maintain a register for its confidential use of all such persons and to assist in the repatriation of those who wish to return to their homes ; and in connexion with these functions to act in concert with the appropriate agency of the United Nations ;

440. “(v) If called upon by any of the Governments concerned, to supervise the arrangements for the transfer of minorities recommended to such Governments under this resolution and to act as a registration authority for any persons desiring to emigrate ;

441. “(vi) To have such other duties and powers as the Security Council may determine from time to time ;

442. “(c) The Commission shall have its headquarters in Salonika, and shall have authority to perform its functions on either side of the frontier ;

443. “(d) The Commission shall have the right of direct access to the Governments of Albania, Bulgaria, Greece and Yugoslavia, and shall have authority to call upon the nationals and officials of those Governments to testify before it on any matters coming within its competence ;

444. “(e) The Commission shall establish its own rules of procedure and methods of conducting its business ;

445. “(f) The Commission shall render regularly quarterly reports to the Security Council or more frequently if it thinks fit ;

446. “(g) The Commission shall commence its work as soon as practicable and shall remain in existence until 31 August 1949, before which date the necessity for its continued existence after that date shall be reviewed by the Security Council ;

447. “(h) The Commission shall have the staff necessary to perform its functions, including persons able to act as border observers and to report on the observance of the frontier conventions recommended under this reso-

lution, the state of the frontier area, and cognate matters.”

448. The representative of GREECE referred to the relevant Articles of the Charter and said that, if the investigation ordered by the Security Council revealed that peace was endangered, it was the duty of every member of the Council to ensure that the Council should adopt adequate measures. The Balkan investigation had revealed serious violations of the Charter, and the future of the United Nations and the prospects of international peace, security and justice depended upon the determination with which the members of the Council faced the issue and adopted adequate measures to restore peace. Such measures would not in any way constitute a threat to the territorial integrity of any country. The majority of the Commission had concluded that Yugoslavia and, to a lesser extent, Albania and Bulgaria had supported the guerrilla warfare in Greece. The evidence as a whole indicated that the plan of that intervention had been jointly conceived and executed.

449. During the occupation of Greece by the troops of Germany and Italy and their Bulgarian and Albanian satellites, certain Slavonic- and Albanian-speaking elements in Greece had collaborated actively. With the withdrawal of the occupying troops, many of them had fled, and from among such elements selected persons had been recruited, indoctrinated, trained and armed by Greece's northern neighbours. They had then been sent back into Greece to undermine Greece's free institutions by subversive means as well as by force. The bulk of the Greek people had resisted the enemy and had been given arms and other assistance by the United Kingdom and the United States for use against the enemy. But, by methods that had become all too familiar, communist agents and secret police had infiltrated into certain of those resistance movements, and some of the arms given to liberate Greece had been hoarded to be used later for very different purposes, together with arms furnished from the north. On the withdrawal of the occupying troops, the communist-dominated groups had taken advantage of the confusion to attempt to impose by force a communist dictatorship. Only after the country had been further devastated and the communists had slaughtered thousands of hostages, had that dictatorship been defeated. The armed groups had then fled into the hills and across the borders, where they had been given additional arms, training, and indoctrination by Albania, Bulgaria and Yugoslavia “looking towards the overthrow of the Greek Government”, as the Commission had found. Those were the groups that were burning villages, conscripting defenceless youths and murdering and maiming those who resisted. They flouted all agreements, scoffed at amnesties and found a welcome refuge north of the border from which to return, refreshed and re-equipped, to resume the attack on Greek democracy.

450. Two members of the Commission had described the situation as civil war. However, when bands were armed in one country, and returned to another to overthrow its government, that was not civil war ; it was aggression. Even if the countries which had set that armed fifth column in motion should repudiate their agents, even if their assistance became only passive, the effect of the acts already committed would remain, and the existing breach of the peace would be continually aggravated and renewed.

451. The recommendations of the Commission were good as far as they went and in the light of the powers of the Commission. Greece favoured their adoption and pledged itself to carry out its part in them fully and in good faith. However, the adequacy of those recommendations was open to serious doubt. The Council was responsible for safeguarding the peace, and its powers were commensurate with its responsibilities. Its supreme duty was to forestall further violations of the Charter.

452. The representative of ALBANIA said his country regretted the disturbed situation on the frontiers of Greece provoked by the expansionist foreign policy of the latter, as evidenced by the Greek contention that a state of war existed with Albania. The testimony submitted to the Commission demonstrated that Greece was fomenting armed provocations along the Albanian frontier and organizing war criminals for use against and inside Albania. The acts of provocation were continuing and even taking on new forms, such as the machine-gunning of Albanian peasants by a Greek military aircraft on 21 May 1947. The evidence submitted to the Commission demonstrated that the true cause of the civil war in Greece was the terroristic policy of the Greek Government directed against members of the wartime resistance movement, the persecution of all democratic elements and the suppression of the democratic Press and the national minorities. Evidence to that effect had been given by Greek witnesses from all parts of Greece and from many strata of the population, who had given evidence at the risk of their personal security.

453. He summarized the sources of the evidence submitted by his delegation concerning the persecution of the Albanian minority. The charges in that respect had not been disproved, and had even been confirmed by witnesses nominated by the Greek Government. The charges by the Greek Government to the effect that the Greek minority in Albania was being persecuted were completely without foundation. With regard to the Greek accusations that the guerrillas in Greece were being supported by its northern neighbours, it was advisable to examine the nature of the witnesses presented. There was insufficient evidence of the identity of the witnesses, and their moral, political and legal status was open to serious criticism. The witnesses included

prisoners not brought to trial, prisoners condemned to death, prisoners released without any judgment having been passed, and persons who had committed crimes and terroristic acts. Witnesses had been subject to physical and moral pressure. The Greek accusations could be refuted by documents emanating from the Greek authorities. The Albanian representative gave examples of the above defects in the Greek witnesses.

454. In support of its accusations concerning frontier incidents, the Greek Government had submitted only the pamphlet entitled *Incidents on the Greek Frontier* and six pieces of evidence. The Albanian representative analysed the descriptions and contradictions in the evidence submitted by the Greek Government. The Greek accusations concerning the support of the guerrillas had been thoroughly refuted by documents submitted by the Albanian Government, in spite of the statement in the majority conclusions of the Commission, which did not correspond to the facts on the subject as revealed by the inquiry. In support of his contention, the representative of Albania analysed various sections of the evidence, particularly that concerning the refugee camp of Rubig. The evidence in support of the allegation that military instruction had taken place there consisted of the contradictory statements of only 3 witnesses who, in their depositions before the Greek authorities, had hardly mentioned the alleged military instruction. In quantity and quality, the evidence in refutation was clearly superior, and demonstrated that the Albanian Government, following humanitarian principles, had given asylum to about 300 Greek democrats who had sought refuge in Albania from the persecutions in their own country. All those refugees had been concentrated in a camp in the north of Albania and had left for Yugoslavia in October 1945. While at Rubig, they had been given food and clothing but no military equipment.

455. A great mass of evidence had shown clearly that a civil war existed in Greece, forced upon the people by Government circles. The Albanian representative noted that, in their conclusions, the majority of the Commission had referred to the increased tension attributable to the uncompromising attitude of Greece. In that connexion, he wished to draw attention to the illegal methods used by the Greek Government, which conducted anti-Albanian propaganda by means of tracts, manifestos and newspapers which were smuggled into Albania. Further, the Greek Government organized the enemies of Albania who had fled into Greece and used them against Albania, and the Greek military authorities provoked continual border incidents by land, air and sea. Albanian refugees, quislings and war criminals in Greece were promised freedom and financed by the Greek Government. He gave instances of the above policies.

456. The representative of BULGARIA observed that the majority report quoted state-

ments contained in the Greek Government's pamphlet *Evidence in Support of the Greek Appeal*, and regarded those statements as proof. In fact, the statements were merely summaries of inquiries conducted by the Greek authorities, and he gave instances of interpolations inserted by the latter. In most cases, the Commission had not cross-examined the persons making the statements in order to establish their identity or clarify and confirm the evidence. The Bulgarian representative considered that most of the cases set out in the Greek Government pamphlet *Incidents on the Greek Frontiers* were insignificant and without political character. He gave examples, and observed that such trivial incidents could very well occur even between friendly neighbours. In any event, the statements were merely allegations and not proofs.

457. No conclusive evidence had been adduced in support of the allegation that Bulgaria had established training camps for Greek partisans, although such evidence would have been easy to obtain if the charges had been correct. With regard to the allegation that Bulgaria had supplied arms and munitions to the partisans, the Commission admitted that it had not received sufficient information. The Commission should have been more explicit and stated that the accusation was unfounded. The majority report accused Bulgaria of facilitating the entrance of partisans into Bulgaria and admitting them to hospitals. Bulgaria did not deny having given asylum to men, women and children fleeing from persecution by the Greek authorities and rightist bands. Those people were political refugees, who had the right to ask for asylum; they had always been disarmed and sent far from the frontier. In that connexion, the order by the Bulgarian Minister of the Interior, dated 30 October 1946, had always been strictly observed. Not a single witness had mentioned the existence of the bands alleged to have been formed in Bulgaria to be sent into Greece. The Bulgarian representative drew attention to the contradictions in the evidence advanced in support of the charge that partisans crossed from Bulgaria into Greece, and attacked the credibility of the witnesses who had been called. The majority conclusions stated that Yugoslavia, and to a lesser degree Albania and Bulgaria, had supported guerrilla activities in Greece. However, on the basis of the actual evidence which had been submitted, it should have been found that Bulgaria was innocent and had in no way failed to observe its obligations under international law.

458. With regard to the Macedonian question, the Greek representative had submitted a few extracts from Bulgarian newspapers. The articles had been written at a time when territorial questions had been under discussion throughout the world in view of the impending conclusion of peace treaties. They could not be held to constitute a campaign for the dismemberment of Greece. There had been no proof whatever of the insinuation that

Bulgaria had agreed to support Yugoslav claims for the incorporation of Greek Macedonia into a Macedonian federal state.

459. The degree of Bulgaria's responsibility could not be determined without taking into account the degree of responsibility which the Commission admitted to be attributable to the internal conditions of Greece. The Commission noted that there was general uneasiness throughout Greece, and gave statistics of clashes in Greece. It was clear that, apart from the deceptive appearances to be observed in Athens and Salonika, there was a reign of terror. The majority report admitted that the discrimination and persecution against minorities and political opposition groups, as well as anticommunist propaganda, had caused several thousand persons to flee to the mountains or take refuge in the north, and that disturbed conditions in general helped to explain the situation investigated by the Commission. When those admissions were considered together with the absence of evidence against Bulgaria, the thesis of Bulgarian responsibility could not be seriously maintained. A few witnesses had said that the frontier had been crossed during the three years since the liberation of the Balkans. The Bulgarian Government denied the truth of that evidence, but the real question was whether such insignificant evidence, even if established, could justify the accusation that Bulgaria had disturbed the peace. Even if such occasional crossings of the frontier had taken place, they were a result of the disturbances existing in Greece and were to be attributed to the fact that Greece was not in a position to guard its frontier. In any event, it should be noted that only 6 of 11 representatives had felt able to assert the responsibility of Bulgaria.

460. In conclusion, the Bulgarian representative stated that section A of the majority proposals was acceptable with the exception of the last sentence relating to future cases of support of armed bands, etc. Section B was acceptable, but the proposal in section C for a border Commission would constitute a violation of sovereignty and would increase tension. A Commission having the right to impose inquiries upon Governments, to go anywhere it wished and receive reports, would be an institution placed above the Governments concerned.

461. The representative of YUGOSLAVIA considered it most important that the report should be studied in detail. He quoted the Press statement made by the representative of the United States on the Commission immediately after his return home, a statement which had indicated that the material presented to the Security Council would not constitute the objective findings of an investigator but a prejudiced report with specific political aims. The Commission's name alone indicated that the frontier incidents should have been at least the principal subject of its investigation. However, of 57 incidents alleged by the Greek

Government to have involved aid to Greek guerrillas by Yugoslavia, the Commission had examined only 4: the incidents at Aghia Paraskevi, Sourmena, Skra and Idomeni. Those four incidents were mentioned only briefly and incidentally in the majority conclusions; on the other hand, incidents which had not been investigated at all were given three whole pages out of fifteen. The fact that two of the four incidents investigated were not mentioned at all, and the other two only incidentally, showed that the Greek Government could not prove its allegations, and that it could be assumed that no such incidents had taken place.

462. The evidence concerning the Idomeni incident could be reduced to the indefinite and contradictory evidence of two peasants. Turning to the Sourmena incident, the Yugoslav representative analysed the documents submitted and official statements, *communiqués* and notes. He observed that the key witnesses whose depositions had been quoted before the Security Council on 12 December 1946 had not been produced. The evidence by the substitute witnesses was contradictory and inconsistent with Greek official statements. With regard to be incident at Skra, the Greek Government witnesses had not substantiated the Greek charges and had in some cases contradicted them. The evidence also contained internal contradictions. In the case of the Aghia Paraskevi incident, too, the charges had not been substantiated, and there was a strange absence of eye-witnesses. He quoted at length from the evidence that the Greek authorities had organized armed Balists and Chetniks in raids against the democratic population in the district of Florina and along the Greek-Yugoslav frontier at exactly the times and places of the alleged violations by Yugoslavia.

463. Since the investigation of those four incidents had demonstrated that the allegations were without foundation, the logical conclusion was that the cases not investigated were equally without foundation. Furthermore, the Greek Government had used many false witnesses. It had been asserted before the Commission that witnesses were systematically instructed what to say; that they were exposed to physical torture and moral pressure; that most of the witnesses had been in the hands of the police or under trial; and that the witnesses included professional murderers, war criminals, traitors and quislings. It had been established that many of the written depositions were fabrications on the part of the Greek authorities and that the remaining depositions were full of contradictions and absurdities. The majority conclusions had avoided the central question of the investigation, namely, incidents involving aid to Greek guerrillas. This was an implicit admission that there had been no such incidents. Thus the majority of the Commission had been led to quote all the 57 incidents in the category of mere military frontier incidents and not in the category of incidents involving aid to Greek guerrillas.

464. Yugoslavia had brought to the Commission's attention 79 military provocations by Greece against its northern neighbours, and had requested that four such incidents should be investigated. On the Greek side, not a single incident of that kind had been brought up. However, the Commission had not accepted the Yugoslav request for investigation. It was therefore strange to note that the majority conclusions stated that Albania, Bulgaria and Yugoslavia had made accusations against Greece of deliberate provocation of incidents and that, in each case, a substantial number of witnesses had been heard. As far as Yugoslavia was concerned, that statement was incorrect.

464 a. Moreover, there were other inaccuracies in that section of the conclusions. The majority conclusions had stated that no evidence of probative value had been adduced which tended to indicate that frontier violations not connected with guerrilla activities had been deliberately provoked on either side. The only aim of such conclusions was to confuse the issue and to save the Greek Government from the well-founded accusations made by its northern neighbours.

465. The majority conclusions were, as a whole, of such character. Analysing the evidence submitted in support of the assertion that Greek guerrillas were being supplied with arms in Yugoslavia, the Yugoslav representative concluded that it was unfounded, unverified and insignificant, and that the Commission had shown a lack of logic and impartiality in basing such important conclusions on such inadequate testimony. The conclusion was inescapable, and Yugoslavia was responsible for no border incidents and had not armed the Greek partisans.

466. The Yugoslav representative replied to certain arguments advanced in the United States representative's recent speech. Since it had been impossible to prove the allegations concerning border incidents and the arming of guerrillas, the representative of the United States had been obliged to speak of infiltration, intimidation and subterfuge. However, during the preceding years, the only Yugoslavs who had infiltrated into Greece had been traitors, quislings, and war criminals. Intimidation was not unknown in international relations, but the charge could not be levelled at Yugoslavia. The Council should make a thorough and conscientious analysis of the report, point by point. The interests of peace, the prestige of the United Nations and the honour of Yugoslavia required that the question should be discussed in that way.

467. The representative of BELGIUM replied to various objections which had been made to the Commission's recommendations. It had been alleged that the recommendations were based not on impartial information, but exclusively on the assertions of one of the Governments concerned. A study of the various

sections of the report would enable the Council to determine if that accusation were justified. It was clear, however, that the recommendations made no distinction between the Governments concerned and were addressed equally to all the parties to the dispute, each being invited to order its conduct according to the same principles and to submit to the same limitations.

468. It had also been objected that the establishment of a frontier Commission acting under the authority of the Council would be contrary to the sovereignty of the States concerned, in so far as it limited their sovereign rights freely to settle their relations and proposed that they should conclude conventions and agreements amongst themselves. However, according to well-established practices and principles, the ability to accept international limitations was one of the essential attributes of sovereignty.

469. A further objection had been that the proposed recommendations ignored the fact that there were no diplomatic relations between certain of the States concerned. Such a circumstance could not prevent the working of the proposed machinery. The countries concerned were bound by the obligations of the Charter, either as parties to it or because they had assumed its obligations for the purposes of the dispute. The Charter would be a dead letter if it did not involve the obligation for Member States to maintain the necessary means of contact with one another. In any event, sufficient relations could be maintained outside diplomatic relations.

470. Finally, it had been objected that the proposals would be ineffectual. That assumption was unjustified. It could not be presumed within the framework of the United Nations that means of conciliation, pursuant to Chapter VI of the Charter, would be ineffectual. The recommendations were of the kind which the Council should normally make on the basis of Chapter VI. They spoke of inquiry, mediation, conciliation, good offices and procedures of adjustment, and they were addressed impartially to all the States in question.

471. The representative of the UNITED KINGDOM considered that it was not surprising that the highly condensed summary of a large volume of evidence and counter-evidence had resulted in an element of confusion in the Council. The very object in sending a Commission to the spot had been that the Commission should sift and evaluate conflicting testimony. His Government had complete confidence in its representative on the Commission, and it was impossible for the Council to reopen the whole hearing in the absence of witnesses.

472. It had been said that the conclusions had been endorsed by only six of the eleven members of the Commission. That was untrue, since eight members had subscribed to the conclusions (see volume I, part III, chap-

ter III, section A, of the Commission's report). Although the representatives of Belgium and Colombia had questioned whether the Commission ought to give any decision on the responsibility of the Governments of Greece's northern neighbours, they had subscribed to the conclusions. Although the French representative had not subscribed to the conclusions, he had not opposed them; he had merely made the technical point that the Commission had been instructed to verify the facts and make a report. The representative of the United Kingdom, however, considered that the Commission had been asked to draw conclusions, since it had been instructed to visit certain places "in order to elucidate the causes and nature of the . . . border violations and disturbances." To representative of France had emphasized the difficulty of establishing a body of evidence in the juridical sense, but that undoubted difficulty had been overcome by eight of his colleagues.

473. It had been objected that the conclusions had been drawn before the countries most concerned had been heard; but the voluminous record disproved that allegation. In reply to the representative of Yugoslavia, the United Kingdom representative denied that the investigation had been carried out in accordance with the statements of one side only. He gave statistics of the number of Commission meetings, implemented requests by various countries for visits by teams of the Commission, and witnesses presented by the four Governments.

474. Eight members of the Commission had differed from the representatives of Poland and the USSR in their objection that the accusations were "without foundation" owing to the insufficient and contradictory evidence, and that the "civil war" and "abnormal internal political situation" in Greece constituted the principal causes of the disorders in northern Greece. Those who emphasized the "state of civil war in Greece" gave the impression that they were seeking to justify interference, rather than to prove that it had not occurred. Concerning the allegations of "jingoistic" propaganda by Greece, the United Kingdom representative noted that "jingoism" took the form of presenting territorial claims in the proper form to the proper quarter.

475. Leaving consideration of past events, it appeared from the report that all members of the Commission recognized that the existing situation was unsatisfactory to the point of danger to the maintenance of international peace and security. In accordance with the Council's resolution, nine members of the Commission had made interesting and hopeful proposals which had been summarized in the United States draft resolution. The representative of the USSR had objected that the proposals were based "merely on unfounded assertions of the Greek Government regarding aid to guerrillas". On the contrary, the

proposals were based on the admitted existence of a dangerous state of affairs. They did not impute blame to any side. The representative of the USSR had objected that the Commission had no grounds for proposals which admitted the possibility of further frontier incidents. Events had shown that it could not be assumed that there would be no further frontier incidents. As to the objection concerning limitation of sovereign rights, many international conventions, including the Charter (e.g., Articles 25 and 36), limited national sovereignty. The representative of Poland had objected that the proposals were ineffectual and could prejudice the prestige of the United Nations. However, the Council would not gain prestige by avoiding its plain duty. As to the argument concerning the absence of diplomatic relations, it was to be hoped that implementation of the Commission's recommendations would itself lead to the resumption of normal relations.

476. The United Nations was designed to meet dangerous situations such as the current one, and the Council must attempt to implement the practical proposals before it. If it were successful, disaster might be averted and a better order of co-operation amongst the four countries might be instituted.

477. The representative of BRAZIL analysed the security functions of the United Nations and the Security Council and emphasized that the effect of future action by the Security Council and the satisfactory functioning of the United Nations would depend on the manner in which the Council decided questions relating to security. He reviewed previous developments in the Greek Question and stated that the investigation had the purpose of enabling the Council to decide whether the continuance of the situation endangered the maintenance of international peace and security. The determination of that fact established the jurisdiction of the Council and created for the parties concerned the obligation of settling the dispute or eliminating the dangerous situation. Once that essential fact was determined, the Council would be able to make recommendations or suggestions aiming at the suppression of the situation, even if the parties resorted to peaceful means of solution other than those recommended. The parties could not avoid the responsibility of arriving at a peaceful solution, under penalty of intervention by the Council, which could then regard the situation as a breach of peace justifying the use of enforcement measures.

478. The Brazilian delegation believed that the current dangerous situation satisfied perfectly the definition contained in the latter part of Article 34 of the Charter. The criticism of the Commission's procedure and proposals was unsubstantiated. But even if the criticisms were correct, there would still exist a dangerous situation, imposing on the Council the duty of making its contribution to a solution. The Commission's recommendations were part of

a process of conciliation, and should be accepted as such by the States concerned. The recommendations did not derogate from the sovereignty of the States concerned, and were capable of preventing new friction and gradually eliminating frontier disturbances. The Brazilian representative emphasized the fruitful example of the Inter-American Regional System, based on the practices of good-neighbourliness, non-intervention and respect for the territorial integrity of nations. Those practices were natural consequences of the principle of the juridical equality of States, and it was to be hoped that that principle would be followed by the community of nations.

479. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the majority of the frontier incidents were insignificant episodes which, in normal circumstances, could not be the subject of consideration by the Council. Most of them had involved no human casualties or sizeable loss of property. However, the Greek Government had attempted to link those incidents with assistance alleged to have been given to the Greek partisans. It was a fact that refuge had been found in the neighbouring northern countries by tens of thousands of Greeks who had fled from persecution. In granting asylum to those refugees, the northern neighbours of Greece had acted in accordance with well-established and universally accepted principles of international law. There had been no proof of the Greek Government's allegations that Greek partisans taking refuge in the north had re-crossed the frontier into Greece. The USSR representative gave instances of the confused and contradictory evidence of the witnesses produced in support of that charge. The witness Zachos had admitted that his testimony had been given under threats and violence by the Greek *gendarmerie*. Much of the evidence had been refuted. Further, the Greek governmental witnesses had, as a rule, been recruited from criminal elements, individuals who had been sentenced to death or bribed by promises that their lives would be spared. There was no proof for the charges that the northern neighbours of Greece were arming and giving military training to the Greek refugees. The witnesses in support of those charges were equally untrustworthy, and the representative of the USSR gave instances of their confused and contradictory testimony.

480. He emphasized the large number of serious and well-prepared border incidents provoked by the Greek authorities and gave statistics of such incidents on the Albanian frontier. The Commission had investigated only four of them, and in all cases it had been established that the initiative had come from the Greeks. He analysed the evidence concerning the Radat-Kakavia incident.

481. He went on to review the incidents provoked by the Greek authorities on the

Yugoslav and Bulgarian frontiers. He noted that, of 284 incidents in which Greece was incriminated, only three had been investigated, and in all three the culpability of the Greek military authorities had been established. Of 197 frontier incidents of which Greece had accused its northern neighbours, eight had been investigated, and it had been found that they involved only operations by the Greek Government troops against partisans on Greek territory. Not a single Greek witness had proved that the partisans had withdrawn across the frontier. By way of example, the USSR representative analysed the Sourmena incident. Only twelve instances had been alleged of passage by partisans from the neighbouring northern countries into Greece, and the evidence adduced in support of those allegations was not convincing.

482. The conclusion was inescapable that the Greek Government was guilty of the provocation of frontier incidents. There was no record of the Greek Government's having punished the persons responsible for such provocations. The provocations appeared to aim at strengthening the unfriendly policy of the Greek Government toward its neighbours. The Greek Government conducted propaganda against the territorial integrity of Albania and Bulgaria, and still considered itself in a state of war with Albania, notwithstanding the Albanian Government's repeatedly expressed desire to establish normal and friendly relations with Greece. That policy poisoned relations between the Balkan countries and prejudiced the maintenance of peace in the area. The provoking of incidents also appeared to be a method of diverting attention from the internal conditions of Greece and placing the blame for the current situation upon its neighbours.

483. The Greek Government had alleged that Yugoslavia and Bulgaria were responsible for the presence of a partisan movement in Aegean Macedonia and that they were making plans to wrest that area from Greece. A study of the facts and of the evidence produced showed that those charges were groundless. The main arguments presented by the Greek representative were based on declarations printed by a few Yugoslav papers expressing sympathy with the Macedonian population in Aegean Macedonia; no other facts deserving attention had been brought forward. The truth of the matter was that the partisan movement had received a greater impetus in northern Greece from the persecution of the Macedonian and Chamouriot minorities. The terror directed against them had forced members of those minorities to seek refuge with the northern neighbours of Greece and to create partisan groups. Evidence by Macedonian witnesses demonstrated that the Greek authorities had taken up the offensive against Macedonian culture, closed Macedonian schools, forbidden the use of the Macedonian tongue and instituted a policy of extermination against that minority. Greek soldiers, *gendarm*

*merie* and rightist bands had ruined the country and burned Macedonian villages. Over 20,000 Macedonians had fled to Yugoslavia and about 10,000 to Bulgaria. The representative of the USSR gave instances of oral and documentary evidence on that question.

484. Similarly, between June 1944 and March 1945, the Greek Government had launched a regular campaign to exterminate the Chamouriot minority. Military personnel had carried out mass looting and had burnt Chamouriot villages and massacred the people. The USSR representative gave instance of oral and documentary evidence, and cited a declaration by a British Member of Parliament, Mr. Hutchinson, to that effect. It was evident that the allegations of the Greek Government against Albania, Bulgaria and Yugoslavia were designed to hide its acts against the Macedonian and Albanian peoples.

485. The witnesses who had testified against the Greek Government included representatives of democratic parties and organizations, representatives of the Greek Confederation of Labour and large numbers of private individuals. Those witnesses, who had told of the terror and the free hand given to fascist bands, were representative of the Greek people. Most of them were not communists. The clamour about the "red danger" was intended to conceal from world opinion the real meaning of the events in Greece.

486. The witnesses who had testified in defence of the Greek Government could be classified into three main groups. The first group comprised Greek military and frontier authorities, who had attempted in every possible way to slander the neighbouring countries. The second category included amoral elements with no political convictions whatsoever, and collaborators from the neighbouring northern countries who had found refuge in Greece. The USSR representative gave instances of such witnesses. The third category included persons condemned to death or sentenced to various terms of imprisonment by the Greek authorities. They had clearly been subjected to bribery and coercion and it was impossible to give credence to their statements. He gave instances of witnesses in that category. The testimony included in the Greek White Book was a forgery. He gave examples.

487. The attention given by the Commission to the internal affairs of Greece was an admission that the frontier incidents could not be considered in isolation from that situation. It had a direct influence on relations between the Governments of Greece and of its northern neighbours. Greece was the only one of the liberated countries in which order had not yet been established and where the interests of the majority of the people were ignored. Greece was the scene of a terrible struggle between democratic and governmental forces, the latter including collaborators, fascists and terrorist bands. The representative of the

USSR gave statistics of beatings, torturings and sentences of imprisonment, and cited evidence given in that connexion. That situation was deteriorating, if anything, and the number of death sentences had greatly increased with the signing of the agreement for United States aid to Greece. At the same time, there had been an intensified attack upon the leaders of opposition parties and the Press. He cited evidence given to the Commission that those persecutions created refugees and partisans.

488. The difficult internal situation in Greece and the deterioration of the latter's relations with its neighbours were to a large extent the result of foreign intervention in Greece's internal affairs. That intervention made it difficult to establish a political order corresponding to the interests of the majority of the people. Direct intervention had recently been supplemented by new forms of intervention such as the supply of so-called military instructors and war equipment.

489. The proposal to create another Commission was not a means of cementing Balkan relations but a step towards the creation of a curtain to hide interferences in the internal affairs of Greece. Naturally, there were outstanding questions between the Balkan countries requiring settlement, but those questions could be settled by negotiation, without a Commission. The USSR representative did not exclude the possibility of the Council's addressing an appeal to the Governments concerned that they should settle those questions in a spirit of mutual understanding. The representatives of the neighbouring northern countries had given a positive answer in connexion with the question of the restoration or conclusion of frontier conventions, but no similar answer had been heard from the representative of Greece. The proposed Commission could become a source of friction and misunderstanding, particularly in view of the experience of the Commission of Investigation and its Subsidiary Group.

490. The USSR representative was therefore unable to support the proposal for the creation of such a Commission. He deplored the fact that the representative of the United States had moved a draft resolution before consideration of the Commission's report. In particular, he criticized the proposals which aimed at labelling future acts of Albania, Bulgaria and Yugoslavia as threats to the peace, without stating precisely what those acts were. The Council was not able to give any Commission the right to decide the question whether there was a threat to peace or breach of peace without considering the actual concrete situation.

491. The representative of the USSR submitted the following draft resolution :

492. " I. *Having considered* the report of the Security Council's Commission of Investigation concerning Greek Frontier Incidents,

493. " *The Security Council considers it to be established :*

494. " 1. That the Greek authorities are to blame for the incidents which have occurred on the frontiers between Greece and Yugoslavia, Bulgaria and Albania. The investigation of the situation on the spot made by the Commission of Investigation has confirmed the connexion between the incidents and the general hostile policy of the present Greek Government towards Greece's neighbours ;

495. " 2. That the internal situation in Greece as can be seen from the report, characterized as it is by an exacerbation of the conflict between the Greek people and the anti-democratic forces surrounding the present Greek Government, is the fundamental factor responsible for the strained situation in the northern frontier areas of Greece also, of which Greek militarists have taken advantage to engage in provocative action against Yugoslavia, Bulgaria and Albania. The present Greek Government has not only failed to check such action but, on the contrary, has encouraged and excused it ;

496. " 3. That the state of affairs prevailing in Greece, including its northern areas, is to a considerable extent the result of foreign intervention in the internal affairs of Greece. This intervention is exploited by anti-democratic circles in Greece, among which prominent influence is exercised by elements previously compromised by collaboration with the fascist occupants, and it is one of the causes of the further aggravation of the Greek situation. The intervention complicates the possibility of establishing normal relations between Greece and the neighbouring States.

497. " II. With a view to settling the relations between Greece, on the one hand, and Yugoslavia, Bulgaria and Albania, on the other,

498. " *The Security Council recommends :*

499. " 1. That the Greek Government take steps to put an end to the frontier incidents on the borders with Yugoslavia, Bulgaria and Albania ;

500. " 2. That normal diplomatic relations be established between Greece, on the one hand, and Bulgaria and Albania, on the other, and that diplomatic relations between Greece and Yugoslavia be restored to normal ;

501. " 3. That the Governments of Greece, Yugoslavia, Bulgaria and Albania renew previously operative or conclude new bilateral frontier conventions for the settlement of frontier incidents ;

502. " 4. That the Greek Government, on the one hand, and the Governments of Yugoslavia, Bulgaria and Albania, on the other, settle the question of refugees in a spirit of mutual understanding, with the desire to establish friendly relations between their countries ;

503. " 5. That the Greek Government take the necessary steps guaranteeing the elimination of all discrimination as regards citizens of Macedonian and Albanian nationality resident on Greek territory, the aim being to afford them facilities to use their native language and develop their national culture ;

504. " 6. That the Governments of Albania, Bulgaria, Yugoslavia and Greece report to the Security Council at the end of three months on the execution of the recommendations contained in the Council's present resolution.

505. " III. With a view to improving the internal political situation in Greece, creating conditions for the formation of an independent democratic Greek Government, and bettering relations between Greece and the neighbouring countries,

506. " *The Security Council recommends* that foreign troops and foreign military personnel be recalled from Greece.

507. " IV. To ensure the proper use of the foreign economic assistance extended to Greece,

508. " *The Security Council resolves* to set up a special Commission which by appropriate supervision would ensure that such assistance is used only in the interests of the Greek people."

509. The representative of BULGARIA considered that while under Chapter VII of the Charter, the Council could order measures to be taken without the consent of the parties, under Chapter VI it could merely make recommendations which could be accepted or rejected by the parties concerned. The establishment of the Commission proposed in the United States draft resolution was more than a recommendation and involved a decision imposed regardless of the parties consent. The proposed Commission would put the States concerned under a kind of trusteeship. It would not only ascertain facts, but would resolve disputes ; it would have the right to demand reports from the four Governments, to cross frontiers without permission, to have direct access to Governments and to maintain observers along the frontier. According to the United States draft resolution, the Council might later confer even wider powers on the Commission.

510. In reply to the representative of the United Kingdom, who had tried to justify the limitations of sovereignty which the proposed Commission would involve, the Bulgarian representative pointed out that Article 25 of the Charter applied to " decisions " under Chapter VII, and not to " recommendations " under Chapter VI. The Commission would tend to inflame feelings and lead to an exaggeration of the importance of trivial frontier incidents. False evidence would be inevitable, and there would be disagreement between the Commission and the Governments concerned

and within the Commission itself. The energies of the Balkan Governments would be better used for building up their countries. The Council should do what was necessary to end the civil war in Greece and the Balkan peoples would be able to resolve their difficulties.

511. The proposal of the Commission of Investigation that certain actions should be regarded as a threat to peace was contrary to the Charter, unnecessary and even dangerous. The question whether support given to armed bands constituted a threat to peace would depend on the importance and details of the particular case and on the nature of the bands and the support given to them. That proposal, taken in conjunction with the speech by the representative of the United States, seemed to spring from an assumption of the guilt of the northern neighbours of Greece. Most of the speakers had not even touched on the serious fact that the Commission had based its conclusions on the statements of witnesses whom it had not heard and without due consideration of the arguments advanced by Albania, Bulgaria and Yugoslavia. The Council had gone straight to the proposals of the report, as if the guilt of those countries had been established beyond doubt.

512. In conclusion, the Bulgarian representative begged the Council to abandon the idea of a Commission which the Greek people might be the first to regret.

513. The representative of AUSTRALIA said his Government's view had always been that the Security Council could reach a just and impartial decision only on the basis of a careful, orderly and methodical examination of the facts. It had been in accordance with the principle that an inquiry had been instituted under Article 34 of the Charter to elucidate the causes and nature of the border violations and disturbances, with the object of ascertaining whether the situation endangered the maintenance of international peace and security. The report showed that the continuation of the situation would endanger the maintenance of international peace and security. Under the Charter, the Council had the duty to devise measures to rectify that situation. The Australian Government had given no instructions to its representative on the Commission, and the only duty of the latter had been to ascertain the facts in an impartial manner. Therefore it was a matter of serious concern to the Council that the representative of Yugoslavia should have alleged that the Commission's aim was to confuse the issue and to protect the Greek Government from the well-founded accusations of its neighbours, and that the report showed a lack of impartiality.

514. The Commission had incorrectly described its summary of facts as " conclusions ". The section in question comprised conclusions as to the facts, not conclusions on the facts. The views of the representatives of USSR and Poland were based not on facts but on

evidence which they believed or disbelieved. In the opinion of the Australian delegation, those two representatives had approached the question with preconceived ideas. During the debates, in December 1946, the representative of the USSR had maintained that the Commission was not necessary, as he already knew the causes of the trouble in Greece.

515. In reply to the charges that there had been no proper investigation, the Australian representative reviewed the number of witnesses presented by various representatives on the Commission, and pointed out that the Commission's Committee of Experts had made a fair selection among the main submissions. As the representative of the USSR had said, it was no accident that the Commission had devoted much attention to the internal situation in Greece. That had been done at the insistence of the representatives of the USSR and Yugoslavia, and the Commission had somewhat exceeded its jurisdiction in that respect. However, throughout Greece no obstructions had been placed in the way of the Commission, and its members had found complete freedom of speech. Newspapers hostile to the Government circulated freely. The general opinion of members of the Commission had been that the evidence which supported the case of the Greek Government contained only such discrepancies as were to be expected from illiterate witnesses cross-examined by fourteen people. Nine of eleven members of the Commission had believed that evidence.

516. As to the allegation that the Commission had never really investigated the Macedonian issue, he pointed out that the representatives of the USSR and Yugoslavia had strongly opposed the proposal that a team should visit Bitolj, which was alleged to be the administrative centre of the Macedonian separatist movement. It was an indication of the Commission's objectivity that, not being satisfied as to all the facts, it had made no recommendation on that subject.

517. The Council was bound under the Charter to adopt the proposal for a Commission of mediation and conciliation. If Greece were the guilty party, surely that would be justification for the creation of the Commission. If Greece were the guilty party, why was Greece prepared to accept the idea of a Commission while its neighbours rejected it? The representative of the USSR had expressed grave doubt as to the existence of any incidents, and the representative of Yugoslavia had said there was clear proof that there had been no incidents; however, in other places, the representatives of Albania, Bulgaria and Yugoslavia had admitted that there had been and still were frontier incidents. The Australian representative gave instances and noted that in June Yugoslavia had requested an investigation on the spot. Accordingly, the delegation of Australia accepted the proposals of the Commission.

518. The Australian representative wished to know why the representative of the United States had proposed a larger body than that recommended by the Commission. Contrasting the two draft resolutions before the Council, he noted that the United States draft laid no blame on any State, contained no charges or accusations, and was an impartial attempt to find a solution, whereas the USSR draft consisted of accusations and findings against Greece not based on facts or evidence. Paragraphs 2, 3, 4, 5 and 6 of part II of that draft resolution were similar to the Commission's recommendations, but not so wide, precise, or clear. Parts III and IV were quite out of order, covering, as they did, two questions that had already been dealt with in the Council.

519. The representative of the UNITED STATES OF AMERICA, replying to the representative of Bulgaria, analysed the contention that a mandatory Commission could not be set up when action was being taken under Chapter VI of the Charter. He stated that the principle involved had arisen at the Council's 91st meeting and, in support of the United States position, he quoted the Secretary-General's opinion with regard to the legal issues raised in connexion with the instruments relating to the Free Territory of Trieste.<sup>1</sup>

520. The representative of FRANCE stressed the gravity of the situation, especially in the light of recent news. However, confirmation of the reports should be awaited from the Subsidiary Group. Although it was necessary to maintain the authority of the United Nations, the Council had the duty of objectivity. It should not be too sensitive to considerations of prestige and, in accordance with the Charter, it should settle the conflict by conciliation. The report showed the difficulties which had confronted the Commission in evaluating conflicting testimony and considering its authenticity and independence. If he was convinced that assistance had been given by the neighbouring countries to Greek partisans, he based that conviction less on the testimony, which was rather thin in content, than on *a priori* reasoning founded on the mutual accusations concerning frontier incidents. However, that conviction left completely open the question of the scale of the assistance given to the partisans; and that assistance was only one of the elements of the difficult and complex situation.

521. It was appropriate for the Council not to pronounce judgment on past events, but to provide a remedy for the future. It was clear that a disquieting situation had been created on the northern frontier of Greece, and the internal situation in Greece could not fail to be a constant temptation for neighbours having a different ideology to intervene or to permit refugees to intervene. The grave situation which existed called for long-term

<sup>1</sup> See *Official Records of the Security Council*, Second Year, No. 3, pages 44 and 45.

measures, and it seemed essential for the Council to set up some such organ as that proposed in the majority report. However, that organ should be equipped to assist the States concerned in the implementation of the Commission's recommendations, which would make for normal relations, regularize frontier relationships and settle the refugee question. It appeared that one of the neighbours of Greece had shown the wish to implement the recommendations, and the French representative hoped that the other countries would also look more to the future than to the past.

522. He suggested that the proposed Commission should consist of three to five members with balanced representation of permanent and non-permanent members of the Council ; or, alternatively, of countries other than the permanent members, preferably those whose interests were least involved in the area concerned. Perhaps the body could exercise its conciliatory role more effectively if its headquarters were not in the troubled area. A single permanent headquarters might not be necessary. The Commission should have joint frontier Commissions or frontier observers, and liaison organizations, and should be able to carry out its inquiries rapidly. The Council had the power under Article 34 to maintain in the field a new body having the same functions as the first Commission, and need not in any way incur the disapproval of any State. All the countries concerned had an interest in any serious incident, and had the right to see that the facts were quickly established and unfounded rumours denied. The Council would fulfil its normal functions if it offered its good offices to the proposed body, so as to assist in the conciliation of conflicting views.

523. The representative of CHINA analysed the Commission's report and stated that, after a careful examination of the evidence, his delegation continued to support the majority conclusions. The Commission's proposal A was a reaffirmation of a provision of the Charter, and its last part was a timely warning. Proposal B attempted to revive a political device which had been found useful in settling border disputes between Greece and Bulgaria. He hoped that the Commission contemplated in proposal C would engender a new sense of confidence among the population and lessen the likelihood of future border disturbances. The recommendations in proposal D involved a duty which every State owed to its neighbours. If implemented, proposal E would remove one of the basic causes of the tension and unrest in the Balkans. The majority proposals were wisely and prudently based on the disturbed situation in Greece. They were moderate and fair, since they were not based upon the respective responsibilities of the parties. They were practical and constructive, because they were based on the undeniable fact that relations between the countries concerned were very strained. The Chinese delegation supported the proposals as an

earnest endeavour to remedy the situation and to provide effective measures which did not infringe upon the national sovereignty of the States concerned, did not affect matters essentially within the domestic jurisdiction of those countries, and were in strict conformity with the spirit and letter of the Charter. The Council was competent under Article 36 to adopt those proposals, and it would not be fulfilling its responsibility if it permitted the situation to deteriorate further. The Chinese delegation supported the United States draft resolution.

524. The representative of COLOMBIA stressed the importance of the question and its increasing gravity, and expressed his concern at the conflicting views of permanent members, which made it difficult for the representatives of smaller countries to approach the question in the conciliatory and co-operative spirit which was their duty. A solution should emphasize the need for future co-operation among the Balkan countries rather than the origin of their disputes. Although there was much contradictory evidence in the report, it left no doubt that the continuance of the situation would be likely to endanger the maintenance of international peace and security. The Council's first step should be of a conciliatory nature, in accordance with Article 37, paragraph 2, of the Charter. Such steps would be effective only if the actions of the Governments concerned, and of the great Powers directly interested, bore out their oft-repeated declarations of willingness to co-operate with the Council.

525. The Colombian delegation concurred with the Commission's proposals A, B, D, and E. It also concurred with the proposals C (c) (ii), (iii), (iv) and (v) for the functions of the proposed Commission. As to proposal C (c) (i), the Colombian representative considered that, although the Commission should have powers of frontier surveillance, it would not normally be expected to have recourse to them. The Commission should delegate the task of border observation, and should itself be more concerned with the arrangements contemplated between Greece and its neighbours. He considered that the headquarters of the Commission should be established in a neutral country, preferably in Geneva. Although full Security Council membership of the Commission might give it greater authority, such a large body would tend to be cumbersome. He suggested that the new Commission should consist of three permanent members and four non-permanent members of the Council.

526. The Colombian delegation, without, as yet, formally submitting alternative proposals, suggested that fresh approach to the Greek Question, in view of its close connexion with the whole European situation and with all the matters engaging the Council's attention.

527. The representative of the UNITED

STATES OF AMERICA considered that the events of the previous 48 hours, though not yet confirmed by a report from the Subsidiary Group, were nevertheless sufficient to indicate that a situation was developing dangerously along the Albanian-Greek frontier and might burst into an explosion at any time. The presence in Salonika of a Commission representing the Security Council would be of great value in deterring subversive elements in that region, putting a spirit of caution into the Governments concerned, and facilitating conciliation. Full membership would give the Commission added weight. The deteriorating situation made it necessary to set up a Commission rapidly and to maintain the Subsidiary Group in existence until the new Commission took over.

528. The representative of SYRIA noted that the Commission's recommendations did not discriminate against or assess the responsibility of any of the countries concerned. Therefore those countries should accept the recommendations, which were based on the provisions of the Charter and, in particular, upon Article 33. There was nothing in the recommendations affecting the prestige, national pride or sovereignty of the countries concerned, and the latter should consider their great responsibility in allowing the situation to become aggravated. The United States draft resolution also omitted any assessment of responsibility and treated all the States on the same footing.

529. Questions as to the headquarters and composition of the proposed Commission should be decided according to the wish of the majority of the Council. The original Commission had included representatives of all members of the Council.

530. The Council was not in a position to analyse the background of the Commission's work and the evidence and witnesses heard, except in noting absurdities, irregularities, or actions out of order or against the terms of reference. The Syrian delegation could not see that the report was open to any of the objections mentioned or that it contained anything unacceptable to the parties.

531. The representative of ALBANIA replied to the allegations that an international brigade had invaded Greece. He noted that, on 11 June 1947, Mr. Tsaldaris had admitted that his statement that an international brigade was preparing to enter Greece did not correspond to reality, was intended for the outside world and not for Greece. Those allegations constitute a provocation similar to all the Greek accusations placed before the Council since December 1946. The position was the same with regard to the allegation that Chamois refugees were mobilising in Albania and fighting inside Greece. He detailed other alleged provocations and analysed the motives of the Greek Government in making them.

532. The representative of YUGOSLAVIA also noted Mr. Tsaldaris' admission that recent reports had been exaggerated. He drew attention to the parallel case in December 1946, in which sensational testimony had been produced in the Council. However, the witnesses who had allegedly given that evidence had not been produced before the Commission in Greece.

533. The representative of GREECE stated that it was well known that real battles were in progress near the Albanian border, following an invasion by forces coming from Albanian territory. If the representative of Albania wished his assertions to be believed, he should ask his Government to co-operate with the Subsidiary Group in helping to ascertain the facts.

534. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that the representative of the United States had endeavoured to prove that an extraordinary situation had been created in Greece within the previous 48 hours. However, the nature of the situation was not clear. The noise raised by the Greeks in the previous 48 hours had a very obvious aim. The impression was being created that somewhere there was a schedule of the events which were to take place in Greece at the time when the Greek Question was being considered by the Council. He did not see why the Council should blindly follow the Greeks in that agitation.

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## C. THE FREE TERRITORY OF TRIESTE

### 1. *Communication dated 12 December 1946 from the Chairman of the Council of Foreign Ministers*

535. The Chairman of the Council of Foreign Ministers, in a letter dated 12 December 1946 addressed to the Secretary-General (S/224/Rev. 1), transmitted those articles and annexes of the draft peace treaty with Italy relevant to the establishment of a Free Territory of Trieste, whose independence and integrity would be ensured by the Security Council of the United Nations. The four Foreign Ministers, in submitting the texts for the Council's approval, stated their desire that the latter should take its decision before 15 January 1947.

536. The letter was placed on the agenda of the Security Council at the 89th meeting, on 7 January 1947, and a general discussion commenced. During the discussion, the representatives of Belgium, Colombia, and Syria, which were new members of the Council, pointed out that they had only recently received the documents and had not had an opportunity to study them. The Council therefore postponed its decision until the 91st meeting, on 10 January.

### 2. *General discussion*

537. The representative of AUSTRALIA recalled that, at the Paris Conference, the delegation of Australia had expressed doubt whether the Charter gave the Security Council the power to accept the responsibility for Trieste, and had pointed out that the assurance by the Security Council of the integrity and independence of the Free Territory might prove to be illusory, owing to the right of veto of the five permanent members. Furthermore, both at Dumbarton Oaks and at San Francisco, the proposal for the inclusion in the Charter of a general guarantee of territorial integrity had been rejected, and an amendment, which had become Article 2, paragraph 4, had been adopted instead. The acceptance of the proposed responsibilities, and in particular of the responsibility of assuring the integrity and independence of the Free Territory, was clearly not authorized by the Charter. It could not be maintained that, because the Security Council had a primary responsibility under the Charter for the maintenance of international peace and security, it enjoyed an authority sufficiently wide to permit it to guarantee the territorial integrity and independence of Trieste. Moreover, there were other articles in the proposed

statute, under which the Council would appear to assume functions having no direct connexion with the maintenance of international peace and security.

538. He also raised the question whether those obligations, if accepted, would be binding, first, upon non-permanent members of the Council that were no longer members when the obligation was implemented; secondly, on future non-permanent members that had not been members when the obligations were accepted; thirdly, on countries that had never been members of the Council. He thought it would appear to be straining the provisions of the Charter too far to assume that all those countries would be bound.

539. The representative of SYRIA said he had failed to find an Article of the Charter which would authorize the Security Council to take charge of the direct administration of any State or territory, except for Article 83, concerning trusteeship of strategic areas, which did not apply in the case under discussion. He wished to ask the representatives of the four Powers, whose Foreign Ministers had made the proposal, under what Article of the Charter such an authority was given.

540. The representative of the UNITED KINGDOM thought that Article 24 of the Charter was wide enough to justify the acceptance of the proposed responsibilities, and noted that paragraph 2 of that Article granted the Council specific powers in order to enable it to discharge its duty of maintaining international peace and security. Turning to the question as to what States would be bound by the proposed obligation, he said he considered that the responsibility in the future would fall on the Security Council, as an organ of the United Nations. When a non-permanent member joined the Council, it assumed certain duties, of which it was relieved when its term of office came to an end; the situation would be the same for any additional specific duties. He did not agree that the Council was being asked actually to undertake any direct administration.

541. The representative of the UNITED STATES OF AMERICA did not agree with the interpretations given by the Australian and Syrian representatives. He considered that the Security Council was entrusted, as its highest responsibility, with the maintenance of international peace and security; any seat of possible conflict was its legitimate concern. The only possible solution of the problem of

Trieste was internationalization. He agreed that the Council would exercise watchfulness and vigilance over the administration of the Territory rather than direct it.

542. Therefore he formally presented the following draft resolution :

543. "*The Security Council,*

544. "*Having received and examined the annexes to the proposed peace treaty with Italy relating to the creation and government of the Free Territory of Trieste (including an arrangement for a free port),*

545. "*Hereby records its approval of the said annexes and its acceptance of the responsibilities devolving upon it under the same, and directs the Secretary-General to notify the United States of America, France, the United Kingdom, and the Union of Soviet Socialist Republics of its action.*"

546. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS thought it perfectly clear that the rights and powers to assume the proposed responsibility had been given to the Security Council by a whole series of Articles of the Charter, in particular by Article 24. He accepted the United States draft resolution, pointing out that the Council was approving only three and not all of the documents submitted by the Council of Foreign Ministers.

547. The representative of POLAND observed that, though the delegation of Poland had advocated at the Paris Conference a different solution of the problem of Trieste, it was ready to submit to the decision of the Council of Foreign Ministers and to vote for the United States draft resolution. A Free Territory under quasi-international administration was entirely within the general spirit of the Charter. Since international peace and security were involved, it was logical that the Security Council should carry out the functions of supervision.

548. The representative of FRANCE supported the view that the Charter entrusted the Security Council with the very general task of the maintenance of peace. He noted that in the case at issue the application of Article 24 was not limited by the principle of sovereignty, since the peace treaty had not yet been ratified. As the Security Council had the primary responsibility for maintaining peace and security in the world and had such wide powers as those outlined in Article 42, it was justified in accepting the responsibility of the delicate situation in Trieste, which might give rise to international difficulties.

549. The representative of CHINA said his Government supported the solutions finally agreed upon by the Council of Foreign Ministers, realizing that they represented the maximum of agreement and the only feasible

settlement of a most difficult international situation. He thought the powers conferred on the Security Council by the Charter were broad enough for the undertaking of such a responsibility, and he supported the United States draft resolution.

550. The representative of COLOMBIA stated that his delegation was in favour of enlarging the powers of the Security Council and the General Assembly. He welcomed the opportunity of establishing a precedent for acting on the basis of the spirit of the Charter, and believed that the responsibility for Trieste should be accepted.

551. The representative of SYRIA felt that the interpretations given required a certain amount of tolerance to meet the difficulties he had raised in his first statement. Since the proposed solution for Trieste was the only one that could be found, that latitude of interpretation was justified with regard to the current situation.

552. The ASSISTANT SECRETARY - GENERAL made a statement concerning the legal issues which had been raised. In the opinion of the Secretary-General, the words "primary responsibility for the maintenance of international peace and security" coupled with the phrase "acts on their behalf" in Article 24, paragraph 1 of the Charter, granted the Security Council powers sufficiently wide for it to approve the documents in question and to assume the responsibilities arising therefrom. Furthermore, the records of the San Francisco Conference indicated that the powers of the Council granted under Article 24 were not restricted to the specific grants of authority contained in Chapters VI, VII, VIII and XII of the Charter; the only limitations were the fundamental principles and purposes found in Chapter I. With regard to the question as to what countries would be bound by the obligation, if accepted, the Secretary-General pointed out that the rejection in Committee III at San Francisco of a proposal for limiting the obligation of Members under Article 25, made it clear that the obligation to accept and carry out the decisions of the Security Council applied also to decisions under Article 24.

553. The representative of AUSTRALIA considered that the replies given to his first statement had not disposed of the constitutional arguments, but had rather tended to place the chief emphasis on the political necessities of the current situation. He thought that even a general authority under Article 24 would not authorize the assumption by the Council of the functions assigned to it in the Trieste statute, since those functions were not necessarily limited to the maintenance of international peace and security. The giving of a categorical guarantee of the integrity and independence of the Free Territory went further than was warranted by the purposes and principles of

the United Nations. He also felt that the question as to what countries would be bound by the obligation had not been satisfactorily answered. However, if the majority of the Council were prepared, for other reasons which they found satisfactory, to approve the United States draft resolution, the delegation of Australia would not vote against the majority, but would abstain.

### 3. *Decision of the Council*

554. At the 91st meeting, the representative of the UNITED STATES OF AMERICA presented the following revision of the United States draft resolution, stating that it included among other changes a revision of the last sentence in accordance with a suggestion by the Chinese representative :

555. "*The Security Council,*

556. "*Having received and examined the annexes to the proposed peace treaty with Italy relating to the creation and government of the Free Territory of Trieste (including an arrangement for a free port),*

557. "*Hereby records its approval of the three following documents :*

558. 1. The instrument for the provisional regime of the Free Territory of Trieste ;

559. 2. The permanent statute for the Free Territory of Trieste ;

560. 3. The instrument for the free port of Trieste ;

561. and its acceptance of the responsibilities devolving upon it under the same.

562. "*The Security Council directs the Secretary-General to notify the Council of Foreign Ministers of its action.*"

563. **Decision :** *After discussion of several drafting suggestions, the draft resolution, with the last sentence deleted, was adopted by 10 votes to none, with one abstention (Australia).*

### 4. *Consideration of the appointment of a Governor*

564. The representative of the UNITED KINGDOM, in a letter dated 13 June 1947 (S/374), requested the President of the Security Council to fix a date during the coming week for the discussion by the Security Council of the question of the appointment of a Governor for the Free Territory of Trieste, in accordance with article 11, paragraph 1, of the permanent statute, and with the instrument for the provisional regime of Trieste. The question was placed on the provisional agenda of the 143rd meeting, on 20 June 1947.

565. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said that, in his delegation's opinion, the item should not be discussed before the peace treaty with Italy had been ratified and had come into force. He thought the representatives of the four Powers concerned should continue to consult one another on the nomination of a Governor, in accordance with the decision of the Council of Foreign Ministers of 12 December 1946. He later added that his Government's intention was that the Governor should be appointed immediately after the entry into force of the Italian peace treaty, but that it considered that the discussion of the matter should follow the normal procedure set forth by the Council of Foreign Ministers.

566. The representative of the UNITED KINGDOM stated that, while the appointment of the Governor could not actually be made until the Treaty came into force, it was essential that agreement should be reached by that date ; and that there was no provision barring the Council from discussing the appointment immediately. In view of the difficulty experienced in obtaining unanimity among the four Powers, it would be well for them to try to agree on a candidate with the help of the other members of the Council, meeting in private, since personalities were involved.

567. The representative of AUSTRALIA recalled that at Paris the Australian delegation had urged selection of the Governor of Trieste by a special body, and that the Australian representative on the Security Council had maintained that the Council had no jurisdiction to accept the obligations contemplated under the treaty of peace with Italy. However, in view of its decision of 10 January 1947, the Council should take steps to make it possible for a Governor to be appointed at the right time. The informal discussions that had been held among the permanent members of the Council on the question of the appointment had no legal basis. He pointed out that it was the instrument for the provisional regime, and not the permanent statute, that would have to come into force before the Governor was appointed, as could be seen from the relevant articles of those documents. Although, for the moment, there was no question of a formal appointment, the Security Council, by making its selection in advance, should help to give effect to the clear intention of the treaty, namely, to establish the civil administration in Trieste under the Governor as soon as possible after the treaty's entry into force.

568. The representative of the UNITED STATES OF AMERICA agreed with the views expressed by the representatives of the United Kingdom and Australia. Quoting the protocol of the Council of Foreign Ministers of 12 December 1946, in which it had been agreed that all possible steps would be taken to ensure the appointment of the Governor by the

Security Council at the same time as the entry into force of the peace treaty, he pointed out that the Council could not comply unless a previous agreement were reached on the candidate to be appointed.

569. The PRESIDENT considered that there was unanimous agreement that the actual appointment of the Governor of Trieste could occur only after the ratification of the peace treaty. All that was being suggested was a preliminary exchange of views among the members of the Security Council.

570. **Decision :** *The Council decided, by 9 votes to one (Union of Soviet Socialist Republics), with one abstention (France), to put the question on its agenda.*

571. The question was discussed at the 144th and 155th meetings, held in private, on 20 June and 10 July 1947 respectively.

572. A sub-committee was established, composed of the representatives of Australia, Colombia and Poland, to collect data about the candidates for the post of Governor of the Free Territory of Trieste.

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## D. UNITED KINGDOM COMPLAINT AGAINST ALBANIA REGARDING INCIDENTS IN THE CORFU CHANNEL

1. *Communication dated 10 January 1947 from the representative of the United Kingdom*

573. The representative of the UNITED KINGDOM, in a letter dated 10 January 1947 addressed to the Secretary-General (S/247), forwarded copies of an exchange of notes between the Governments of the United Kingdom and of the People's Republic of Albania regarding an incident in which two British war-ships had been damaged by mines in the Corfu channel on 22 October 1946. He pointed out that the United Kingdom note set forth his Government's grounds for believing that the Albanian Government was responsible for the incident, and requested an apology and compensation. The Albanian Government's reply had been entirely unsatisfactory, and the United Kingdom Government had accordingly instructed him to bring the dispute to the early attention of the Security Council under Article 35 of the Charter.

574. The communication was placed on the provisional agenda of the 95th meeting, on 20 January 1947.

575. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS could not agree that the complaint should be included in the agenda of the Security Council. In rejecting the Albanian Government's proposal in its note of 11 November 1946 for the creation of a joint Commission for the settlement of the question of mine-sweeping, the United Kingdom Government had acted in violation of Article 33 of the Charter. Furthermore, the Corfu incident, and the attitude taken by Albania in connexion with it, did not constitute a threat to peace and security, and the question of the safety of navigation in the Corfu channel could certainly be settled by means of negotiation between the Governments of the countries concerned.

576. The representative of the UNITED KINGDOM replied that the joint Commission had been proposed by the Albanian Government in connexion with only one aspect of the matter: the delimitation of the channel to be swept; it could not have produced a settlement of the series of incidents. Before submitting the matter to the Security Council, the United Kingdom Government had resorted to a direct diplomatic exchange of views, in accordance with what it considered the correct procedure. It might be hard to define what constituted a threat to international peace, but 44 British sailors had been killed, and incidents of the kind might recur.

577. **Decision:** *The Council decided, by 10 votes to none, with one abstention (Union of Soviet Socialist Republics), to include the dispute in its agenda.*

578. **Decision:** *The Council decided, in accordance with Article 32 of the Charter, to invite the Albanian Government to participate without vote in the discussion relating to the dispute, on condition that Albania accepted all the obligations which a Member of the United Nations would have to assume in a similar case.*

579. The Albanian Government accepted the invitation, requesting that the proceedings might be postponed until the arrival of the Albanian representative. The Council postponed discussion of the substance of the dispute until 18 February 1947, when the representative of Albania took his seat at the Council table.

### 2. General discussion

580. The general discussion was opened at the 107th meeting, and was continued at the 109th, 111th and 114th meetings on 19, 24 and 27 February 1947.

581. The representative of the UNITED KINGDOM made a statement to complete the narrative of the events which were the subject of the United Kingdom charges; he supported his arguments with photographs and documents which he tabled as exhibits.

582. On 22 October 1946, while a squadron of four British war-ships was proceeding in normal passage formation through a channel in the Corfu Straits which had been swept of mines in 1944, the destroyers *Saumarez* and *Volage* had been damaged by explosions, which had resulted in the death of 44 sailors and injuries to 42 others. The matter had immediately been reported to the International Mine Clearance Organization, and the Central Board unanimously decided that the northern Corfu channel should be re-swept at a favourable opportunity. When, on 26 October, the United Kingdom Government had informed the Albanian Government that the channel would be re-swept, the Albanian Government had protested against the alleged violations of Albanian waters by British ships on 22 October, said it would consider sweeping in Albanian territorial waters a flagrant violation of the territorial integrity of its country, and proposed the establishment of a mixed Commission to decide what area of the sea should be considered to constitute the channel of navigation.

The United Kingdom Government had been at a loss to understand that proposal, since the swept channel, which was a well-known international highway between two parts of the open sea, lay in territorial waters.

583. Mine-sweeping had been carried out on 12 and 13 November 1946. Captain Mestre, the French representative on the Mediterranean Zone Board, had attended as an observer. Twenty-two German Y-type mines had been found, and examination had shown conclusively that the mine-field had been newly laid, within the previous six months, apparently in rough lines across the approaches to Saranda. A communication had been sent to the Albanian Government, drawing attention to the responsibility which so clearly lay upon it and requesting an apology and compensation. Having received an entirely unsatisfactory reply, the United Kingdom Government had had no choice but to submit the case to the Security Council.

584. The United Kingdom representative then explained the provisions of international law applying to the laying of mines, which was covered by articles 2 to 5, inclusive, of the Eighth Hague Convention of 1907. He argued that the laying of a clandestine mine-field in the Corfu channel was a flagrant violation of those rules of conduct, and was moreover a crime against humanity, since the mines might equally well have destroyed merchant ships of any nationality using that ordinarily busy route.

585. Consideration of certain circumstances pointed inescapably to Albanian responsibility for laying the mines. The Albanian Government maintained elaborate and vigilant defences along the Albanian coast, as shown by several cases of firing on ships; the mine-field had come to within 300 yards of the Albanian coast; there was a considerable amount of evidence that Albania possessed and used mines; and a Yugoslav ship on the regular service between Yugoslavia and Albania, instituted in accordance with an agreement signed on 10 September 1946, had made its last call at Saranda on 24 September.

586. The United Kingdom representative also called attention to Albanian propaganda on the subject of Allied shipping in Albanian waters, the tone of which, he claimed, gave the impression that whatever the Albanian Government might do was justified. If in good conscience it had been innocent and ignorant of the mine-laying, it would have denied the charges rather than raise counter-accusations, and would have co-operated in the re-sweeping of the channel. Another example of the same tactics was the innuendo in the Albanian note, unsupported by any evidence and already denied by the Greek Government, that the mines had been laid by Greece.

587. The United Kingdom representative presented evidence to refute the counter-charges

made by the Albanian Government—namely, that the passage of British war-ships through the swept channel had not been innocent because they had passed unnecessarily close to the Albanian shore and had behaved in a provocative way; and that British aircraft had flown over Albanian territory on 22 and 23 October. The United Kingdom charge was in no way affected by any Albanian allegation that the presence of British ships, without prior notification or permission obtained through diplomatic channels, had been contrary to international law; international law concerning innocent passage had no bearing on the current charge. Moreover, the Albanian Government, which was a party to the Statute on Freedom of Transit of the Barcelona Convention of 1921, presumably did not question the right of innocent passage of merchant ships to which the accident might have occurred. The great majority of authoritative writings on international law favoured the thesis that warships had the right of innocent passage through territorial waters, and there was an even stronger consensus with respect to international straits connecting two parts of the open sea. International practice in the famous straits of the world supported that view.

588. The United Kingdom representative asked that the Council, taking into consideration the failure of attempts at settlement through diplomatic correspondence, should recommend under Article 36 a settlement of the dispute by direct negotiation between the two Governments, on the basis of the Council's finding that an unnotified mine-field had been laid in the Corfu Straits by the Albanian Government or with its connivance. He suggested that the Council should retain watchful interest in the negotiations, and should furthermore remind all States that it was incumbent on them to see that their territorial waters were free from mines.

589. The representative of ALBANIA, in his opening statement, said that his Government wondered why the United Kingdom request, submitted on 10 January 1947, had immediately been placed on the agenda, while the Albanian request of 29 October 1946 (S/250) to have the question brought before the General Assembly had still not been considered.

590. He mentioned briefly the facts of the entry of British war-ships into Albanian territorial waters on 15 May, 22 October, 12 November, and 13 November 1946, and of the subsequent exchange of notes, and cited 8 typical cases of deliberate provocation on the part of Greek vessels, which provocations the Albanian Government had brought to the knowledge of all foreign representatives at Tirana. The Albanian Government, as it had declared in its first note, respected the principle of innocent passage, but, in the circumstances, could one consider as innocent the penetration into territorial waters, without warning, of war-ships which did not fly flags

or reply to signals to move further away from the coast ?

591. The right of sovereignty of coastal States over their territorial waters was a recognized international principle, embodied in article 2 of the Final Act of the Hague Conference in 1930 and supported by well-known authorities and courts. In the light of the definition of innocent passage in articles 3 and 4 of that Act, the facts of the incident on 22 October showed that the latter was not a case of innocent passage, but of violation of the sovereignty of Albania over its territorial waters. The ordinary shipping channel was roughly 1,500 metres from the port of Saranda, and had not been an international shipping route before the war, as was being claimed. The United Kingdom Government itself had maintained, before the Hague Court of Arbitration in 1910, that the sovereignty of a coastal State extended over the whole width of straits in so far as the coastal batteries of that State could control them ; yet, in the current case, it maintained an entirely different thesis.

592. British warships had entered Albanian territorial waters on 12 and 13 November in battle formation, firing continually into the air and into the water with their machine-guns, with a view to provoking incidents. Having already shown its good will in the cause of peace by approaching the Secretary-General on the very day of the incident, the Albanian Government had protested strongly to the United Kingdom Government against that arbitrary decision to sweep the channel, and had proposed the creation of a mixed international Commission to determine in what waters of the channel free navigation should pass. The Albanian Government, which should have been invited to participate in the work of the Central Mine Clearance Board, had never been officially informed of the latter's existence. Moreover, on 14 November, the Board had published a denial that the mine-sweeping had been carried out on its orders or with its consent. The United Kingdom Government had not advanced any convincing argument to prove its accusations, and General Hodgson, Chief of the British military mission in Albania, had warned the Albanian Government that even the channels declared open were not safe.

593. The Albanian representative declared that his Government had not laid or known who had laid, the mines, and he categorically denied the charge of inhumanity that had been levelled at it. On the other hand, the whole series of organized and consecutive provocations was closely linked to the general policy of the United Kingdom towards Albania. During the war, the British mission in Albania had, right up to the end, assisted and collaborated with such groups as the Balli Kombetar, and such men as Abas Kupi, Muharen Bajraktari, the quisling Fiqri Dine, and others. Detailed plans for the collabo-

ration of British troops with the Eleventh German Army Corps had been taken from German agents. Repeated requests by the Albanian Government for the extradition of war criminals, quislings and agents of the SIM and the Gestapo had been disregarded.

594. After the enemy had finally evacuated the country and Albania had been awaiting the recognition of its new Government and the exchange of diplomatic representatives, the British had sent, not a diplomatic mission, but a military mission of 50 to 60 men. When General Hoxha had drawn the attention of Field-Marshal Alexander to that subject, an ultimatum had been the reply. The aims of the military mission were clearly shown in certain important documents, where it was stated that the Albanians should be regarded as enemies and that, if General Hoxha did not accept a series of conditions to be presented when the British staff landed, the negotiators should endeavour to get into contact with other groups in Albania. Although granted every facility by the Albanian Government, General Hodgson had adopted a truculent and uncompromising attitude. Even after the Albanian Government had given full assurances with regard to all requests, the United Kingdom Government had not only failed to send its Minister, but had adopted an openly hostile attitude towards the Albanian people and had aided and encouraged provocations by the Greeks against Albania.

595. In the light of those facts, it was easy to see the origin of the provocations and the violations committed by the United Kingdom Government against Albania. The purpose of the accusations was to isolate Albania from the outside world and to turn upon that country in order to create an opinion adverse not only to Albania, but also to the States which looked with sympathy on the new democratic Albania.

596. At a later meeting, the representative of ALBANIA stated that, in explaining the incidents as part of the United Kingdom's hostile policy towards Albania, he had not deviated from the problem before the Council. There was a close connexion between the United Kingdom accusations and the facts he had mentioned. He again drew attention to the violation of Albanian sovereignty, to Albania's respect for international law, to the tone of the British note, to the rejection of the Albanian proposal for the sweeping of the channel, and to the arbitrary manner in which the sweeping had been carried out. In his opinion, the British representative, without any real evidence, was making false assumptions and drawing false conclusions.

597. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, recalling his previous statement on the subject, stated that he still did not see any reason for the discussion of the question by the Security Council. The

facts refuted the statement that Albania was responsible for the mine damage to the British destroyers. The Mediterranean Zone Mine Clearance Board had, without legal justification, given Greece the responsibility for the mine-sweeping of Albanian waters. Repeated proposals by the representatives of Yugoslavia and the USSR on the Board for inviting Albania to participate in the work of the Board and in the mine clearance of Albanian waters, in accordance with article 12 of the Agreement constituting the International Organization for the Clearance of Mines in European Waters, had been systematically rejected by the British and Greek representatives on groundless pretexts. In other cases, such as the sweeping of the channel north-east of the island of Samothrace and the Straits of Gibraltar in April 1946, operations in territorial waters had been carried out only after the appropriate permission had been given by the Turkish, Greek, or Spanish authorities.

598. He then pointed out some other facts which he thought should be considered. The fairway where the British destroyers had been damaged on 22 October 1946 did not coincide with the fairway swept in 1944-1945. Under the pretext of mine-sweeping, foreign warships had made themselves at home in Albanian waters, and by their actions had repeatedly violated the sovereignty of Albanian waters and ports. There was no evidence in support of the allegation that the swept mines had been recently laid by the Albanian authorities or with their knowledge. During the period from 8 May 1945 to 31 August 1946, 196 ships of various nationalities had been sunk or damaged by mines in European waters, 30 of them in the swept fairways. The statement in the United Kingdom note, that the mine-sweeping of Albanian waters would be carried out in accordance with the "the unanimous decision of the Central Mine Clearance Board", had been refuted by the Board's resolution of 14 November 1946. A French officer had been invited by the British Command as a representative of the Zone Board, but without the knowledge or authorization of the Board. The facts indicated that the United Kingdom charges were unfounded, as was the appeal under Article 35 of the Charter, since there was no threat to the peace. The question should be decided by direct negotiation between the countries concerned, with the participation of the International Mine Clearance Organization.

599. The representative of POLAND considered that the only fact which existed beyond doubt was the loss which the British Navy had suffered. On the other hand, contradictory opinions were held as to whether the mines had been laid by Albania or with its knowledge; whether the mine-sweeping had been carried out on a unanimous decision of the Mine Clearance Board; whether British aircraft had flown over Albanian territory the day after the incident; whether the vessels

which had approached the Albanian shores on 15 May 1946 had been flying flags; whether the channel in question was an international route or part of the waters of the port of Saranda; and whether the channel had been swept of mines in 1944. The fact that vigilant defences were maintained along the Albanian coast was not a proof of Albanian guilt, nor was the description of the mines. The dispute involved no danger to the peace, and the most appropriate action would be to call upon the parties themselves to use some other means for peaceful settlement, in accordance with Article 33, for only negotiation had thus far been attempted. Failing that, the delegation of Poland would not oppose the alternative of calling upon the parties to refer the dispute to the International Court of Justice, in accordance with Article 36 of the Charter.

600. The representative of the UNITED KINGDOM replied at several meetings to points raised during the discussion. First he observed that the speech of the Albanian representative, although at first sight largely irrelevant, was important in that it betrayed the Albanian motive for committing such a crime. Secondly, he wished to emphasize that the rejection of the Albanian proposal for a mixed Commission did not show that the United Kingdom had acted in violation of Article 33, since the proposal had not been designed to settle the whole dispute, but only to define the channel of navigation which had already been cleared. Thirdly, the statement that the fairway where the destroyers had been damaged did not coincide with the swept fairway was untrue and could be proved to be so. Fourthly, the actual decision of the Central Board on 1 November had been that the north Corfu channel should be re-swept at a favourable opportunity. At a later meeting, it had been agreed to deny in a Press statement that the sweeping had been carried out under the direction and auspices of the Central Board as reported in the British Press, but that agreement had definitely not been a reversal of the decision of 1 November, which had been communicated to the Allied Naval Commander-in-Chief. Fifthly, the United Kingdom representative did not agree with the Polish representative that there was only one fact which existed beyond doubt; with regard to the alleged flights by British aircraft, for instance, he could prove, by calling witnesses if necessary, that there had been no British aircraft in the area of the type or with the markings described. Sixthly, a warning such as that issued by General Hodgson was normal after a sweep; but that warning, issued two years previously, was irrelevant in the current case, as the mines in question had been recently laid. Seventhly, discussions of the manner in which the mine-field had been swept and the right of innocent passage were irrelevant and could not excuse or justify the laying of an undeclared mine-field. Eighthly, while accidents had indeed occurred elsewhere from floating, displaced or ground

mines, nowhere else had a newly laid mine-field been discovered.

601. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out that, at the meeting of the Central Mine Clearance Board at which the decision to sweep the Corfu channel had been taken, the United Kingdom representative on the Board had stated that the phrase "at the first favourable opportunity" meant as soon as the necessary conditions presented themselves, including the absence of any objection on the part of Albania. On 14 November, the Board had adopted a statement that the sweeping had been carried out without its agreement or sanction. Those facts were in the records of the Board and conclusively refuted the United Kingdom statement that the sweeping had been carried out with the consent of the Board.

### 3. Discussion on the establishment of a sub-committee

602. At the 111th meeting, the representative of AUSTRALIA said he considered that the first duty of the Council was to find out the facts of the case. The necessary cross-examination could not be carried out expeditiously in the full Council, and the simplest way for the Council to obtain a statement of all the facts would seem to be to appoint a small sub-committee which could present the Council with a clear statement setting out those facts which could be established from the material before the Council, drawing attention to those facts on which doubt still existed, stating the legal issues on which there seemed to be a conflict, and pointing out appropriate lines of possible action for the Council. He therefore submitted the following draft resolution:

603. "As a preliminary step in the consideration of the incidents in the Corfu channel which are the subject of a dispute between the United Kingdom and Albania,

604. "The Security Council

604 a. "Resolves to appoint a sub-committee of three members to examine all the available evidence concerning the above-mentioned incidents and to make a report to the Security Council, not later than 3 March 1947, on the facts of the case as disclosed by such evidence.

605. "The sub-committee is empowered to request further information as it deems necessary from the parties to the dispute, and the representatives of the United Kingdom and Albania are requested to give every assistance to the sub-committee in its work."

606. He stressed that he was not attempting to pass any judgment, or proposing that a sub-committee should pass judgment on the merits of the case.

607. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said he could not

support the Australian draft, as he considered it incorrect and incompatible with the need for keeping the Security Council's authority at a high level. The accusations made against Albania by the United Kingdom Government were not proved, and it was impossible to prove them. He could not in any way understand the position of those representatives who clearly had more or less definite opinions, but who nevertheless proposed to appoint a sub-committee and wished to complicate the matter still more and to raise a clamour for a number of reasons which had nothing to do with the interests of the United Nations. He could not support the proposal for the appointment of a sub-committee, because there was nothing to investigate, as Albania was not guilty in the matter.

608. The PRESIDENT ruled that the Australian draft resolution should be given priority, in accordance with rule 33 of the rules of procedure, but that the general discussion was not closed.

609. At the 114th meeting, the representative of AUSTRALIA pointed out that the strongest argument in support of his draft resolution was to be found in the proceedings of the Council during the 109th and 111th meetings.

610. During the discussion, the representatives of the United States, Brazil, China and Colombia supported the Australian draft resolution, while the representatives of Poland, the USSR, Syria and the United Kingdom did not consider a sub-committee necessary.

### 4. Procedural questions

611. The representative of the UNITED KINGDOM noted that, as a party to the dispute, he must abstain from voting in a decision under Chapter VI, in accordance with Article 27, paragraph 3, of the Charter. He asked, however, if he was correct in assuming that the current decision was a purely procedural one and that he could therefore vote.

612. The PRESIDENT stated that, in his opinion, the representative of the United Kingdom was not excluded from voting on the question. He considered that the decision did not fall within the scope of Chapter VI, since the proposed sub-committee's sole function would be to facilitate the work of the Council by classifying information submitted to the latter; there was no question in the case at issue of undertaking an investigation.

613. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out that ever since the statement on the voting procedure in the Security Council made by the four sponsoring Governments in San Francisco, it had been accepted that a decision regarding an investigation ceased to be a matter of procedure and became a matter of substance from the moment when it was adopted. That interpretation had been unanimously adopted

at the time of the Council's decision establishing the Commission of Investigation concerning Greek Frontier Incidents. In principle, the proposed sub-committee was the same as the latter, being set up in order to examine the facts of the case; and similarly, the decision for its establishment was not of a procedural nature. He pointed out that rule 30 of the rules of procedure did not give the President the right to decide whether a matter was one of procedure or of substance, a decision which required the concurring votes of the permanent members. He would, however, abstain from voting on the question, as he did not wish to prevent the establishment of the proposed sub-committee if the majority of the Council desired it.

614. The representative of the UNITED STATES OF AMERICA agreed with the President's ruling; he thought any other interpretation would produce a situation which would paralyse the activities of the Council. He could not agree that the case under discussion came within the terms of the four-Power statement at San Francisco, or that the proposed sub-committee could be compared with the Commission of Investigation concerning Greek Frontier Incidents. Under Article 29 of the Charter, in the section of Chapter V entitled "Procedure", the Council could establish such subsidiary organs as it deemed necessary for the performance of its functions. The establishment of the proposed sub-committee would be no more than that; it was therefore not a matter of substance.

615. The representative of COLOMBIA considered that the Australian draft resolution was not incompatible with any later decision of the Council under Chapter VI of the Charter. The draft itself did not come under that Chapter, since the study to be carried out by the proposed sub-committee would not be an investigation within the meaning of Article 34.

616. The representative of SYRIA noted that the Australian draft dealt with none of the nine circumstances which might lead the Security Council to take a decision under Chapter VI. An investigation under Article 34 was one aimed at finding out whether a dispute or situation was likely to endanger the maintenance of international peace and security. As the Australian draft for the creation of a sub-committee was not directed towards that end, the parties to the dispute were not obliged to abstain from voting.

##### 5. *Establishment of a Sub-Committee and consideration of its report*

617. **Decision :** *At the 114th meeting, on 27 February 1947, the Council adopted by 8 votes to none, with 3 abstentions (Poland, Syria, Union of Soviet Socialist Republics), the Australian draft resolution for the creation of a sub-committee, altering the date for the submission of the report to 10 March 1947.*

618. **Decision :** *After a short discussion on the membership of the Sub-Committee, the President's proposal for the appointment of Australia, Colombia and Poland was adopted by 7 votes to none, with 3 abstentions (Australia, Colombia and Poland).*

619. The representative of the UNITED KINGDOM stated that although he thought he had had the right to do so, *he had not voted*, because the other party to the dispute did not have a vote in the matter.

620. The Sub-Committee held 10 meetings and submitted its report (S/300) on 12 March 1947. At several of the meetings, the representatives of the United Kingdom, Albania, and Greece answered questions put by members of the Sub-Committee and, at one meeting, questions put by the representative of Syria on the Security Council (S/300, appendix II).

621. The Sub-Committee concluded that the first question which the Security Council should face was whether or not, having regard to the nature and extent of the evidence available, the Council felt able to pronounce on the questions: (a) whether or not a mine-field had existed in the swept channel opposite Saranda Bay on 22 October 1946; and (b) whether or not that mine-field had been laid by Albania or with the connivance of the Albanian Government. While not expressing any opinion on the accuracy of the Albanian allegations, the Sub-Committee considered that the examination of those allegations should be postponed until the above questions had been decided, and drew attention to the fact that the relevance of some of the allegations depended on the interpretation of points of law. At several meetings of the Sub-Committee, the Polish member drew attention to various facts which he considered to be especially significant, as they tended to establish certain conclusions. As it was not considered to be the function of the Sub-Committee to draw such conclusions, the Polish member presented that selection of facts to the Council in an additional report on his own responsibility (S/300, appendix I).

622. The representative of COLOMBIA, as Chairman of the Sub-Committee, presented the report to the Security Council, and it was discussed at the 120th, 121st and 122nd meetings, held on 20, 21 and 25 March 1947 respectively, with the participation of the representative of Albania. He explained that the Sub-Committee had carefully analysed and studied the allegations and counter-allegations of the parties and had also obtained additional evidence and documents, but had not felt that its function was to submit any conclusions on the evidence given.

622 a. In the opinion of the representative of Colombia, the evidence left no doubt, first, that 22 German Y-type mines had been found in the Corfu channel on 12 and 13 November

1946; secondly, that those mines had been recently laid; and, thirdly, that it was the same mine-field which had caused serious damage, with loss of life, to two British ships on 22 October 1946.

623. Giving his grounds for that opinion, he pointed out the improbability that the United Kingdom or a third Power could have laid mines close to the Albanian coast during the short period between the explosions and the mine-sweeping, at a time when there had been such intense international activity in connexion with the incident and when the Albanian Government had been defending its prerogatives with respect to territorial waters with unusual insistence. Considering also the other evidence available, the facts mentioned in the minority report of the Polish member of the Sub-Committee were not a sufficient basis for the view either that no mines had been found on 13 November, or that the mines had been laid between 22 October and 13 November. He considered the presumption that the mine-field could not have been laid without Albania's knowledge so strong that he would have no objection to voting in favour of a finding in that sense; but he would not feel justified in asserting that the Albanian Government had actually laid the mines, since there was no direct evidence to support that presumption.

624. The representative of AUSTRALIA recalled the view of his delegation, namely, that the function of the Sub-Committee was not to present conclusions or to make positive findings, but rather to try to clarify and analyse the case for the Security Council. He added that, in general, the delegation of Australia supported the opinions expressed by the representative of Colombia regarding the conclusions to be reached from the evidence.

625. The representative of POLAND emphasized the fact that the Sub-Committee's report was unanimous. Since, however, the majority of the Sub-Committee had not shared the view of the Polish member that a certain number of relevant facts which appeared important to him should be included in the main report, he had submitted an additional report (appendix I). None of the facts before the Council warranted the conclusion that the mines had been laid either by Albania or with Albania's connivance, and he gave several possible alternative explanations. In the absence of any evidence for the accusations against Albania, the Council could take no action which condemned the Albanian Government. Moreover, it was not certain that all possible evidence on the subject had been dealt with by the Sub-Committee. The best course for the Council was to call upon the parties to settle their dispute by the means set forth in Article 33 of the Charter.

626. The representative of the UNITED KINGDOM put a number of detailed questions on various points in the additional report of

the Polish member of the Sub-Committee, to which the representative of Poland replied.

627. Continuing his remarks on the additional report, the United Kingdom representative agreed that his original figure for the distance of the mines from the Albanian shore was an error, the correct figure being 450 yards, and explained that the apparent contradiction in the evidence of Captain Mestre, the French observer at the mine-sweeping, was not real. Summing up, he claimed that he had substantiated the United Kingdom charges by deductions from established facts, and that the chain of events reconstructed by the representative of Poland was highly improbable at all points. As to the Polish representative's suggestion for settlement by direct negotiation, if the Council made no report or recommendation on the incidents, the Albanian Government would be in no better mood to negotiate than it had been in December 1946, as shown by its most recent note to the United Kingdom Government. The United Kingdom representative therefore submitted the following draft resolution:

628. " *The Security Council,*

629. " *Having considered* statements of representatives of the United Kingdom and Albania concerning a dispute between the United Kingdom and Albania arising out of an incident on 22 October 1946 in the Strait of Corfu, in which two British ships were damaged by mines with resulting loss of life and injury to their crews,

630. " 1. *Finds* that an unnotified mine-field was laid in the Corfu Strait by the Albanian Government or with its connivance, resulting in serious injury to His Majesty's ships and loss of life and injury to their crews;

631. " 2. *Recommends* that the United Kingdom and Albanian Governments should settle the dispute on the basis of the Council's findings in paragraph 1 above, and that, in the event of failure to settle, either party may apply to the Council for further consideration of the matter;

632. " 3. *Resolves* to retain this dispute on its agenda until both parties certify that it has been settled to their satisfaction;

633. " And, since the laying of mines in peace-time without notification is unjustified and an offence against humanity, and since it is the duty of Governments to remove promptly mines laid in time of war,

634. " *The Security Council*

635. " 4. *Reminds* all States, whether Members of the United Nations or not, that it is incumbent on them to sweep or permit to be swept all parts of their territorial waters where there is reason to suspect the presence of mines."

636. The representative of ALBANIA, commenting on the Sub-Committee's report, stated his opinion that the most important points were, first, that there were no facts to support the United Kingdom accusation; secondly, that there was nothing to prove that a mine-field had been recently laid; thirdly, that there were no facts proving that Albania was responsible for, or had known of, the mine-laying; fourthly, that the Sub-Committee had not been able to agree whether mines had been found on 13 November 1946 in the places and in the circumstances indicated by the United Kingdom representative; and, fifthly, that the question whether the mines which had damaged the British destroyers on 22 October 1946 had belonged to the mine-field alleged to have been found on 13 November, had not been cleared up. He cited facts and arguments which he considered should not be ignored. The Sub-Committee had not verified the facts on which two of its members had based their conclusions; those conclusions could not, therefore, be regarded as just and correct. He gave examples of the United Kingdom's attitude towards Albania, which, he claimed, was linked to the United Kingdom's arbitrary and unilateral acts and to its repeated violations of Albanian sovereignty. The United Kingdom's accusation, which also involved the friendly neighbours of Albania, was without foundation, and the Security Council could not but reject the United Kingdom draft resolution.

637. At a later meeting, he insisted that the United Kingdom documents had been prepared for premeditated motives, and were without foundation. He referred to examples on that point in his previous statement.

638. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS declared that the report of the Sub-Committee contained no new evidence to confirm the United Kingdom charges; moreover, it had drawn no conclusions. The United Kingdom case was not proved. Experts on the Mediterranean Board had given several possible explanations of the explosions. He drew attention to General Hodgson's warning of mines; to the number of ships sunk by mines in European waters; to the fact that a time could have been found to lay the mines without the knowledge of the Albanian authorities; and to the fact that the responsibility for the safety of Albanian territorial waters had been laid on Greece. He also mentioned the recent reported violations of Albanian territorial waters (S/304), the unfriendly attitude of the United Kingdom towards Albania and the inaccuracies and contradictions in the evidence submitted by Captain Mestre and the British authorities. He considered as objective and just the Colombian representative's opinion that there were no facts which proved definitely that the mines had been laid by Albania or with its knowledge; but he had been surprised to hear the Colombian representative imply that he might be prepared to adopt a majority

finding to the effect that Albania had been responsible.

639. The representative of BELGIUM considered that the sweeping operations of 13 November 1946 established that a mine-field had been secretly laid in the Corfu channel. If only in view of that fact, the Security Council could not simply dismiss the case. While noting that there were no direct witnesses to prove that the mines had been laid by the Albanian Government, he could not conceive that they had been laid without its knowledge.

640. The representative of the UNITED STATES OF AMERICA agreed substantially with the statement of the representative of Colombia. In the absence of direct evidence, he did not think that the Council should find that Albania had laid the mines, but he found it impossible to believe that the Albanian Government had been entirely ignorant of the mine-laying. He therefore suggested the following amendments to the United Kingdom draft resolution:

641. (a) In paragraph 1, to replace the words "by the Albanian Government or with its connivance" by the words "with the knowledge of the Albanian Government";

642. (b) To delete paragraph 4 with its preamble (*i.e.* from "And, since the laying of mines . . ." to the end);

643. (c) To insert a new paragraph, to be numbered 1, immediately after the preamble, reading as follows:

"1. Considers that the laying of mines in peace time without notification is unjustified and an offence against humanity."

644. (d) To renumber the remaining paragraphs and alter the reference in the original paragraph 2.

645. He explained that, in suggesting the deletion of paragraph 4 and its preamble, the United States delegation had in mind that it dealt with a legal question of general application which the Council was not called upon to decide at that time.

646. The representative of FRANCE thought there was no doubt but that the two mines which had caused the explosion on 22 October 1946 belonged to the mine-field which had been discovered shortly after the incident, and which could have been in existence for a few months only. He pointed out that the only contradiction which had been noted in Captain Mestre's report was a purely technical point of secondary importance. He gave several reasons why he could not agree that it had been established that the mine-field had been laid either by the Albanian Government or with its assistance; but he thought it improbable that the mine-field could have been laid so near the coast without the Albanian Government's knowledge. Stating that he had

reached a view very close to that expressed by the representatives of Colombia and the United States, he suggested that paragraph 1 of the United Kingdom draft resolution should read as follows :

647. "*Finds* that an unnotified mine-field was laid in the immediate vicinity of the Albanian coast resulting in serious injury to two of His Majesty's ships, with loss of life and injury to their crews ; that this mine-field could not have been laid without the knowledge of the Albanian authorities ".

648. The representative of the UNITED KINGDOM accepted the United States amendment, changing the wording of the new paragraph 2 to agree with the suggestion of the representative of France.

649. The representative of AUSTRALIA supported the amendments of the representatives of the United States and France.

650. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that he considered the amended draft resolution no better founded than the original one.

651. The representative of POLAND opposed the United Kingdom draft resolution, declaring that any accusation accepted by the Council must be based not on circumstantial evidence, but on positive proof. The Sub-Committee itself had been unable to find proof that the mine-field, if it had existed at all, had been laid either by the Albanian Government or with its connivance, and had therefore not been able to reach such a conclusion. After quoting a news item about a United States ship that had been blown up by a mine in the Mediterranean near Italy, he stated that only the regrettable political tension and misunderstandings which existed between the United Kingdom and Albania explained why the present case had been brought before the Security Council. On the basis of the evidence, the case should simply be dismissed. However, in the belief that further efforts of conciliation should be made, he proposed the following draft resolution :

652. "*Whereas* there has been brought to the attention of the Security Council a dispute between the Government of the United Kingdom and the Government of the Albanian People's Republic arising from an incident in which two British warships were damaged by mines in the Corfu channel on 22 October 1946 ;

653. "*And whereas* there has been presented to the Security Council an exchange of notes between the aforesaid Governments concerning the same dispute and oral statements of their respective representatives ;

654. "*And taking into consideration* that the parties to the dispute did not exhaust the means

of peaceful settlement before bringing their case to the Security Council ;

655. "*The Security Council*, pursuant to Article 33 of the Charter,

656. "*Calls upon* the parties to the dispute to settle their dispute by any means of peaceful settlement of disputes provided by the above-mentioned Article of the Charter, subject to their own agreed choice."

657. The representative of CHINA said he had come to the conclusion that it was impossible for the mines to have been laid without the knowledge of the Albanian Government. He would vote for the United Kingdom draft resolution, as amended by the United States and French representatives, the purpose of which was to enable the parties to the dispute to make a fresh effort to settle their differences.

658. The representative of SYRIA observed that Albania was responsible for the existence of mines in its territorial waters, unless the mines had been laid during the war, when Albania had not been in possession of its territories and sovereignty. Details of the mine-sweeping alleged to have taken place in October 1944 were still lacking, and the possibility was therefore not excluded that the mines had been there before Albania had regained its sovereignty. Accordingly, he would prefer that the matter should be studied further and that the parties to the dispute should try some other means of settlement, the dispute remaining on the agenda of the Security Council.

659. The representative of the UNITED KINGDOM, replying to the remarks of the Polish and Syrian representatives, disputed the analogy between the case under discussion and the quoted news report of the mining of a United States ship in the Mediterranean, which had not occurred in a recognized swept channel, and explained that after the Corfu channel had been swept by the Allies in October 1944, the Allied Governments had been notified from time to time that the channel appeared to be free. He added that he doubted whether the principle of requiring complete proof could be pushed to the point of demanding eye-witness evidence.

660. **Decision :** *The United Kingdom draft resolution was put to a vote at the 122nd meeting and was not adopted, having failed to obtain the affirmative vote of one of the permanent members of the Council. There were 7 votes in favour, 2 against (Poland, Union of Soviet Socialist Republics), and one abstention (Syria).*

661. The representative of POLAND withdrew his draft resolution, stating that as the views of all members of the Council had already been registered, he did not think it would serve any useful purpose.

6. *Consideration of a draft resolution recommending the parties to refer the dispute to the International Court of Justice*

662. At the 125th meeting, on 3 April 1947, the representative of the UNITED KINGDOM commented on the earlier stages of the proceedings, drawing attention to what he called a very notable and serious case of the exercise of the veto. Recalling the statement of the USSR representative during the discussion on the first report of the Atomic Energy Commission, namely, that the principle of the veto, while acquiesced in by the USSR Government, had originated from the United States and the United Kingdom, he pointed out that at Dumbarton Oaks the delegation of the USSR had insisted that the principle of unanimity of the permanent members should be applied even when one of them was party to a dispute. Finally, at Yalta, the USSR Government had found it impossible to oppose any longer the United States proposal which formed the existing rule.

663. In the case under consideration, which was based on tangible, factual evidence, the Council had finally, after every conceivable delay from certain quarters, arrived at a finding, but the will of a majority of seven members of the Council had been obstructed. The United Kingdom representative therefore moved the following draft resolution :

664. " *The Security Council,*

665. " *Having considered* statements of representatives of the United Kingdom and Albania concerning a dispute between the United Kingdom and Albania, arising out of an incident on 22 October 1946, in the Strait of Corfu, in which two British ships were damaged by mines, with resulting loss of life and injury to their crews,

666. " *Recommends* that the United Kingdom and Albanian Governments should immediately refer the dispute to the International Court of Justice, in accordance with the provisions of the Statute of the Court."

667. In the discussion which followed, the representatives of the UNITED STATES OF AMERICA, SYRIA and BELGIUM supported the above draft resolution.

668. The representative of BRAZIL considered that there was a prior question of principle which required clarification. Articles 34, 35 and 36 of the Charter, under which the Council had apparently been acting, were applicable only, first, when the parties had complied with the requirements for peaceful settlement under Article 33 — a procedure which had not been exhausted in the case in question — and, secondly, when the dispute or situation was likely to endanger the maintenance of international peace and security. Moreover, the Council was not a tribunal and had no power to judge. Its duty was to recommend appropriate procedures or methods of adjustment,

or to order the necessary measures to terminate a state of affairs between two nations that was likely to endanger international peace and security. He fully supported the United Kingdom draft resolution, expressing the hope that in the future the Council would refer such disputes to the International Court of Justice at the outset.

669. The representative of POLAND reminded the Council that at an earlier stage the delegation of Poland had tried to ascertain the views of other delegations on the possibility of referring the case to the International Court of Justice ; his delegation had favoured the idea, but certain other delegations had been opposed to it. He regretted the United Kingdom statement on the veto, which he felt had no direct reference to the question before the Council.

670. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS agreed with what the Polish representative had said. He also considered that his previous assertion, namely, that the initiative for including the veto clauses in the Charter had been taken by the United States and the United Kingdom, had been confirmed by the United Kingdom representative's statement.

671. The representative of COLOMBIA believed a discussion of the operation of the veto in the Council's work would be appropriate and extremely useful.

672. The PRESIDENT replied that any representative who so wished could make a request that the question of the veto should be placed on the agenda.

673. At the 127th meeting, on 9 April 1947, the representative of ALBANIA asked the Council to reject the new United Kingdom draft resolution, which, he said, was an attempt to legalise the United Kingdom accusation, in spite of the fact that Albania was not responsible in any way whatsoever and that the Security Council itself had no proof.

674. The representative of AUSTRALIA recalled previous observations by his delegation on the duty of the Council to administer impartial justice, adding that in the case under discussion there had been a pronounced tendency on the part of some members to prejudge the case.

675. A majority decision had been nullified by the operation of the veto. The United Kingdom representative's statement on that question was not irrelevant. For the sake of its own prestige, authority and reputation, the Security Council could not allow its action to be rendered inoperative. The Council was clearly entitled, under the Charter of the United Nations and the Statute of the International Court of Justice, to make the recommendation proposed by the United Kingdom.

676. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that his delegation was even more convinced than it had been at the beginning of the discussion that the case should never have come before the Council and that the United Kingdom had presented it for political reasons. The United Kingdom draft resolution was not acceptable because, in his opinion, there was no basis for it.

677. The PRESIDENT noted that though Albania, as a non-member of the United Nations, could not be compelled to appear before the International Court of Justice, nevertheless, by accepting the obligations of a Member of

the United Nations, as stipulated in the invitation to participate in the discussion of the case, Albania was obliged to comply with the provisions both of the Charter and of the Statute of the International Court of Justice.

#### 7. *Decision of the Council*

678. **Decision :** *The United Kingdom draft resolution recommending the parties to refer the dispute to the International Court of Justice was adopted by 8 votes to none, with 2 abstentions (Poland, Union of Soviet Socialist Republics). The United Kingdom did not participate in the vote.*

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## Part Two

### QUESTIONS CONSIDERED BY THE SECURITY COUNCIL CONCERNING THE GENERAL REGULATION AND REDUCTION OF ARMAMENTS AND THE ORGANIZATION OF THE ARMED FORCES TO BE MADE AVAILABLE TO THE SECURITY COUNCIL.

#### A. IMPLEMENTATION OF THE GENERAL ASSEMBLY'S RESOLUTIONS ON PRINCIPLES GOVERNING THE GENERAL REGULATION AND REDUCTION OF ARMAMENTS AND INFORMATION ON ARMED FORCES TO BE SUPPLIED BY MEMBERS OF THE UNITED NATION<sup>1</sup>

1. *Communication dated 27 December 1946 from the representative of the Union of Soviet Socialist Republics*

679. The representative of the Union of Soviet Socialist Republics, in a letter dated 27 December 1946 (S/229), requested the Secretary-General to include in the provisional agenda for the following meeting of the Security Council an item on the consideration of the following proposal which he made on behalf of his Government :

680. " *Considering that the general regulation and reduction of armaments and armed forces is the most important measure for the strengthening of international peace and security, and that the implementation of the General Assembly's decision on this question is one of the most urgent and most important tasks facing the Security Council,*

681. " *The Security Council resolves :*

682. " 1. To proceed with the working out of practical measures on the implementation of the General Assembly's decision of 14 December 1946 on the general regulation and reduction of armaments and armed forces and on the establishment of international control ensuring the reduction of armaments and armed forces,

683. " 2. To establish a Commission of the representatives of countries members of the Security Council which has to be charged to prepare and submit to the Security Council within a period of from one to two months but not later than three months its proposal in accordance with paragraph 1 of this decision."

684. After a short procedural debate, the USSR proposal was included in the agenda for the 88th meeting of the Council, on 31 December 1946.

685. The representative of the UNITED STATES OF AMERICA suggested that the question should be postponed until a meeting at the beginning of 1947, so that the full discussion of that important question should take place with the new membership of the Council in 1947. He introduced the following draft resolution (S/233) :

686. " *The Security Council resolves that :*

687. " 1. Pursuant to the General Assembly resolution of 14 December concerning the principles governing the general regulation and reduction of armaments, it gives first priority to the establishment of international control over atomic energy and, accordingly, it will consider and act upon the forthcoming report of the Atomic Energy Commission as soon as received ;

688. " 2. It will thereafter consider what further practical measures it should take and

<sup>1</sup> See *Resolutions adopted by the General Assembly during the second part of its first session*, Nos. 41 (I) and 42 (I), pp. 65 and 67.

in what order of priority for the implementation of the said General Assembly resolution."

**689-90. Decision :** *The Council decided unanimously to defer further discussion on the draft resolutions of the USSR and the United States to a subsequent meeting.*

## 2. General discussion

691. The discussion on the draft resolutions of the USSR and the United States was resumed at the 90th meeting, on 9 January 1947, as part of the question of the implementation of the General Assembly resolution of 14 December 1946 on the principles governing the general regulation and reduction of armaments. It was continued at the 92nd, 93rd and 95th meetings.

692. The PRESIDENT submitted certain suggestions regarding the conduct of business for the consideration of the Council. He mentioned that the question of disarmament was before the Council under three different headings. There were the two resolutions of the General Assembly, one concerning the principles governing the general regulation and reduction of armaments, and one of information on armed forces of the United Nations; thirdly, there was the first report of the Atomic Energy Commission to the Security Council (S/239), dealing with the whole problem of atomic energy control, which was undoubtedly the best basis for the Council to tackle the entire question of eliminating atomic weapons from national armaments.

693. He recommended that the Council should formally approve General Assembly resolution 41 (I) and then pass on to the carrying out of the five recommendations of the General Assembly by :

694. (a) Establishing a Commission, as proposed by the delegation of the USSR, to work out practical measures to implement resolution 41 (I) of the General Assembly and to establish a system of international control to ensure the regulation and reduction of armaments ;

695. (b) Accepting the first report of the Atomic Energy Commission as a basis for the immediate commencement by the Atomic Energy Commission of the second stage of its work ;

696. (c) Immediately referring the request of the General Assembly to the Military Staff Committee, in order to hasten the implementation of Article 43 of the Charter ;

697. (d) Requesting the Military Staff Committee to make recommendations regarding the implementation of General Assembly resolution 42 (I) on information on armed forces of the United Nations.

698. The President was sure that all the members of the Council agreed that all aspects of disarmament had to be considered simultaneously and not in isolation.

699. If prompt measures of that kind could be taken, the Council would have initiated a useful series of concurrent activities on parallel lines, all of which would be under constant review by the Council.

700. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that his Government, in submitting its draft resolution, had in mind to expedite the preparation by the Council of practical measures to secure the implementation of General Assembly resolution 41 (I). The United States draft resolution covered only one aspect of the General Assembly's resolution—namely, the question of control of atomic energy. It followed from that draft resolution that until the question of atomic energy control was settled, no steps were to be undertaken with respect to the other recommendations contained in the General Assembly's resolution. The resolution of the General Assembly gave no definite priority to any of its recommendations. It did not provide for postponement of the consideration of any of its aspects. On the contrary, it obliged the Council to consider the problems of atomic energy control and of the general regulation and reduction of armaments and armed forces at the same time. If the United States draft resolution were adopted, it would have the effect of preventing the Council from working out any appropriate measures to ensure disarmament unless it agreed to the United States plan for atomic energy control. For that reason, the United States draft resolution was not in conformity with the resolution of the General Assembly, and the USSR Government could not agree to it. He appealed to the Council to adopt the USSR draft resolution and thus proceed without delay with the working out of measures to secure the realization of the resolution of the General Assembly.

701. The representative of the UNITED STATES OF AMERICA drew attention to the fact that the resolution of the General Assembly itself, in its paragraph 3, emphasized the importance of expediting the work of the Atomic Energy Commission. The United States Government felt that effective international control of atomic energy was the key to the whole problem of disarmament and had to be tackled first. It would be impossible to solve the problem of general reduction and regulation of armaments without having established an effective system of control to ensure the use of atomic energy for peaceful purposes only. No State could be expected to accept any system for the regulation of armaments and armed forces unless it felt that that system of control was effective.

702. The United States Government, for the reasons stated above, felt that the Council

should concentrate all its efforts to make progress in the field of atomic energy before it considered the other phases of the problem of disarmament.

703. He recalled the statement of the Secretary of State of the United States to the General Assembly on 13 December 1946, clearly indicating that the United States already at that time had wanted to give priority to the consideration of the atomic energy problem. Nobody had objected to that statement.

704. The representative of FRANCE observed that the General Assembly, by its resolution, had referred to the Council the whole problem of general disarmament, including atomic disarmament.

705. Atomic disarmament ought not to be held up by the difficulties that might arise in the rest of the field of disarmament. The problem of atomic disarmament was a very urgent one, since atomic energy, when used for military purposes, was of a particularly destructive character. As the Atomic Energy Commission had been dealing with the problem of atomic disarmament for more than six months, and as there was unanimous agreement among the members of the Council upon a very large part of the first report of the Atomic Energy Commission, he thought that the Council should consider that report without delay.

706. With regard to the problem of the general regulation and reduction of armaments, he thought that it was going to prove a long and very complicated task, and that the Council should therefore begin work on it without losing any time.

707. He submitted the following draft resolution (S/243) :

708. " *Whereas* the general regulation and reduction of armaments and armed forces constitute the most important measure with a view to strengthening international peace and security, and

709. " *Whereas* the execution of the decision taken by the General Assembly on this subject is one of the most urgent and important tasks before the Security Council, therefore

710. " *The Security Council decides :*

711. " 1. To formulate the practical measures for giving effect to the decisions taken by the General Assembly on 14 December 1946 concerning, on the one hand, the general regulation and reduction of armaments and armed forces, and the establishment of international control to bring about the reduction of armaments and armed forces and, on the other hand, information concerning the armed forces of the United Nations ;

712. " 2. To consider as soon as possible the report submitted by the Atomic Energy Commission and to take suitable decisions concerning the continuation of its work ;

713-714. " 3. To set up a committee consisting of representatives of the countries members of the Security Council with instructions to prepare and to submit to the Security Council within the space of not more than three months the proposals which it may be in a position to formulate in order to ensure the application of the above-mentioned decision of the General Assembly of 14 December 1946 ; the committee shall, in particular, make such proposals as it may deem advisable concerning the studies which the Military Staff Committee and possibly other organs of the United Nations might be asked to undertake ;

715. " 4. To request the Military Staff Committee :

716. (a) To submit to it, within the time limits stated in paragraph 3 above, the recommendations for which it has been asked by the Security Council on 1 February 1946 concerning the organization of an international force in pursuance of Article 43 of the Charter ;

717. (b) To submit to it within the same time limit recommendations concerning the application of the last two sub-paragraphs of paragraph 7 of the resolution of the General Assembly of 14 December 1946."

718. It was not necessary, at that stage, to work out the general principles which should guide the proposed committee. The resolution of the General Assembly itself provided a very solid basis. The committee would be a subsidiary organ of the Security Council ; the Council could from time to time instruct the committee in its work, and its discussions could be approved by the Council.

719. The committee should consist of members of the Security Council and of representatives of the Military Staff Committee, and should be left free to co-opt or seek aid of technical experts.

720. The time limits suggested in the USSR draft resolution seemed to be too short if the whole task of disarmament was to be completed within that period. The French representative suggested that the committee should report after three months to the Security Council as to the stage reached in its deliberations. The Security Council could then pronounce upon that report and fix time limits for the following stage in the work of the committee.

721. He felt that the Council, at that stage, should ask the Military Staff Committee to expedite the consideration of the implementation of Article 43 of the Charter and to make proposals concerning the implementation of the last sub-paragraph of paragraph 7 of

the General Assembly resolution dealing with the withdrawal of forces stationed in enemy territories and information to be supplied in that respect.

722. The representative of the UNITED KINGDOM thought the Council's acceptance of the General Assembly resolution could be taken for granted, since the resolution had been unanimously adopted by the General Assembly. He was, for the moment, unable to state any definite opinion as to the implementation of the resolution. A Commission had to be set up, and a political or civilian Commission would be the best to undertake the general direction of the work.

723. He was in general agreement with all that the representative of France had said, but doubted whether it was advisable to add to the Commission representatives of the Military Staff Committee. The Military Staff Committee ought to be kept separate, and should be confined to giving technical advice and undertaking tasks allotted to it by the Commission.

724. The question of the withdrawal of the troops stationed on foreign soil was a political one, and ought to be handled by a political Commission and not by the Military Staff Committee.

725. The task of the Commission, as defined in the draft resolution of the USSR, was rather wide and even included the question of atomic energy control. The United Kingdom representative presumed that it was not the intention to interpose the new Commission between the Atomic Energy Commission and the Security Council.

726. The time limits suggested by the representative of the USSR and modified by the representative of France seemed to be too narrow.

727. At the 92nd meeting, on 15 January 1947, the representative of CHINA observed that the USSR and the United States draft resolutions were not mutually exclusive; in fact, they were complementary and differed only in their emphasis.

728. He submitted that the General Assembly, by its resolution, had given top priority to the problem of atomic energy. However, he did not intend to ask the Council to concentrate solely upon the problem of atomic energy. His country also supported the proposal of the USSR providing for a Commission to deal concurrently with the rest of the problem of disarmament. The other questions, such as information on armed forces and the duties of the Military Staff Committee under the Charter of the United Nations, could be dealt with as desired by the Council either concurrently or, as envisaged by the General Assembly, according to their priority.

729. In the light of his observations, he reserved the right to present a formal proposal regarding the implementation of the General Assembly's resolution at an appropriate moment.

730. The representative of AUSTRALIA submitted the following draft resolution for consideration by the Council (S/249) :

731. "*The Security Council,*

732. "*Having accepted* the recommendations contained in the General Assembly resolution of 14 December 1946 on the principles governing the general regulation and reduction of armaments, and

733. "*Recognizing* that the implementation of the General Assembly's decision on this question is one of the most urgent and important tasks facing the Security Council,

734. "*Resolves* to give effect forthwith to those recommendations, and, to that end,

735. "1. To establish a disarmament Commission composed of one representative of each of the members of the Security Council to work out proposals.

736. (a) For the general regulation and reduction of armaments and of armed forces, and

737. (b) For practical and effective safeguards in connexion with the general regulation and reduction of armaments

738. and to submit such proposals to the Security Council ;

739. "2. To request the Atomic Energy Commission to proceed with its work under the General Assembly resolution of 24 January 1946, by which the Commission was created, having in view the preparation of a draft convention, or conventions, for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now, or in the future, to mass destruction and control of atomic energy to the extent necessary to ensure its use only for peaceful purposes ;

740. "3. To request the Military Staff Committee ;

741. (a) To prepare for the Security Council proposals regarding the military requirements of the Security Council for the maintenance of international peace and security and the inauguration of a system of special agreements laid down in Article 43 and,

742. (b) To advise on the information to be required from the Members of the United Nations to give effect to the recommendations accepted by the Security Council in respect to withdrawal and reduction of national armed forces ;

743. "4. *The Security Council charges* the Disarmament Commission, the Atomic Energy Commission and the Military Staff Committee to regard these appointed tasks as of the highest urgency, and to submit reports to the Security Council before 20 April 1947 ;

744. "In order to facilitate this work, *the Security Council also resolves* to expedite a consideration by the Council of the first report of the Atomic Energy Commission."

745. The Australian Government was in general agreement with both the USSR and the United States draft resolutions, but it did not consider either one of them, taken alone, as a complete implementation of the General Assembly's resolution. The Australian draft resolution, squarely based on the terms of the General Assembly resolution, represented an attempt to combine the points of view of the USSR and the United States.

746. The General Assembly resolution did not give priority to any of the aspects of disarmament, the sense of its recommendations being rather that the Council should proceed expeditiously with all divisions of the task of disarmament. If each of those aspects could be examined concurrently, progress in one subject would assist in achieving progress in the other.

747. The Atomic Energy Commission had to continue its work and the new Commission should not duplicate that work ; that was explicitly stated in paragraph 8 of the General Assembly resolution. The work of the two Commissions would be under constant review by the Security Council, which had the primary responsibility for the broad outlines, while the Commissions would work out the detailed plans.

748. The representative of BRAZIL maintained that the first task of the Council, under the General Assembly resolution, was to consider the first report of the Atomic Energy Commission. Although that was the position of Brazil regarding the implementation of the General Assembly's resolution, it was prepared to support the compromise solutions presented by the representatives of Australia and France. Brazil maintained that position only in order to facilitate the reaching of practical results. Both the Australian and French draft resolutions were acceptable in their general outlines, but the representative of Brazil reserved the right to present his views on them when they came up for detailed examination.

749. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS expressed satisfaction with the fact that the majority of the members of the Council had indicated that they would support the USSR draft resolution. All who had spoken, except the representative of the United States, had agreed both on the necessity of proceeding without delay with the working out of practical measures to

ensure the implementation of the General Assembly resolution and, as a first step, on the establishment of a Commission as provided for in the draft resolution of the USSR.

750. The terms of reference of the proposed Commission were laid down in the General Assembly's resolution. Regarding the membership of the Commission, it was up to each Government to appoint either civilian or military representatives. The task deriving from the General Assembly resolution was, at that stage, primarily of a political character. However, every representative could have military advisers, and the Military Staff Committee could be consulted in all special questions requiring military knowledge.

751. Recognizing the importance of the task of the proposed Commission, it was advisable to oblige it to submit its proposals to the Security Council within not more than three months. The General Assembly, by its resolution, had placed upon the Council the obligation to undertake an immediate consideration of both the problem of the general regulation and reduction of armaments and that of atomic energy control. No objection had been voiced against the consideration of the report of the Atomic Energy Commission. When the report was being considered in the Council, the Government of the USSR would, of course, explain its position with regard to atomic energy control and the conclusion of conventions for the prohibition of atomic and other forms of weapons adaptable to mass destruction.

752. The proposals made by the delegations of the United States and the USSR to the General Assembly had formed the basis of the General Assembly's resolution, and it would be most regrettable if there were any disagreement between the USSR and the United States as to how to implement the resolution. The members of the Council should use every effort to avoid such a situation and to try to come to a unanimous decision.

753. The representative of POLAND stated that his Government maintained the position that the Council was bound to take immediate steps, both to prepare for the general regulation and reduction of armaments and for the abolition of atomic weapons and other weapons of mass destruction. For that reason, Poland favoured the proposals which called for the immediate formation of a Commission to prepare and submit to the Security Council proposals for the general regulation and reduction of armaments, with a clear understanding that such a Commission should in no way interfere with the work of the Atomic Energy Commission. There was a clear-cut distinction between those two aspects of disarmament, and there was therefore no danger that a simultaneous consideration of the two would create confusion. If the Council could agree to the setting up of a Commission for the regulation and reduction of armaments, the Council could

immediately pass on to the consideration of the first report of the Atomic Energy Commission.

754. The Polish representative submitted that the three draft resolutions before the Council were all inspired by the same principles and ideas, and he therefore expressed the hope that their authors would be able to agree on one common text. He was in general agreement with the ideas embodied in the French draft resolution, although he did not consider it necessary to have a special recommendation from the Military Staff Committee concerning the withdrawal of armed forces of Member States from foreign territory. He therefore suggested that the last part of paragraph 4 in the French draft should be omitted, or modified in some way.

755. The representative of BELGIUM submitted that it was possible and desirable to take parallel action in examining the different aspects of disarmament, while respecting the order of their urgency. He recalled that the General Assembly had emphasized the importance of the work of the Atomic Energy Commission, and he feared that, if the Council failed to examine without delay the report of the Atomic Energy Commission, it would be disregarding both the spirit and the text of the General Assembly's resolution.

756. The representative of COLOMBIA stated that his delegation was among those that wanted the disarmament problem solved, if possible, without delay. To facilitate the work of the Council and to give more flexibility to the suggestions made by the representatives of Australia and France, he submitted an alternative draft resolution (S/251) in the following terms :

757. " *The Security Council,*

758. " *Having unanimously adopted* at its meeting held on 9 January 1947 the General Assembly resolution of 14 December 1946 on the principles governing the regulation and reduction of armaments, and the General Assembly resolution of 14 December 1946 concerning information on armed forces of the United Nations ;

759. " *Having received* the first report of the Atomic Energy Commission to the Security Council (S/239) ; and

760. " *Considering :*

761. " That, by the terms of the first of the above-mentioned resolutions, the General Assembly recommended that the Security Council should give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and armed forces, and to ensure that such regulations and reductions of armaments and armed forces will be generally

observed by all participants and not unilaterally by only some of the parties ;

762. " That the Security Council should expedite consideration of the report of the Atomic Energy Commission, and also that the Council should expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, the convention to include the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes ;

763. " That, according to the terms of reference of the Atomic Energy Commission, as provided by the resolution of the General Assembly passed on 24 January 1946, the Commission shall make to the Security Council specific proposals 'for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction' and 'for the effective safeguards, by way of inspection and other means, to protect complying States against the hazards of violations and evasions' ;

764. " That, according to the resolution of the General Assembly concerning the general regulation and reduction of armaments, nothing therein contained shall alter or limit the resolution passed on 24 January 1946, creating the Commission 'to deal with the problems raised by the discovery of atomic energy' ; and

765. " *Considering* that, furthermore, the Security Council has been directed by the latter resolution 'to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter' ;

766. " *Recognizes* that, in keeping with the letter and spirit of the recommendations of the General Assembly, the various phases of disarmament can best be discussed concurrently, with a view to reaching unanimous decisions thereon. The Council will therefore proceed with the consideration of items 2, 3 and 4 of the agenda of its ninety-second meeting, but it will wait until it has completed within the next three months the formulation of the plan of general disarmament which it has been called upon to submit to the Members of the United Nations for consideration at a special session of the General Assembly, in order to determine how it shall proceed to act upon the different component proposals of such plan, provided, however, that the first report of the Atomic Energy Commission shall first be disposed of.

767. " *The Security Council*

768. " *Recognizes* the necessity of giving the most expeditious effect to the wishes and recommendations of the General Assembly on disarmament, and therefore

769. " *Resolves :*

770 and 771. “(a) To establish a disarmament Commission composed of one representative of each of the members of the Security Council, which will prepare and submit to the Security Council within a period of three months a plan for the general regulation and reduction of armaments and armed forces and a system of international inspection and control of armaments and armed forces, excluding the atomic bomb, but including all other major weapons adaptable now or in the future to mass destruction; the Disarmament Commission shall leave entirely to the Atomic Energy Commission to submit to the Security Council the recommendations concerning the regulation, inspection and control of atomic weapons; but it shall advise the Security Council on the information which it should require the Member States to furnish in order to give effect to the resolutions of the General Assembly of 14 December 1946 (S/230 and S/231);

772. “(b) To expedite consideration of the reports of the Atomic Energy Commission and of a draft convention or conventions for the creation of an international system of atomic energy control, provided the final decision on the first report of the Commission to the Security Council is not taken before the plan for the regulation and reduction of armaments and armed forces has been submitted to the Council, and provided this plan is submitted to the Council not later than ninety days after the adoption of this resolution;

773. “(c) To call upon the Military Staff Committee to make to the Security Council, within a period of three months, its proposals regarding the armed forces, assistance and facilities which all Members of the United Nations shall undertake to make available to the Security Council as their contributions to the maintenance of international peace and security, in accordance with Article 43 of the Charter and paragraph 7 of the resolution of 14 December 1946.”

774. The representative of SYRIA noted that there was general agreement in the Council that the resolution of the General Assembly should be implemented.

775. He stated that “regulation of armaments” meant the fixing of the amount of arms and the degree of armaments to be maintained by each Member State in accordance with Article 51 of the Charter. The Council was not dealing with the problem of complete disarmament. Article 51 envisaged armaments necessary to maintain order and security and to guard any State against aggression. Before that amount of arms and armaments could be finally laid down, each State had to know what responsibility would fall upon it as to arms and armaments under Article 43 of the Charter. For that reason, no regulation of armaments could be imposed upon any Member State before the conventions provided for in Article 43 were concluded.

All of the five aspects of the problem of regulation and reduction of armaments mentioned in the resolution of the General Assembly were linked together, and it would prove impossible to deal with one or more of them separately. They had to be solved concurrently. That was the Syrian representative’s interpretation of the phrase “according to their priority”.

776. The draft resolutions submitted by the representatives of the USSR, Australia and France provided for concurrent handling of some, but not all, of the aspects. For instance, it would not be possible, under the Australian draft resolution, for the Atomic Energy Commission to continue its work without having received the opinion of the Security Council on its first report, which it had already submitted to the Council.

777. The Syrian representative suggested that the matter at issue should be referred to a drafting committee to work out one draft resolution comprising and dealing with all the five aspects of the problem.

### 3. *Postponement of discussion to 4 February 1947*

778. At the 93rd meeting, on 15 January 1947, the representative of the UNITED STATES OF AMERICA submitted the following draft resolution:

779. “*The Security Council resolves*

780. “That further consideration of items 2, 3 and 4 of the agenda of the 92nd meeting be deferred until 4 February 1947.”<sup>1</sup>

781. He considered that the current discussion in the Council was of a procedural character. The question was whether the Council, at that stage, should vote on the pending draft resolutions regarding the implementation of the resolution of the General Assembly. The United States representative had submitted the above-mentioned draft because his Government needed further time for study of the whole matter at issue. There might be a different Secretary of State in the very near future, and he himself could not take a decision on behalf of his country before having discussed the issue thoroughly with the new Secretary of State. There was a good chance of reaching agreement among the members of the Security Council after having had informal conversations during the period of postponement.

782. As to the priority of the different aspects of disarmament, he stressed that the General Assembly had envisaged expeditious

<sup>1</sup> Item 2: regulation and reduction of armaments; item 3: information on armed forces of the United Nations; item 4: first report of the Atomic Energy Commission.

consideration by the Security Council of the report of the Atomic Energy Commission.

783. The PRESIDENT pointed out that, under rule 33 of the Council's provisional rules of procedure, the United States proposal had priority and would have to be voted upon immediately.

784. The representative of the UNITED STATES OF AMERICA then temporarily withdrew his proposal to give those members of the Council who had not yet expressed their opinion an opportunity to make general statements concerning the problem of disarmament.

785. After the general discussion had been completed, the United States representative re-submitted his proposal at the 95th meeting, on 20 January 1947. Short statements were made by the representatives of Poland and the USSR, opposing the postponement of the discussion.

786. **Decision :** *The Council decided, by 9 votes to 2 (Poland, Union of Soviet Socialist Republics), to postpone further consideration of the three items until 4 February 1947.*

#### 4. Continuation of the general discussion

787. The general discussion was continued at the 98th and 99th meetings, on 4 February, 1947.

788. The representative of the UNITED STATES OF AMERICA stated that the period of postponement had been used for study of the problem by the President of the United States, in consultation with the Secretaries of State, War and the Navy. On behalf of his Government, he submitted a new draft resolution (S/264) in the following terms :

789. *" The Security Council,*

790. *" In consideration of the General Assembly resolution of 14 December 1946, on the principles governing the regulation and reduction of armaments,*

791. *" Resolves :*

792. *" 1. To establish a Commission composed of the members of the Security Council, the function of which shall be to make recommendations to the Security Council regarding the practical measures, including the provision of effective safeguards, for the general regulation and reduction of armaments and armed forces, except as regards those matters which fall within the competence of the Atomic Energy Commission as determined by the General Assembly resolutions of 24 January 1946 and 14 December 1946 ;*

793. *" 2. To create a committee of the Security Council consisting of a representative of each member of the Council which shall make recommendations to the Security Council regarding the terms of reference of the pro-*

posed Commission, including its relations with the Security Council, the Military Staff Committee and the Atomic Energy Commission ;

794. *" 3. To begin at its next meeting consideration of the first report of the Atomic Energy Commission dated 31 December 1946, with particular reference to the recommendations contained in part III thereof."*

795. He explained that the new draft resolution was the result of the most careful study, that the other representatives on the Council had been consulted and given opportunity to express their views with regard to it, and that the draft resolution had been changed during those consultations in favour of some of the suggestions made by the other representatives.

796. The Security Council should take advantage of the work the Atomic Energy Commission had done during the previous years and consider the first report of the Atomic Energy Commission without delay, as provided for in paragraph 3 of the United States, draft resolution. That was of supreme importance, not only because atomic energy used for war purposes was of an especially destructive character, but also because of its tremendous possibilities for the benefit of mankind.

797. The United States had had bitter experience with regard to unilateral disarmament and would not repeat that mistake. It would insist on practical security arrangements as a part of any plan for the general regulation and reduction of armaments. It was committed to the principles of international collective security, as set forth in the Charter of the United Nations. The work on the peace treaties with the former enemy States had to be taken into account when working out plans for disarmament. That did not mean that the United States was opposed to starting work on plans for the general regulation and reduction of armaments ; on the contrary, the new United States draft resolution provided for a Commission for that purpose, to work side by side and concurrently with the Atomic Energy Commission. It was absolutely necessary that the proposed Commission should deal with the problem of security for Member States ; in other words, safeguards had to be included in any treaty or convention to protect complying States against the hazards of violations and evasions. Another point which must be borne in mind was the relationship between the regulation of armaments and the provision for armed forces under Article 43 of the Charter.

798. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS expressed surprise at the fact that the first part of paragraph 1 of the United States draft resolution merely repeated the proposal made by the USSR representative on 27 December 1946.

If the representative of the United States agreed with the USSR proposal, why not simply express that agreement?

799. The second part of paragraph 1 of the United States draft resolution would, he thought, be better omitted, as it was unnecessary to state expressly what had been perfectly clearly defined by the General Assembly resolutions of 24 January and 14 December 1946.

800. Paragraph 2 of the draft resolution provided for a special committee to lay down terms of reference for the proposed Commission. As the terms of reference for the Commission were precisely and exhaustively defined in the General Assembly resolution of 14 December 1946, the USSR representative could see no need whatever for a special committee. The creation of the special committee would delay the working out of plans for the regulation and reduction of armaments, and he would therefore oppose it. With regard to the relationship between the proposed Commission and the Atomic Energy Commission and the Military Staff Committee, he thought that that problem had been clearly solved by the General Assembly in its two resolutions of 24 January and 14 December 1946.

801. Finally, paragraph 3 of the United States draft resolution was also quite unnecessary. The Security Council had already included in its agenda an item consisting of the consideration of the first report of the Atomic Energy Commission, and the resolution of the General Assembly of 14 December 1946 provided for expeditious consideration of that report.

802. The representative of AUSTRALIA stated that his Government could not support the new United States draft resolution, since it would give priority to the consideration of the Atomic Energy Commission's report; that was not envisaged by the resolution of the General Assembly of 14 December 1946. The setting up of a special committee to work out the terms of reference for the Commission would delay the elaboration of disarmament plans. For that reason also, Australia could not support the United States draft resolution. The Australian representative drew attention to the fact that the United States draft resolution had omitted any reference to urgent matters, particularly matters requiring the attention of the Military Staff Committee, matters which were referred to in the resolution of the General Assembly of 14 December 1946. He thought that the objections raised by the representative of the USSR to the United States draft resolution were very cogent and convincing.

803. Although Australia did not want to give priority to the consideration of the first report of the Atomic Energy Commission, it

wanted the report to be considered without delay, concurrently with the work of the proposed disarmament Commission. Australia had not changed its position with regard to the report of the Atomic Energy Commission, and it highly appreciated the noble action of the United States, which, possessing a weapon of enormous destructive power, had voluntarily expressed its willingness to surrender that power in order to serve the peace of the world.

804. It was no wonder that the big Powers had certain difficulties in starting the work leading to disarmament, having no security in advance. However, all States had accepted certain responsibilities under the Charter. It was essential that the Charter should be kept effective, and the Charter envisaged disarmament to a certain extent and provided for collective security.

805. The representative of Australia did not think that the steps the Council had to take at that stage required the representatives to enter into commitments on policy; it was necessary only to provide for the tools with which to achieve the final goal.

806. In conclusion, he suggested that the President should consult with the authors of the five draft resolutions in formal or informal conversations, in order to prepare, if possible, a common text upon which all representatives on the Council could agree.

807. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that he had no objections to an unofficial exchange of views among the authors of the various draft resolutions, although he considered that the drafts had been sufficiently analysed in the Council to enable the latter to take a decision upon them without delay.

808. The representative of CHINA recalled that, at the 92nd meeting, he had reserved the right to introduce a draft resolution on behalf of his Government. As the new United States draft resolution emphasized the expeditious consideration of the first report of the Atomic Energy Commission, he did not find it necessary to submit any proposal. He supported the suggestion made by the representative of Australia.

809. The representative of SYRIA also supported the Australian suggestion, emphasizing the importance of implementation of Article 43 of the Charter as being of vital importance for all smaller Member States.

810. The PRESIDENT declared his willingness to assist by presiding at the meeting of the authors of the various draft resolutions.

811. **Decision :** *The Council unanimously decided to leave it to the authors of the draft resolutions to try to prepare a common text agreeable to all.*

5. *Informal conversations between the authors of the draft resolutions*

812. The authors of the draft resolutions, namely, the representatives of Australia, Colombia, France, the USSR and the United States, held five meetings, on 5, 6 and 7 February 1947. The French draft resolution was adopted as a basis for discussion. The conversations resulted in the following draft resolution (S/268), with alternative texts for paragraph 3.

813. "*The Security Council,*

814. "*Having accepted* the resolution of the General Assembly of 14 December 1946, and

815. "*Recognizing* that the general regulation and reduction of armaments and armed forces constitute a most important measure for strengthening international peace and security, and that the implementation of the resolution of the General Assembly on this subject is one of the most urgent and important tasks before the Security Council ;

816. "*Resolves :*

817. " 1. To work out the practical measures for giving effect to the resolutions of the General Assembly of 14 December 1946 concerning, on the one hand, the general regulation and reduction of armaments and armed forces and the establishment of international control to bring about the reduction of armaments and armed forces and, on the other hand, information concerning the armed forces of the United Nations.

818. " 2. To consider as soon as possible the report submitted by the Atomic Energy Commission and to take suitable decisions in order to facilitate its work.

819. " 3. To set up a Commission consisting of representatives of the members of the Security Council with instructions to prepare and to submit to the Security Council, within the space of not more than three months the proposals

820. (a) for the general regulation and reduction of armaments and armed forces, and

821. (b) for practical and effective safeguards in connexion with the general regulation and reduction of armaments

822. "which the Commission may be in a position to formulate in order to ensure the implementation of the above-mentioned resolutions of the General Assembly of 14 December 1946, in so far as these resolutions relate to armaments within the new Commission's jurisdiction ;

823. *The Commission shall submit a plan of work to the Council for approval ;*

824. *Those matters which fall within the competence of the Atomic Energy Commission as determined by the General Assembly resolutions of 24 January 1946 and 14 December 1946 shall be excluded from the jurisdiction of the Commission hereby established ;*

825. *The title of the Commission shall be the Commission for Conventional Armaments.*

826. " The Commission shall make such proposals as it may deem advisable concerning the studies which the Military Staff Committee and possibly other organs of the United Nations might be asked to undertake.

827. " 4. To request the Military Staff Committee to submit to it, as soon as possible, the recommendations for which it has been asked by the Security Council on 15 February 1946 in pursuance of Article 43 of the Charter."

6. *Discussion of the joint draft resolution*

828. At the 102nd meeting, the PRESIDENT presented the joint draft resolution, explaining that it contained elements of the various drafts. As it had proved impossible to obtain complete unanimity, paragraph 3 contained alternative texts. The French and Colombian draft resolutions had dealt with both the General Assembly resolution on the general regulation and reduction of armaments and the resolution on information on armed forces of the United Nations, and in the joint draft resolution the question of the implementation of resolution 41 (I) had been linked together with the question of the implementation of resolution 42 (I) for the sake of simplicity.

829. The representative of the UNITED STATES OF AMERICA stated that his Government endorsed the longer of the alternative texts of paragraph 3 of the joint draft resolution. In so doing, it supported the full text of the paragraph and could not accept the omission of any part which it considered absolutely essential. It was of paramount importance that the terms of reference of the new Commission should be clearly defined, and that any collision between that body and the previously established disarmament Commission, the Atomic Energy Commission, should be avoided. The General Assembly would never agree to the Security Council's setting up a new Commission with authority to encroach upon the jurisdiction of the Atomic Energy Commission. It was not correct, as the USSR representative had repeatedly done, to interpret paragraph 8 of the General Assembly resolution of 14 December 1946 as barring the new Commission and the Atomic Energy Commission from overlapping. The General Assembly had only confirmed that it had no intention of altering or limiting its resolution of 24 January 1946, creating the Atomic Energy Commission. As the Security Council had substantial authority in the field of atomic energy, it had the right to delegate that authority if it so desired. Therefore the United States Government insisted that the Security Council should not delegate any of its functions in the field of atomic energy to the new Commission. That field was set aside by the General Assembly as being under the jurisdiction of the Atomic Energy Commission.

830. Since the question of the implementation of the General Assembly resolution on information on armed forces of Members of the United Nations had been incorporated in the joint draft resolution, the United States Government insisted on the inclusion of the phrase "in so far as these resolutions relate to armaments within the new Commission's jurisdiction". That was necessary, since information on armed forces, from the point of view of some States, included information on armaments. If that phrase were deleted, the Commission would be able to request information regarding atomic weapons and other major weapons adaptable to mass destruction.

831. The United States Government wished once for all to establish clear-cut terms of reference for the new Commission. Half General Assembly resolution 41 (I) was devoted to the tasks of the Atomic Energy Commission, underlining them and stressing the importance of the speedy work of that Commission. It would seem more than strange to establish terms of reference for the new Commission without taking into consideration that important part of the General Assembly resolution.

832. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the conversations had given positive results :

agreement had been achieved with regard to paragraphs 1, 2 and 4 of the joint draft resolution. The disagreement regarding paragraph 3 was the result of additions proposed by the United States representative. Those additions were all on the same lines. They all aimed at ensuring that the new Commission should not interfere with the rights and powers of the Atomic Energy Commission. But it was not necessary to settle the question of the relationship between the Atomic Energy Commission and the new Commission, as that had already been done by the resolutions 1 (I) and 41 (I) of the General Assembly. In those resolutions, the terms of reference of the Atomic Energy Commission were stated in general but perfectly clear terms. The USSR Government did not share the opinion that the Security Council could, directly or indirectly, widen or restrict the powers of the Atomic Energy Commission or any other organ of the United Nations. The General Assembly was the only body that had the right to decide the powers of the Atomic Energy Commission.

833. He then stated his position with regard to the General Assembly resolution on information on armed forces of the United Nations, and recalled the discussion concerning that resolution in the General Assembly.

834. The representative of FRANCE recalled that the French draft resolution had been used as a basis when working out the joint draft resolution. In order to obtain agreement, the delegation of France had gone as far as it could in the way of concessions. At the request of the USSR representative, it had agreed to the elimination of the paragraph providing that the Military Staff Committee should report to the Security Council on how to implement that part of paragraph 7 of General Assembly resolution 41 (I) which dealt with the withdrawal of the forces of Members States of the United Nations stationed abroad.

835. The French delegation had gone even further, in that it had agreed not to impose any time limit upon the work of the Military Staff Committee under the Security Council resolution of 15 February 1946.

836. The representative of COLOMBIA stated that the position of his delegation during the informal conversations had been to take into account as far as possible the USSR position as well as the aim of the United States to avoid overlapping between the new Commission and the Atomic Energy Commission. The delegation of Colombia had submitted a compromise text for paragraph 3, reading as follows :

837. " To constitute a Commission composed of representatives of the countries members of the Security Council, with a view within a time limit of three months to prepare and present to the Security Council in respect of armaments which do not fall within the terms of competence of the Atomic Energy Commis-

sion those proposals which it will 'be in a position to suggest in order to ensure the implementation of the above-named resolutions of the General Assembly dated 14 December 1946."

838. That text did not emphasize the question of jurisdiction and, on the other hand, would ensure that the new Commission would not interfere with or hamper the promising work of the Atomic Energy Commission. If a vote were to be taken on the two alternative texts of paragraph 3 in the joint draft resolution, the delegation of Colombia would support the longer text.

839. The representative of the UNITED KINGDOM stated that his first impression had been that the Council had been arguing about nothing, since it seemed that resolution 41 (I) of the General Assembly fully safeguarded the autonomy of the Atomic Energy Commission. After having listened to the debate, however, he was not sure that the representative of the USSR objected to the United States amendments only on the ground that they were superfluous. If that were the only objection, he would like to appeal to the USSR representative to drop his formalistic objection, in order to enable the Security Council to appoint the Commission immediately.

840. If, on the other hand, the representative of the USSR opposed the additions because, for instance, he thought the new Commission's jurisdiction should extend to those matters which fell within the competence of the Atomic Energy Commission, it would clear up the situation and avoid future wrangles in the Commission itself and between the two Commissions if the representative of the USSR would state his position clearly at that point.

841. The reference in the joint draft resolution to the implementation of Article 43 of the Charter was of the utmost importance, as it was quite obvious that no Member State intended to disarm before a system of security had been established. The United Kingdom representative therefore proposed the following addition to paragraph 4 of the joint draft resolution, to be inserted at the end of the draft.

842. "... and, as a first step, to submit to the Security Council, not later than 30 April 1947, their recommendations with regard to the basic principles which should govern the organization of the United Nations armed forces".

843. That would leave the Military Staff Committee two and a half months for the completion of its preliminary task, and that, according to information in the possession of the United Kingdom representative, should be sufficient.

844. The representative of BRAZIL stated that after hearing the statements of the other representatives it seemed quite clear to him

that, in order to proceed effectively with the consideration of the problem of general regulation and reduction of armaments, there had to be a clear line of demarcation between the jurisdiction of the new Commission and that of the Atomic Energy Commission. The Atomic Energy Commission had been functioning for a year, and had arrived at conclusions now due to be submitted to the Security Council for its consideration. It would be a retrogression to destroy the work already done by the Atomic Energy Commission, and it would complicate the work of the new Commission. It was the problem of disarmament, as distinct from that of atomic energy, that was to be considered and studied by the new Commission, in accordance with the decision of the General Assembly. For those reasons, the delegation of Brazil supported the longer text of paragraph 3 of the joint draft resolution and the amendment to paragraph 4 submitted by the representative of the United Kingdom.

845. The representative of AUSTRALIA stated that the informal conversations between the authors of the various draft resolutions had proved useful, inasmuch as it had been possible to replace five different drafts by a single joint draft resolution reflecting a large measure of agreement. The field of disagreement had been narrowed down to a single issue, namely, the problem of defining the limits of jurisdiction as between the new Commission and the Atomic Energy Commission.

846. The delegation of Australia wished the Council to look at the question simply as an organizational one. It then seemed quite clear for reasons of efficiency that there had to be some indication of demarcation between the two Commissions. Although certain phases of the work of the Atomic Energy Commission would touch the field of general regulation and reduction of armaments and *vice versa*, that would not create any real problem, because the three bodies concerned—namely, the Security Council, the Atomic Energy Commission and the new Commission, would have almost identical membership. It was not so much a question of finding a form of words or of defining exactly the terms of reference for one body or another, as a question of whether or not all members of the Council were prepared to make up their mind in advance with at least some measure of confidence in each other and with some readiness to face the problems as they might arise. In order to make the two Commissions work efficiently, it should be pointed out that they were intended to work along parallel lines and not to encroach upon each other.

847. Under instructions from his Government, the Australian representative stated that he would support paragraphs 1 and 2, the greater part of paragraph 3, and finally paragraph 4 of the joint draft resolution. In order to make a last attempt to reconcile the different points of view regarding paragraph 3, his Government had instructed him to submit the

following amendment, which was to take the place of the italicized parts of paragraph 3 :

848. " Those matters which fall within the competence of the Atomic Energy Commission, as determined by the General Assembly Resolutions of 24 January 1946 and 14 December 1946, shall be dealt with in accordance with such resolutions, and the jurisdiction of the Commission hereby established shall be without prejudice to the competence and jurisdiction of the Atomic Energy Commission."

849. That paragraph was not as comprehensive or precise as the United States text, but it allowed a certain amount of flexibility. He also proposed that in paragraph 4, after the words " as soon as possible ", the words " and as a matter of urgency " should be inserted. The Australian Government supported the amendment to paragraph 4 proposed by the United Kingdom representative. The non-permanent members of the Council had no information regarding the work of the Military Staff Committee. Knowledge of its progress and prospects was essential before the Council could go much further with the work of disarmament.

850. The representative of POLAND welcomed the joint draft resolution, since agreement to a large extent had been obtained and disagreement remained only on a few minor points. The Polish Government supported paragraphs 1 and 2, the shorter version of paragraph 3, and paragraph 4 of the joint draft resolution. It considered unnecessary the United States addition to paragraph 3, as that was already clearly expressed in paragraphs 3, 4, 6 and 8 of the General Assembly resolution of 14 December 1946.

851. The representative of CHINA stated that paragraphs 1 and 2 of the joint draft resolution were acceptable to his Government. It also supported the longer version of paragraph 3, and paragraph 4 as amended by the representative of the United Kingdom.

852. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, referring to the questions put to him by the representative of the United Kingdom, said that in his latest statement he had clearly defined the reasons for which his Government opposed the United States amendments ; he thought it unnecessary to repeat those reasons. He strongly opposed the theory developed by the representative of the United Kingdom that there could be no disarmament before security was obtained. It was a very popular theory ; it was often quoted in newspapers ; but it did not facilitate the work on disarmament. The general regulation and reduction of armaments was a most important and integral part of the whole task of creating security in the world.

853. The USSR Government could not support the amendment to paragraph 4 proposed by the United Kingdom. It was not very wise

to impose time limits upon the Military Staff Committee without knowing the stage the latter had reached in its considerations. Perhaps it would be able to submit its report before 30 April, perhaps not. The Military Staff Committee should at least be consulted before such a decision was taken. The USSR representative did not oppose the second italicized passage of the longer version of paragraph 3 of the joint draft resolution as it stood, as the representative of the United States, during the informal conversations, had withdrawn the last part of that passage concerning the authority of the Atomic Energy Commission. In order to achieve unanimity, he submitted the following amendment as a substitute for the third and fourth passages of the italicized text of paragraph 3 :

854. " The results of the work of this Commission and also the results of the work of the Atomic Energy Commission must be a basis for working out the measures for general regulation and reduction of armaments."

855. The representative of the UNITED STATES OF AMERICA opposed the amendment to paragraph 3 submitted by the representative of Australia, on the grounds that it meant merely a postponement of the decision which had to be taken at once if the new Commission was to be able to get to work at all. The alternative texts of paragraph 3 in the joint draft resolution before the Council were clear : one limiting and describing the tasks of the new Commission, and one without any limitation. He thought the only proper course for the Council was to vote upon the two texts. There was no need for a third text.

## 7. Decisions of the Council

### 856. (a) Procedural decisions

857. At the suggestion of the President, the Security Council unanimously decided to vote separately on the different paragraphs of the joint draft resolution ; and to vote on the amendments when the Council came to the respective paragraphs to which they were offered.

**858. Decision :** *The Council decided by 9 votes to none, with 2 abstentions, to vote first on the longer of the two alternative versions of paragraph 3.*

859. The Council rejected a USSR motion calling for a vote on paragraph 3 sub-paragraph by sub-paragraph.

### 860. (b) Substantive decisions

**860 a.** Paragraphs 1 and 2 of the joint draft resolution were adopted unanimously.

**860 b.** The Australian amendment to paragraph 3 was rejected by 5 votes to 2, with 4 abstentions.

860 c. The USSR amendment to paragraph 3 was rejected by 8 votes to 2, with one abstention.

860 d. The longer version of paragraph 3 was adopted by 9 votes to none, with 2 abstentions.

861. The United Kingdom amendment to paragraph 4 was adopted by 9 votes to none, with 2 abstentions.

861 a. The Australian amendment to paragraph 4 was adopted unanimously.

861 b. Paragraph 4 as amended was adopted by 9 votes to none, with 2 abstentions.

861 c. **Decision:** *The resolution as a whole was adopted by 10 votes to none, with one abstention (Union of Soviet Socialist Republics).*

862. The text of the resolution was as follows :

863. " *The Security Council,*

864. " *Having accepted* the resolution of the General Assembly of 14 December 1946, and

865. " *Recognizing* that the general regulation and reduction of armaments and armed forces constitute a most important measure for strengthening international peace and security, and that the implementation of the resolution of the General Assembly on this subject is one of the most urgent and important tasks before the Security Council,

866. " *Resolves :*

867. " 1. To work out the practical measures for giving effect to the resolutions of the General Assembly of 14 December 1946 concerning, on the one hand, the general regulation and reduction of armaments and armed forces and the establishment of international control to bring about the reduction of armaments and armed forces and, on the other hand, information concerning the armed forces of the United Nations.

868. " 2. To consider as soon as possible the report submitted by the Atomic Energy Commission and to take suitable decisions in order to facilitate its work.

869. ' 3. To set up a Commission consisting of representatives of the members of the Security Council with instructions to prepare and to submit to the Security Council, within the space of not more than three months, the proposals

870. (a) for the general regulation and reduction of armaments and armed forces, and

871. (b) for practical and effective safeguards in connexion with the general regulation and reduction of armaments,

872. which the Commission may be in a position to formulate in order to ensure the implementation of the above-mentioned resolutions of the General Assembly of 14 December 1946, in so far as these resolutions relate to armaments within the new Commission's jurisdiction ;

873. The Commission shall submit a plan of work to the Council for approval ;

874. Those matters which fall within the competence of the Atomic Energy Commission, as determined by the General Assembly resolutions of 24 January 1946 and 14 December 1946, shall be excluded from the jurisdiction of the Commission hereby established ;

875. The title of the Commission shall be the Commission for Conventional Armaments ;

876. The Commission shall make such proposals as it may deem advisable concerning the studies which the Military Staff Committee and possibly other organs of the United Nations might be asked to undertake.

877. " 4. To request the Military Staff Committee to submit to it, as soon as possible and as a matter of urgency, the recommendations for which it has been asked by the Security Council on 16 February 1946 in pursuance of Article 43 of the Charter, and, as a first step, to submit to the Security Council, not later than 30 April 1947, its recommendations with regard to the basic principles which should govern the organization of the United Nations armed forces."

## B. FIRST REPORT OF THE ATOMIC ENERGY COMMISSION

### 1. *Communication dated 31 December 1946 from the Chairman of the Atomic Energy Commission*

878. The Chairman of the Atomic Energy Commission, Mr. Manuel Sandoval Vallarta, submitted on 31 December 1946 the first report of the Atomic Energy Commission (AEC/18/Rev. 1) to the Security Council, as required in section 2 (a) of the General Assembly resolution of 24 January 1946.<sup>1</sup> In his letter of transmittal, the Chairman stated that the Commission would continue the study of topics noted in its terms of reference with a view to making the specific proposals set forth in the General Assembly resolution of 24 January 1946 and reaffirmed in the General Assembly resolution of 14 December 1946.<sup>2</sup>

### 2. *General discussion*

879. The report was put on the agenda of the 105th meeting of the Security Council, on 13 February 1947, and was discussed at the 105th, 106th, 108th, 110th, 112th, 115th and 117th meetings.

880. The representative of CANADA was invited to participate in the discussion.

881. The representative of CANADA thought it important that the Commission should proceed with the greatest possible measure of agreement as well as with the least possible delay. He felt sure that the representatives who still had reservations would contribute to the work by stating clearly their reservations or objections.

882. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out that, in his view, the report was not in conformity with the General Assembly resolution of 14 December 1946. The conclusion of a convention prohibiting atomic weapons would facilitate the consideration of questions of the control of atomic energy. Certain recommendations of the report did not take into account the principle of unanimity of the great Powers. A departure from that principle would strike at the foundation of the very existence of the United Nations. He did not question the necessity of punishing violators of a convention, but the application of the principles of the Charter did not exclude the possibility that the majority rule would be

used in the proposed body for day-to-day decisions on questions of control and inspection.

883. The representative of the UNITED STATES OF AMERICA welcomed the USSR representative's statement, which seemed to narrow the area of disagreement down to a question of law. There seemed to be agreement on the policy of enforcement.

884. At the 108th meeting, on 18 February 1947, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS submitted a number of proposals, amendments and additions (S/283) to the first report of the Atomic Energy Commission.

885. The representative of POLAND reiterated his delegation's view, often expressed before, that atomic weapons should be outlawed before a system of control and inspection was established. The report, however, was a sound basis for discussion.

886. Some time was then spent on the procedure to be followed. The questions arose whether the attention of the Security Council should be focused on the points about which difficulties were felt and to which the USSR amendments applied, and what form the conclusions of the Security Council should take.

887. The representative of the UNITED KINGDOM did not think it was possible to amend the report of another body which had become public property, but suggested that the Atomic Energy Commission would wish to know the views of the Security Council.

888. The representative of COLOMBIA noted three principles on which all delegations were agreed: to prohibit the use of atomic energy for destructive purposes and to promote its use for peaceful purposes; in order to attain those aims, to establish an effective international system of control and inspection; and, finally, to provide for the effective punishment of violations of the convention. He thought the natural and obvious logical conclusion was that it was impossible to depend upon the unilateral will of any one of the permanent members, should the case of the application of sanctions arise.

889. The representative of AUSTRALIA opposed the USSR representative's interpretation of paragraph 4 of the General Assembly resolution of 14 December 1946, to the effect that the decisions of the United Nations with regard to atomic energy should be embodied in more than one convention and that the first

<sup>1</sup> See *Resolutions adopted by the General Assembly during the first part of its first session*, No. 1 (I), p. 9.

<sup>2</sup> *Ibid.*, second part, No. 41 (I), p. 65.

of those conventions should be one prohibiting atomic weapons. When the majority of the Atomic Energy Commission had decided in favour of a single convention, they had done so because they believed that the control system had to be comprehensive. He did not believe the Atomic Energy Commission's recommendations violated the Charter, in particular Article 27. They simply attempted to state certain fundamental principles to which his delegation fully subscribed.

890. The representative of FRANCE was in favour of reporting unanimous agreement wherever it could be attained, to bring closer together the points of view and diminish the area of disagreement. The Atomic Energy Commission should then be asked to submit a second report to the Security Council. He held the view that there must be no evasion of the systems of control through the right of veto, but that it was not possible to determine how that principle was to be brought into effect until it was better known what was to be enforced and what machinery for enforcement would be available.

891. At the 112th meeting, on 25 February 1947, the representative of the UNITED STATES OF AMERICA, after briefly noting again the areas of agreement and disagreement, submitted a draft resolution with a view to transmitting the record of the Security Council's consideration to the Atomic Energy Commission and urging it to continue its inquiry into all phases of the problem of the international control of atomic energy. That draft resolution found general approval from speakers at that and following meetings.

892. During the discussion, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS raised once more some questions of substance. He opposed the delay in the conclusion of a convention for the prohibition of atomic weapons and the tendency to link it with the successful establishment of atomic control. He referred to official statements on behalf of the USSR in favour of strict international control, but felt that the solution of the problem would be facilitated if fundamental questions were solved first. He declared himself again in favour of majority decisions in day-to-day activities and, in support of his position, presented a detailed historic analysis of the discussions on the veto at the

conferences of Dumbarton Oaks, Yalta and San Francisco.

### 3. *Decision of the Council*

893. At the 117th meeting, on 10 March 1947, the representative of the UNITED STATES OF AMERICA submitted a new version of his draft resolution, taking into account the various amendments and suggestions made during the previous meetings. In answer to the USSR representative's statements, he took the opportunity to restate United States policy, in the field of both national and international affairs, with regard to the question of atomic control.

894. **Decision :** *After some discussion, the following resolution was adopted unanimously :*

895. " *The Security Council,*

896. " *Having received and considered the first report of the Atomic Energy Commission, dated 31 December 1946, together with its letter of transmittal of the same date,*

897. " *Recognizes that any agreement expressed by the members of the Council to the separate portions of the report is preliminary, since final acceptance of any part by any nation is conditioned upon its acceptance of all parts of the control plan in its final form ;*

898. " *Transmits the record of its consideration of the first report of the Atomic Energy Commission to the Commission ;*

899. " *Urges the Atomic Energy Commission, in accordance with the General Assembly resolutions of 24 January and 14 December 1946, to continue its inquiry into all phases of the problem of the international control of atomic energy and to develop as promptly as possible the specific proposals called for by section 5 of the General Assembly resolution of 24 January 1946, and by the resolution of the General Assembly of 14 December 1946, and in due course to prepare and submit to the Security Council a draft treaty or treaties or convention or conventions incorporating its ultimate proposals ;*

900. " *Requests the Atomic Energy Commission to submit a second report to the Security Council before the next session of the General Assembly."*

## C. SPECIAL AGREEMENTS UNDER ARTICLE 43 OF THE CHARTER AND ORGANIZATION OF UNITED NATIONS ARMED FORCES

### 1. *Directives of the Security Council to the Military Staff Committee*

901. The Security Council, at its 23rd meeting, on 16 February 1946, directed the Military Staff Committee as its first task to examine, from the military point of view, the provisions of Article 43 of the Charter, and to submit the results of the study and any recommendations to the Security Council in due course.

902. The Military Staff Committee decided that, as a first step towards the accomplishment of that task, it should formulate recommendations to the Security Council as to the basic principles which should govern the organization of the United Nations forces.

903. At the 105th meeting, on 13 February 1947, in its resolution concerning the implementation of the resolutions of the General Assembly regarding the principles governing the general regulation and reduction of armaments and information on armed forces of the United Nations, the Security Council requested the Military Staff Committee to submit to the Security Council as soon as possible, and not later than 30 April 1947, its recommendations with regard to the basic principles which should govern the organization of the United Nations armed forces.

904. The Military Staff Committee, in a letter dated 30 April 1947 addressed to the Secretary-General, forwarded to the Security Council its report on the general principles governing the organization of the armed forces made available to the Security Council by Member nations of the United Nations (S/336).

### 2. *General discussion of the report of the Military Staff Committee*

905. The report was placed on the agenda of the Security Council at its 138th meeting on 4 June 1947, and a general discussion ensued, continuing at the 139th, 140th and 141st meetings.

906. The PRESIDENT, opening the discussion, stated that the report of the Military Staff Committee touched upon one of the most serious and constructive tasks of the United Nations, namely, the maintenance of peace and security in the world. He suggested that the Council should begin with a general discussion on the report as a whole; after that, the Council could consider the procedure for discussing the report in its various parts.

907. The representative of the UNITED STATES OF AMERICA stated that Article 43 of the Charter imposed upon the Security Council the responsibility for negotiating, as soon as possible, special agreements under which Member States would make available to the Security Council, on its call, armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security. Until those agreements had been concluded and brought into force, the Security Council would be unable to fulfil its responsibilities as the enforcement agency of the United Nations.

908. The United Nations was not a world government, but was based on the principles of the sovereign equality of all its Members. It could not, therefore, have a permanent standing armed force of its own in the same sense that individual nations possessed such forces. On the other hand, the founders of the United Nations had decided that the United Nations should not repeat the experience of the League of Nations, which had relied solely upon the individual action of Member States to carry out sanctions. It had therefore been decided that each nation should agree in advance to provide forces and facilities upon which the Security Council could call in order to prevent or suppress any act of aggression or breach of the peace.

909. To stop an aggressor, military bases were of vital importance to all three elements of armed forces—army, navy and air. The United Nations needed, first of all, a mobile force which would enable it to strike quickly at long range and bring to bear, upon any given point in the world where trouble might occur, the maximum armed force in the minimum time.

910. In order that the United Nations should have a force available to it, it was necessary that those permanent members of the Security Council which possessed such forces at that time should provide the greater portion of a particular mobile component.

911. The United States welcomed at that stage the full participation of the non-permanent members of the Security Council in the work of establishing those forces. The obligations of the Charter applied equally to every Member of the United Nations without exception. The United States representative hoped that a general agreement on basic principles might be reached early enough to enable the Security Council to report affir-

matively on the matter to the General Assembly at its next session in September 1947.

912. The representative of BELGIUM asked that note should be taken of his delegation's reservations regarding those proposals of the Military Staff Committee which tended to neglect threats to the peace, breaches of the peace and acts of aggression, when they were directly or indirectly the act of a great Power.

913. He proposed that the Military Staff Committee should be asked to pursue actively its study of the organization of the armed forces to be made available to the Security Council, bearing in mind the necessity of ensuring the maximum effectiveness in the possible employment of those forces. In particular, the Military Staff Committee should be asked to make concrete proposals on the following matters :

914. 1. Measures to ensure that the action of armed forces placed at the disposal of the Security Council in accordance with the principles enunciated in article 19 of the report should be exercised with the greatest possible promptness ;

915. 2. Measures to give full effect to Article 45 of the Charter concerning air forces to be immediately available for carrying out combined enforcement measures ;

916. 3. The possible future creation of regional sub-committees of the Military Staff Committee as envisaged in Article 47, paragraph 4, of the Charter.

917. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out the main divergencies of opinion which had appeared in the Military Staff Committee.

918. There had been a divergency, in the first place, on the question of the contributions of armed forces by the permanent members of the Security Council.

919. The USSR had proposed that the five Powers should make available to the Security Council armed forces not only of equal overall strength, but also of the same composition, *i.e.*, with an equal number of land, sea and air forces.

920. Instead of the principle of equality proposed by the USSR, other countries represented on the Committee had put forward the principle of so-called comparable contributions, which provided that one of the five States, for instance, might furnish armed forces chiefly in the form of air forces ; another in the form of sea forces ; and a third in the form of land forces.

921. The acceptance of the principle of comparable contributions would mean the creation of a situation in which some nations would enjoy a predominant position. It might lead to the use of the organization of the

armed forces in the interests of individual powerful States and to the detriment of the legitimate interests of other countries.

922. Secondly, there had been the question of bases.

923. The proposals concerning bases submitted by the United Kingdom and the United States representatives were unacceptable for the following reasons : first, the Charter did not even mention bases ; secondly, the demand for bases was inconsistent with the principle of the development and strengthening of good-neighbourly relations among Member States ; thirdly, the continuous stationing of troops of certain Member States in territories or waters of other Member States would be used for exerting political pressure on the countries which provided such bases.

924. Thirdly, there had been the proposal for " general guarantees of rights of passage ".

925. That, too, was inconsistent with the Charter. Under the Charter that right might be granted by a special agreement to be ratified by the signatory States.

926. Fourthly, there had been the question of the location of armed forces.

927. The USSR proposal provided that, when those forces were not being employed under the direction of the Security Council in the interests of the maintenance of peace, they should be stationed only in their own territories and in their own territorial waters. Otherwise the presence of armed forces of certain States in territories of other countries would constitute means of political pressure on these other countries.

928. Fifthly, there had been the question of time limits.

929. The USSR proposal provided that the armed forces must be withdrawn to their own territories within a time limit of 30 to 90 days, unless the Security Council decided otherwise. The proposal of other representatives, however, stated only that they would be withdrawn " as soon as possible ". That formula, if accepted, would be used as a pretext for the continuous presence of foreign troops on territories of other countries.

930. Sixthly, there had been the question of logistical support of armed forces to be placed at the disposal of the Security Council.

931. The representative of the USSR on the Committee had maintained that the States contributing armed forces should themselves undertake to provide those forces adequately with equipment and transportation. The proposal submitted by the representatives of other countries indicated that the countries contributing armed forces would not be obliged to provide for them. The basic defect of such a proposal was that it could be used for

the political benefit and advantage of powerful States that were able to supply and equip armed forces of other nations.

932. After analysing the report, the representative of the USSR concluded that the insufficient progress in the work of the Committee towards the organization of armed forces was explained by the fact that, on a number of important questions, proposals had been submitted which were incompatible with the tasks and purposes of the Military Staff Committee and the fundamental purpose of the United Nations. The successful solution of those questions was possible only when all the representatives were guided by the basic principles and purposes of the United Nations.

933. The representative of AUSTRALIA stated that the Charter made it quite clear that the functions of the Military Staff Committee were limited to advising and assisting the Security Council. The ultimate responsibility rested with the Security Council as a whole, including its non-permanent members. He considered as most extraordinary the theory advanced by the representative of the USSR that the five Powers had been placed in a special position by the Charter. Such a theory was a direct contradiction of the Charter. He attributed the slow rate of progress in the Committee to its abnormal voting procedure.

934. The purpose of the principles governing the organization of the armed forces should be to provide a framework within which the special agreements between the Security Council and Members or groups of Members could be readily worked out. There were many questions on which more specific principles would have to be stated before the actual negotiation of any special agreement could begin. The Australian Government was able to accept, subject only to minor modifications, all the principles unanimously recommended. There were, however, some areas which had not been covered at all.

935. The question of the individual contributions to be made by the five permanent members of the Security Council was of particular importance. It would be entirely unrealistic for each permanent member to make available forces identical both in size and nature. It would be unthinkable that, because one or another of the great Powers did not happen to possess suitable or sufficient types of naval or air forces, such as aircraft carriers, for instance, the United Nations forces should be deprived of that particular type of striking power.

936. At the 140th meeting, on 10 June 1947, the representative of BRAZIL stated that he considered that the system of peace enforcement of the Charter represented a great improvement over the Covenant of the League of Nations and the Geneva Protocol, and that the report of the Military Staff Committee was an important step towards bringing about

a method of peace enforcement as envisaged in the Charter.

937. The principle that should guide the Military Staff Committee in its recommendations must be to ensure the organization of a joint armed force capable of executing with speed and efficiency the missions which might be entrusted to it by the Security Council.

938. The delegation of Brazil favoured the adoption of the criterion of comparable contributions in the organization of the armed forces to be placed at the disposal of the Security Council by the permanent members of the Council. The alternative criterion proposed by the delegation of the USSR, based on equality of contributions, seemed to be inapplicable under existing conditions.

939. The representative of the UNITED KINGDOM thought the report of the Military Staff Committee represented a considerable achievement and deserved the closest study. It represented only a first step; the next step should be the determination of the overall strength of the United Nations forces. On that point, the relevant chapter of the report was chapter III, and it was therefore important that the Council should reach a decision on that chapter at an early date.

940. He referred, as the Belgian representative had done, to the fact that no machinery had been provided for bringing the United Nations forces into action to maintain or restore international peace and security when the latter were threatened or disturbed through the action of a permanent member of the Security Council. The only answer — a partial answer — was provided by Article 51 of the Charter. If any one of the permanent members, guilty of a breach of peace or of an act of aggression, were to call a halt to the United Nations forces, the remainder of the United Nations would be entitled under the Charter to take action against it, and their forces could legitimately be jointly employed to that end for such time as the Security Council failed to take the measures to maintain international peace and security.

941. He considered that the disagreement in the report was largely due to underlying political differences. It was up to the Security Council to do its utmost to reconcile those differences.

942. The representative of SYRIA considered Chapter VII of the Charter to be the principal provision which distinguished the United Nations from the League of Nations, and which would be depended on for the maintenance of international peace and security. For that reason, the General Assembly had recommended to the Security Council that it should expedite the implementation of Article 43 of the Charter.

943. He was opposed to the principle of equal contribution of armed forces. Contri-

butions should be based on capacity and possibility, not upon sovereign equality.

944. The representative of CHINA summarized the points of disagreement in three categories.

945. In the first category, there were two points of disagreement that were basic and substantive in nature : first, the contribution of the permanent members of the Security Council ; and, secondly, the general location of the armed forces. Those were major points, which were matters of policy and principle. They would have to be settled.

946. In the second category, there were three points on which no basic conflict in principle or policy existed, but which represented different interpretations of the provisions of the Charter. They were : first, the question whether Articles 43 and 45 should be considered simultaneously or successively ; secondly, the reservation arising from Article 51 of the Charter ; and, thirdly, the question whether military bases came under the term "assistance and facilities" in Article 43 of the Charter.

947. Into the third category came such matters as the time limit for the withdrawal of armed forces from areas of operation, the provision for additional contributions from the permanent members of the Security Council, the making good of deficiencies in the contribution of any Member State and the appointment of supreme commanders and commanders-in-chief. He felt that those points were of relatively minor importance.

948. With regard to the question of contributions by the permanent members, the Chinese Government favoured the idea of comparable or equivalent contributions, rather than equal or identical contributions in land, naval or air forces. The former represented a practical, flexible and workable approach to the problem, whereas the latter was utterly unrealistic.

949. Turning to the question of the general location of armed forces, he contended that the armed forces should be so located geographically as to enable the Security Council to take prompt and effective action in any part of the world.

950. He did not consider that all the points of disagreement represented irreconcilable antitheses, and he hoped the Security Council would be able to reach unanimous agreement.

951. At the 141st meeting, on 16 June 1947, the representative of FRANCE pointed out that Article 43 was a vital Article in the Charter. To ensure its implementation would give the clearest possible indication that the United Nations was more than a mere forum of discussion and that it really intended to meet the responsibility which it had been given.

952. The report of the Military Staff Committee held a central place in the work which the Council had in hand, and all work on disarmament depended on it. The activities of the United Nations since the first session of the General Assembly had not been satisfactory. The two great studies that had been undertaken, one on atomic energy and the other on the general subject of disarmament, had made little progress in the face of complications of a procedural nature, and had not brought forth great results. The report of the Military Staff Committee marked the beginning of a third great study which constituted another essential element in the building up of peace. If, in the next months, the Council could not obtain more satisfactory results in that third field than in the other two, the authority of the United Nations might be shaken.

953. The representative of France deplored the spirit of mistrust which had developed to such a dangerous extent during the past year and which was poisoning international relations. Mistrust gave rise to more mistrust, and it was by that process that the whole activity of the United Nations had, since its inception, been so seriously compromised. He felt the statement of the representative of the USSR was inspired by the fear that an international armed force might become an instrument of certain States. He believed the Council should proceed in such a way as to avoid any danger of the sort.

954. He was not at the moment in a position to take up the various points of disagreement arising out of the report, but he wished to point out, with regard to the question of equal contributions as against comparable contributions, that the delegation of France believed the Military Staff Committee should clearly define the elements which were to make up the international force.

955. The representative of POLAND, while reserving the right to enter into a detailed discussion later, limited himself to outlining two general principles.

956. First, he pointed out the close connexion between a satisfactory solution of the problems raised in the report of the Military Staff Committee and the achievement of effective disarmament. In his opinion, the divergent views regarding the organization of an international armed force could be reconciled only if the Council could, at the same time, successfully solve the disarmament problem. The armed forces put at the disposal of the Security Council would carry more political and military weight if the armed forces maintained by the different Member States for their own purposes were smaller.

957. The second point was what might be called the problem of safeguards. By having armed forces put at its disposal, the Security Council would be given a certain power.

Certain provisions for instance those regarding military bases and the location of armed forces involved the possibility that that power might be abused. Certain great Powers might use a majority in the Security Council to legalize the maintenance of armed forces on the territories of other nations. Another example of the need for safeguards could be seen in connexion with the question of equal or equivalent contributions. The representative of Poland saw the possibility of the principle of equivalent contributions being used as a means of attempting to alter the distribution of military power among the permanent members of the Security Council, and the possibility of situations in which the implementation of Article 43 might be used for extraneous purposes not intended by the authors of the United Nations Charter.

**958. Decision :** *After the general discussion, the Council adopted by 9 votes to none, with 2 abstentions (Poland, Union of Soviet Socialist Republics), the following motion submitted by the representative of Syria :*

959. "As the general discussion has come to an end, the report of the Military Staff Committee will be taken as a working paper, and its articles will be studied one by one in the Security Council."

960. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS suggested that after the discussion of the paragraphs of the report, the Council might adopt a recommendation to the Military Staff Committee that it should try to reach agreement upon those points of its report on which neither the Military Staff Committee nor the Security Council had hitherto been able to reach agreement.

961. The representatives of AUSTRALIA and POLAND were in general agreement with the observations of the representative of the USSR, and thought it would be premature to lay down a hard and fast rule about voting in every case.

962. The PRESIDENT also agreed with the method suggested by the representative of the USSR and suggested that the Council should request the Military Staff Committee to continue its work without waiting for the Security Council to examine all the points on which no agreement had so far been reached.

**963. Decision :** *The President's suggestion was approved by the Council.*

### 3. Detailed examination of the report of the Military Staff Committee

964. At the 142nd meeting, on 18 June 1947, the Council entered upon the detailed examination of the report, which examination was continued at the 143rd, 145th, 146th, 149th and 152nd meetings. The discussion had not

been completed at the closing date of this report.

965. The Council agreed with the President's suggestion that the Council should discuss the report chapter by chapter, and adopt the articles in each chapter on which there was no disagreement in the Military Staff Committee, leaving for a future meeting those points on which no agreement had been reached.

**966. Decision :** *Most of the articles agreed on by the Military Staff Committee were unanimously approved with some minor changes in wording.*

967. Articles 5 and 6 of the report of the Military Staff Committee were the subject of considerable discussion.

968. The representative of AUSTRALIA suggested that articles 5 and 6 should be referred once more to the Military Staff Committee for further clarification.

969. The PRESIDENT, however, proposed that the Chairman of the Military Staff Committee should be invited to take a place at the Council table in order to clarify certain points of interpretation.

970. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS said it appeared that the Council ought to vote on the proposal to refer articles 5 and 6 back to the Military Staff Committee. As to the proposed invitation to the Chairman of the Military Staff Committee to come to the Council table, he doubted whether the Chairman would be in a position to speak in the name of the other delegations without having first agreed with them upon the interpretation to be given. He understood that the Committee had arrived at no general interpretation on the question.

**971. Decision :** *The Council decided by 10 votes to none, with one abstention (Union of Soviet Socialist Republics), to invite the Chairman of the Military Staff Committee to the Council table.*

972. The representative of AUSTRALIA put the following question to the Chairman of the Military Staff Committee : was the Committee giving consideration, or would it give consideration, to the agreed articles in the absence of a directive from the Council?

973. At the 143rd meeting, on 20 June 1947, the PRESIDENT read out a letter from the Chairman of the Military Staff Committee (S/380) in reply to the question put by the representative of Australia. The letter stated that the Military Staff Committee was not reconsidering the wording or meaning of agreed articles of the general principles and had no intention at that time of reconsidering any of the agreed articles of the general principles without specific directions to that effect from the Security Council.

974. The President then read out another letter from the Chairman of the Military Staff Committee (S/380), which contained replies to questions raised on articles 5 and 6 of the report. It stated, among other things, that the delegation of the USSR had been not prepared to participate in the discussions in the Committee during which the answers had been agreed upon by the other four delegations, as it had not considered that the President's letter conveyed a decision of the Security Council as a whole.

975. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS observed that the Military Staff Committee had received only a number of questions formulated by the representative of Australia. Those questions had not been transmitted to the Military Staff Committee as an organ by the Security Council as an organ. The USSR representative on the Military Staff Committee was not bound in any way by the reply of the representatives of the other countries on the Military Staff Committee.

976. At the 145th meeting, on 24 June 1947, the representative of AUSTRALIA submitted the following amendment to article 5 of the report :

977. " As the moral weight and the potential power behind any decision to employ the armed forces made available to the Security Council by Member nations of the United Nations in enforcement action will be very great, this fact will directly influence the size of the armed forces required to be made available under the special agreements."

978. **Decision :** *The Australian amendment was adopted by 8 votes to none, with 3 abstentions (China, Poland, Union of Soviet Socialist Republics).*

979. The representative of BELGIUM, commenting on article 6, stated at the 143rd meeting that under the agreements envisaged in Article 43 of the Charter, the Members of the United Nations would be obliged to hold in reserve certain armed forces which they had undertaken to place at the disposal of the Security Council on its call. The Security Council would be able to make that call only in conformity with special agreements which would have already been duly concluded. The obligation to make armed forces available to the Security Council thus presupposed not only the conclusion of special agreements, but also a call from the Security Council. The armed forces could pass under the authority of the Security Council only after the Council had requested that they should be made available to it. He submitted an amendment to article 6, the first form of which was as follows :

980. " The armed forces specified in the special agreements, and which are to be made available to the Security Council, on its call, by Members of the United Nations, shall be

limited to a strength sufficient to enable the Security Council to take prompt action in any part of the world for the maintenance or the restoration of international peace and security as envisaged in Article 42 of the Charter."

981. That amendment was put to a vote at the 145th meeting.

982. **Decision :** *The Belgian amendment to article 6 was adopted.*

983. The Council also adopted similar amendments to articles 10, 13, 22 and 36.

984. The representative of BELGIUM proposed that article 18 should also be amended in the same way.

985. **Decision :** *After some discussion, the Council decided by 8 votes to none, with 3 abstentions (Australia, China, Syria), to consult the Military Staff Committee as to the exact meaning of article 18.*

986. At the 149th meeting, on 30 June 1947, the PRESIDENT read a reply from the Chairman of the Military Staff Committee (S/395) concerning the meaning of article 18 and asked the members of the Council whether they had any comments.

987. The representative of the UNITED STATES OF AMERICA proposed that the original text of article 18 should be replaced by the first paragraph of the reply from the Military Staff Committee.

988. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS felt there was no need to replace the existing text of article 18 with a new text, since the new text added nothing to the original text and was not suitable for incorporation as an article.

989. **Decision :** *The United States proposal was not adopted, having failed to obtain the requisite 7 affirmative votes. There were 6 votes in favour, none against, and 5 abstentions (Australia, Belgium, Poland, Syria, Union of Soviet Socialist Republics).*

990. After some discussion, the Council agreed to adopt the interpretation given in the first paragraph of the reply of the Military Staff Committee and to have it incorporated in the report as a footnote or as an annex.

991. The Council further agreed that the second paragraph of the reply would be examined later in connexion with article 17.

992. At the 146th meeting, on 25 June 1947, the Security Council took up articles 7, 8 and 11, in view of the reservations made in the report of the Military Staff Committee.

993. The representative of the UNITED STATES OF AMERICA said his delegation believed that the fundamental and dominant aim of the general principles to be agreed upon was the establishment and organization of effective

United Nations armed forces. Contributions of all the Member States would and should, in great measure, be based on the capacity and willingness of the Members of the United Nations and the requirements of the Security Council.

994. The adoption of the minority report on article 11, he maintained, would limit the size of any component of the over-all armed forces in proportion to the smallest contribution from a member of the five great Powers, and would nullify the very purposes of the military clauses of the Charter.

995. The representative of SYRIA reiterated his objection to the principle of equality. It was clear that *each of the Powers did not have the same capacity* and could therefore not be expected to put the same amount of armed forces at the disposal of the Security Council. That was the case even with regard to the five permanent members of the Security Council. If the least strong of the States were to be taken as the basis of assessment, then the Security Council would have only a very small force to rely upon in time of need.

996. The representative of AUSTRALIA endorses the statement made by the representative of Syria. Article 10 of the report provided that the permanent members of the Security Council should contribute initially the major portion of the forces. The principle of initial contribution was referred to in the majority text for article 11, but not in the USSR text. The latter apparently referred to the permanent over-all contribution. He thought it would be entirely unrealistic for each of the permanent members to make available forces that were completely identical in size and nature. He also noted that nothing had been said in the report about the principle governing the contributions after the initial period.

997. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS pointed out that the whole question of the armed forces to be made available to the Security Council under the special agreements was not only a technical, but also a political question.

998. In accordance with the terms of the Charter, every one of the permanent members of the Security Council was on an equal footing. If the Council adopted the principle of comparable contribution, it would mean that some of the powerful and influential Member States would be placed in a privileged position.

999. The statement that the adoption of the principle of equality would render impossible the creation of effective armed forces was unconvincing and unfounded, because it neglected the fact that the USSR text did contain a provision to meet that difficulty.

1000. Furthermore, the question under discussion should also be considered in the light of General Assembly resolution 41 (I) on the

general regulation and reduction of armaments and armed forces. Since the armed forces to be made available would not need to be numerous, there would be no difficulty on the part of the Member States in making their contributions on the principle of equality.

1001. The representative of the UNITED KINGDOM suggested that the Military Staff Committee should be asked to give the Council an estimate of what, in its opinion, should be the over-all strength of an effective striking force to be at the service of the Security Council, with an indication of its land, sea and air components. If the Military Staff Committee could agree on an estimate of that kind, the Council would then be able to see at once whether that force could be provided on the principle of equality.

1002. Further, the Military Staff Committee might proceed to find that such a force could be provided on an equitable, comparable basis from the forces of the five permanent members. If that could be done, the Council could then find whether it had to act on the principle of equality or the principle of comparability.

1003. The PRESIDENT supported the suggestion made by the representative of the United Kingdom. The question could be put in two parts : first, what, in the opinion of the Military Staff Committee, should be the strength of the principal components of the armed forces to be made available to the Security Council ; secondly, on the basis of that evaluation, to what extent would the formation of such armed forces require a departure from the principle of equal contributions on the part of the five permanent members of the Security Council ?

1004. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS was of the opinion that the Military Staff Committee would be unable to make any concrete recommendations either on the question of over-all strength or on the composition of such armed forces unless the Security Council agreed upon general principles.

1005. The representatives of COLOMBIA and SYRIA suggested that the Military Staff Committee should be asked to submit not a concrete recommendation, but a tentative estimate.

1006. The representative of POLAND thought that it should be clearly understood that the estimate would be only provisional and preliminary, and that it would not be binding upon any formal conclusions of the Military Staff Committee.

1007. The PRESIDENT and the representative of the UNITED KINGDOM agreed with the interpretation given by the representative of Poland.

1008. At the 149th meeting, on 30 June 1947, the PRESIDENT read his letter, dated 26 June 1947, to the Chairman of the Military Staff Committee, and stated that a reply had

been received (S/394). He invited the members of the Council to make remarks.

1009. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS maintained that it was not possible to arrive at an estimate of the over-all strength or composition of the armed forces to be made available to the Security Council until the latter had agreed upon general principles.

1010. The estimates before the Security Council had been submitted by individual delegations and not by the Military Staff Committee as such. The delegations in question had submitted those estimates not as official estimates, approved by their Governments, but only as provisional, unofficial, tentative estimates, which clearly could not carry the same weight. He felt that the hasty preparation of estimates without prior agreement on general principles was an inappropriate and unwise procedure. He was therefore unable to discuss the proposals.

1011. The representative of the UNITED KINGDOM thought the procedure which the Council had followed was of some value. If agreement could be reached on the over-all strength and on its apportionment in practice among the five permanent members, that would solve the problem of principle which had arisen in connexion with article 11. On the other hand, if the Council reached agreement on article 11 in the sense desired by the representative of the USSR, the question of over-all strength would still not have been solved.

1012. The representative of AUSTRALIA asserted that the Military Staff Committee was intended to assist and advise the Council; it was not expected to produce what had been referred to as an official view. The estimates that had been submitted made it clearer than ever that the only reasonable and logical principle to adopt was the principle of comparable equality, since the contributions from the five permanent members could not possibly be identical.

1013. He reiterated his remarks on the meaning of initial contributions as mentioned in articles 10 and 11, and felt there must have been a confusion of thought within the Military Staff Committee as to what article 11 referred to.

1014. The representative of SYRIA considered the estimates to be very valuable, and thought the Council should take them into consideration and rely upon them as long as they were not replaced by other figures.

1015. The representative of POLAND considered that the estimates were of a purely tentative nature and had no final significance whatever.

1016. The representative of FRANCE said he believed that the method adopted was the

only one likely to lead to some result and that the tentative figures supplied by the Committee constituted a considerable progress in the work of the Council.

1017. He agreed with the representative of Australia that there was some confusion in the word "initial" and thought that the point called for clarification.

1018. **Decision:** *The Council agreed that the point raised by the representative of Australia should be referred to the Military Staff Committee for clarification.*

1019. At the 154th meeting, on 10 July 1947, the Assistant Secretary-General read out to the Council the letter from the President to the Chairman of the Military Staff Committee asking for the Committee's interpretation of the term "initial" in articles 10 and 11 of the report, together with the reply (S/408).

1020. The Council continued its discussion of article 11 of the report at the 154th meeting, on 10 July, and at the 157th meeting, on 15 July 1947.

1021. The representative of FRANCE said he was still wondering whether there was really much difference between "comparability" and "equality with deviations". He also felt it might be useful for the Council to receive an answer to the question to what extent the armed forces could be supplied in accordance with the principle of equality. The chief reason why most of the delegations on the Military Staff Committee had been unable to give an answer to that question was that they had not known what the over-all strength of the armed forces was to be.

1022. He therefore proposed that the Council should request the Military Staff Committee, first of all, taking as a basis the smallest estimates — namely, those of the United Kingdom and China — to ascertain what deviations from the principle of equality would be necessary in order to arrive at a feasible scheme; and then, taking as a basis the largest estimates — namely, the estimates of the United States — to give the Council some idea of how the principle of comparability would work out as applied to those figures.

1023. The representative of AUSTRALIA stated that assuming that the Council were to accept the principle of equality, he would like to suggest that the representative of the USSR on the Military Staff Committee should be invited to draw up a table of the United Nations armed forces based on the USSR principle of equality of contribution, not only with regard to the over-all strength, but also with regard to the composition of the force. The Council would then be able to see whether there was a possibility of reconciling in some way the two conflicting principles, as the representative of France had suggested.

1024. The representative of the UNITED KINGDOM submitted a proposal reading as follows :

1025. "*The Security Council instructs the Military Staff Committee to make a recommendation on the figure of the over-all strength and composition of the armed forces to be made available to the Security Council by Member nations of the United Nations, and to report to the Security Council by 5 August 1947, at the latest.*"

1026. He thought the suggestion of the representative of France might have the effect of attempting to go a little too fast and too far at that stage.

1027. The representative of FRANCE and AUSTRALIA supported the proposal of the representative of the United Kingdom, re-

serving the right to present their proposals again at a later stage.

1028. The United Kingdom proposal was also supported by the representatives of BRAZIL, BELGIUM and CHINA.

1029. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the United Kingdom proposal, though narrower in scope, was of the same nature as the proposal made by the French representative, and was open to the same criticism. The Council could not take hypothetical figures, make hypothetical estimates and arrive at hypothetical results. The United Kingdom proposal provided, in addition, for a recommendation by the Military Staff Committee to the Security Council. He wondered how a recommendation could be prepared and agreed upon without agreement on basic principles.

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## D. REPORT ON THE PLAN OF WORK OF THE COMMISSION FOR CONVENTIONAL ARMAMENTS

1030. The Commission for Conventional Armaments was convened on 24 March 1947. The first five meetings were devoted to a discussion of general principles and the organization of its work.

1031. During the general discussion, the United Kingdom representative held that international arrangements for collective security as provided for in Article 43 of the Charter should be completed before any practical measures to regulate or reduce armaments were actually adopted.

1032. That view was shared by the representative of the UNITED STATES OF AMERICA, who urged speed in the implementation of Article 43. He considered that the reduction of armaments would be politically feasible when peace and security were organized.

1033. The representatives of AUSTRALIA and COLOMBIA, while agreeing on the importance of security as a basis for disarmament, did not believe that all planning on that question should await the establishment of absolute confidence among nations.

1034. The representative of FRANCE referred to the close relationship between disarmament and security. He pointed out that the General Assembly had linked those two problems and had recommended that their solution should proceed simultaneously.

1035. The representative of POLAND stressed the need for prompt and radical disarmament and for the implementation of Article 43. Both he and the representative of the UNION OF SOVIET SOCIALIST REPUBLICS believed that there should be a close correlation between the problems of disarmament and atomic energy, a view with which the representative of CHINA agreed. The USSR representative pointed out that General Assembly resolution 41 (I) did not insist on guarantees as a preliminary to disarmament.

1036. At its 5th meeting, on 9 April 1947, the Commission adopted a proposal of the representative of Colombia that a sub-committee of the five permanent members of the Security Council should be directed to prepare a draft plan of work.

1037. The sub-committee met on 22 April 1947 and instructed the Secretariat to prepare suggestions regarding the draft plan of work and to tabulate the proposals which had been made in the Commission. Owing to the special session of the General Assembly, the sub-committee was unable to meet again until

21 May, at which time draft plans of work were submitted by the delegations of the United States and the USSR. Since no agreement was reached on a common plan, it was decided to submit a report to the Commission containing the two plans with the suggestion of the Secretariat and a unanimous recommendation on the organization of the Commission's work.

1038. At the subsequent meetings of the Commission, the report of the sub-committee was considered, and amendments to the United States plan were submitted by the delegations of France and Poland. Those amendments were rejected, and on 18 June 1947 the Commission adopted the United States plan of work.

1039. The Chairman of the Commission for Conventional Armaments, in a letter dated 25 June 1947 addressed to the President of the Security Council, submitted the Commission's report (S/387) to the Security Council together with a plan of work adopted by the Commission for submission to the Security Council in accordance with the Council's resolution of 13 February 1947, and a resolution adopted on 25 June 1947 by the Commission concerning the organization of its future work.

The text of the plan of work was as follows :

1040. " 1. Consider and make recommendations to the Security Council concerning armaments and armed forces which fall within the jurisdiction of the Commission for Conventional Armaments.

1041. " 2. Consideration and determination of general principles in connexion with the regulation and reduction of armaments and armed forces.

1042. " 3. Consideration of practical and effective safeguards by means of an international system of control operating through special organs (and by other means) to protect complying States against the hazards of violations and evasions.

1043. " 4. Formulate practical proposals for the regulation and reduction of armaments and armed forces.

1044. " 5. Extension of the principles and proposals set forth in paragraphs 2, 3 and 4 above to States which are not members of the United Nations.

1045. " 6. Submission of a report or reports to the Security Council including, if possible, a draft convention.

1046. "It is proposed that under the six headings listed above all of the references by the various delegations suggested for the plan of work will be considered.

1047. "It is also understood that this plan of work does not limit the freedom of individual delegations to make additional suggestions at a later time."

1048. The above-mentioned document was put on the agenda of the Security Council at its 152nd meeting.

1049. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS analysed the plan of work proposed by his delegation. That plan, he pointed out, provided for an examination of the main problems arising out of the General Assembly resolution of 14 December 1946, and worked out recommendations on those problems. Only that plan provided for the necessary co-ordination of the question of the general reduction of armaments and armed forces and the problem of the prohibition of atomic and other weapons of mass destruction. The basic idea of that plan was that the only good solution of the problems was through co-ordination of measures relating to the general reduction of armaments and measures relating to the prohibition of atomic and other weapons of mass destruction. The USSR plan provided for :

1050. 1. The establishment of general principles for the reduction of armaments and armed forces and for the determination of the minimum requirements of each State with regard to all kinds of armaments and armed forces (land, sea and air), taking into account the prohibition of atomic weapons and other kinds of armaments adaptable to mass destruction ;

1051. 2. The establishment of the general principles which were to serve as a basis for the reduction of war production and the determination of the maximum capacity of war production for each State, with a view to permitting the production and use of atomic energy for peaceful purposes only ;

1052. 3. The extension of the principles set forth in paragraphs 1 and 2 to States which were not members of the United Nations ;

1053. 4. The establishment of limits for individual kinds of armaments and armed forces for each State, on the basis of the principles set forth in paragraph 1 ;

1054. 5. The establishment of limits for various kinds of war production for each State, on the basis of the principles set forth in paragraph 2 ;

1055. 6. The determination of the procedure and time limits for bringing the level of armaments and armed forces and also of war production for each State into conformity with the limits set forth in paragraphs 4 and 5 ;

1056. 7. Consideration of problems concerning the distribution of armed forces and the question of the reduction of networks of military, naval and air bases ;

1057. 8. Measures relating to the prohibition of the use of non-military industry and non-military means of transport for purposes of war, beyond the limits arising out of those set forth in paragraphs 4 and 5 ;

1058. 9. The organization and the procedure for the establishment of a system of control to implement measures regarding the general reduction and regulation of armaments and armed forces and also of war industry and war production, taking into account the co-ordination of the aforementioned system of control with the system of control over the use of atomic energy ;

1059. 10. The working out of a draft convention.

1060. The United States plan of work, which had been approved by the majority of the Commission, would lead the Commission away from the concrete solution of its problems and give the discussions an academic and aimless character. It was essential that any plan of work should state in what general direction the question of defining general principles should be solved.

1061. The representative of FRANCE stated that while it was impossible to think of disarmament in general without thinking of atomic disarmament, the question of atomic disarmament ought not to be included in the plan under discussion, as there was in existence another Commission dealing with atomic matters. With regard to the problem of war production, the Commission understood that even if the plan of work made no specific mention of that problem, it would be considered as one of the elements of the Commission's general work.

1062. The representative of the UNITED STATES OF AMERICA stated that since the plan of work submitted by his delegation had been approved by eight delegations in the Commission, it should no longer be considered as a purely United States plan. The plan, he pointed out, proceeded directly from the General Assembly resolution of 14 December 1946 and the Security Council resolution of 13 February 1947. It was broad enough to include suggestions concerning the way of proceeding with the Commission's work which might arise out of future events. It was impossible at that early stage to be aware of every point which it might be necessary to cover in an eventual plan. It was therefore essential that the plan adopted should deprive no delegation of the opportunity in the future of proposing the consideration of some important point not now obvious to any delegation. The main emphasis of the United States plan was on practical and effective safeguards by means of an international system

of control. While adhering to the Security Council resolution, which provided that "those matters which fall within the competence of the Atomic Energy Commission, as determined by the General Assembly resolutions of 24 January 1946 and 14 December 1946, shall be excluded from the jurisdiction of the Commission hereby established", the United States delegation believed that the work of the Commission for Conventional Armaments and of the Atomic Energy Commission should be co-ordinated by the Security Council.

1063. The representative of SYRIA stated that since a working committee of the whole would be created wherein all delegations could have an opportunity to present their views, there was no harm in approving the plan without delay.

1064. **Decision:** *The Security Council, by 9 votes to none, with 2 abstentions (Poland, Union of Soviet Socialist Republics), approved the plan of work adopted by the Commission for Conventional Armaments.*

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## Part Three

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

## A. TRUSTEESHIP AGREEMENT FOR THE FORMER JAPANESE MANDATED ISLANDS

### 1. *Communication dated 17 February from the representative of the United States of America*

1065. The United States representative on the Security Council, in a letter dated 17 February 1947 addressed to the Secretary-General (S/281), submitted for the approval of the Security Council, in accordance with Article 83 of the Charter, the text of a draft trusteeship agreement for the former Japanese mandated islands, and requested that the matter might be placed on the agenda of the Security Council at an early date.

### 2. *General discussion*

1066. The matter was put on the agenda of the Security Council at its 113th meeting, on 26 February 1947, and a general discussion ensued, continuing at the 116th and 118th meetings.

1067. The representative of the UNITED STATES OF AMERICA, explaining the purpose of the draft agreement, recalled that a statement had been made by the President of the United States on 6 November 1946, in which he had declared that the United States was prepared to place the Japanese mandated islands under trusteeship, with the United States as the Administering Authority, and that a draft trusteeship agreement had been submitted for information to the other Governments on the Security Council and to New Zealand and the Philippines. The final disposal of the islands would have to await the peace settlement with Japan. The draft trusteeship agreement submitted to the Security Council for its approval related only to the former Japanese mandated islands, which had never belonged to Japan, but were a part of the League of Nations mandate system.

1068. The Japanese mandated islands — Marshalls, Marianas and Carolines — consisted

of some ninety-eight islands and island-clusters with a total land area of only 846 squares miles, a total population of only about 48,000 inhabitants and negligible indigenous economic resources. The tremendous strategic value of the mandated islands had been exploited by Japan in carrying out its basic plans of aggression.

1069. The loss of tens of thousands of American lives, vast expenditure and years of bitter fighting had been necessary to drive the Japanese aggressors back from those islands. The islands constituted an integrated strategic physical complex that was vital to the security of the United States. The American people were firmly resolved that the area should never again be used as a spring-board for aggression against the United States or any other Member of the United Nations.

1070. Since the area of the former Japanese mandated islands was of permanent strategic importance, the United States proposed, in accordance with Article 82 of the Charter, that the Trust Territory should be designated a strategic area. The United States would administer that strategic Trust Territory in accordance with the provisions of the Charter and, in particular, with the obligations laid down in Article 2, paragraph 4. Its administration would also be in accordance with the obligations prescribed in Article 1 and Article 84. It was the intention of the United States to include that Trust Territory, as fully as those territories under its sovereignty, in the special agreement or agreements it would conclude with the Security Council under Article 43 of the Charter. Pending the conclusion of such agreements under Article 43, the United States would undertake that the islands should play their part in whatever action the United States might be called upon to take in accordance with the obligation imposed by Article 106 relating to transitional security arrangements.

1071. The United States draft trusteeship agreement provided that the Administering Authority might from time to time specify certain areas as closed for security reasons. But that provision would not prejudice the full application to the entire Trust Territory of all international control and inspection measures that might become part of a system of international control of atomic energy, other weapons of mass destruction and conventional armaments.

1072. The United States would be willing to submit the political, economic, social and educational developments of the inhabitants of the Trust Territory to international supervision, as provided in the draft trusteeship agreement. It would also be willing to submit military and naval installations to whatever degree of supervision and control might be provided by agreements for the international control of armaments and armed forces.

1073. The Council should rest assured that in preparing the draft trusteeship agreement, the United States Government had constantly borne in mind Article 73 of the Charter. Although the area was a strategic area, vital to that system of international peace and security to which Articles 73 and 76 referred, the United States draft agreement went beyond the requirements of the Charter for strategic areas. It provided that Articles 87 and 88 should be applicable to the whole of the Trust Territory, except that the Administering Authority might determine the extent of applicability in any areas which might from time to time be specified by the Administering Authority as closed for security reasons.

1074. The United States representative invited the members of the Council to make a searching examination of the provisions contained in articles 6 and 7 of the draft agreement, in relation both to the requirements of the Charter and to the comparable provisions of the Trusteeship Agreements approved by the General Assembly the previous December.<sup>1</sup> He believed that the United States had conformed to the requirements of Article 79 of the Charter.

1075. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS considered that the question of the former Japanese mandated islands was within the competence of the Security Council and that the Council was empowered to take a decision upon it as soon as possible.

1075 a. With regard to the substance of the United States request, he was of the opinion that it would be right and proper to place the former Japanese mandated islands under the trusteeship of the United States. The USSR considered that the United States forces

had played a decisive role in the victory over Japan and that it had made a greater sacrifice in the military operations involved in the war against Japan than any other of the Allied Powers.

1076. The representative of the UNITED KINGDOM declared that his Government agreed in principle that the United States Government should ultimately become the Administering Authority for the former Japanese mandated islands, but he was of the opinion that it was not strictly within the competence of the Security Council under the Charter to approve a trusteeship agreement for the islands at that stage, in advance of the peace treaty with Japan which would decide on their disposal. If, however, the majority of the Council wished to proceed in the sense requested by the United States representative, he would not oppose the adoption of such a course.

1077. The representative of AUSTRALIA stated that in the interests of peace and security his Government had warmly supported the control and administration by the United States of the Japanese mandated islands. He considered, however, that, before the final decision was made on the question of administering the Japanese mandated territories, all the Allies that were victorious belligerents in the Pacific war should be consulted.

1078. The representative of CHINA expressed his approval of the United States draft trusteeship agreement and believed that both the form and the substance of the agreement were in harmony with the Charter of the United Nations. In his opinion, the Security Council could take a decision on the matter without awaiting the general peace settlement with Japan.

1079. The representative of FRANCE stated that his Government had always believed the United States Government should take charge of the islands, and for that reason he had no objection in principle to the procedure suggested by the United States representative, nor to the proposal put forward by the delegation of the United States.

1080. The representative of POLAND declared that he would vote for approval of the United States draft agreement.

1081. The representative of SYRIA favoured the adoption of the procedure proposed by the delegation of the United States and did not believe that there was any legal objection. His delegation would like to see the following principle adopted in the Security Council: when a trustee or a mandatory Power withdrew from the United Nations or was expelled from it, its right to the trust or mandate held by it should not persist, and the General Assembly of the United Nations should be free to deprive it of that right for as long as it was not a member.

<sup>1</sup> See *Resolutions adopted by the General Assembly during the second part of its first session*, No. 63 (I), p. 122.

1082. In reply to the doubts expressed by the representatives of the United Kingdom and Australia, the representative of the UNITED STATES OF AMERICA explained that Japan had never had sovereignty over the mandated islands and that the trusteeship was in the hands of the United Nations as the successor of the League of Nations. It was not necessary to pronounce upon the question of title to the former mandated islands. He could not conceive that there would ever arise a question of residual title, once disposal had been effected in accordance with the draft trusteeship agreement\*.

1083. The representative of AUSTRALIA felt that the representative of the United States had tended to over-simplify the question of title to the former Japanese Mandated Islands. The islands had come within the disposition of the United Nations by a war in which the United States had played a most distinguished and glorious part. It seemed to be a matter of fairness that, when the disposal of the islands was to be finally settled, all those that had taken an active part as belligerents in the struggle should have an opportunity of expressing their opinion on the terms and on the disposition to be made.

1084. The representative of BELGIUM, commenting on the Australian proposal, stated that if such non-members of the Council had made use of their right under Article 31 of the Charter, and had applied to be allowed to participate, his delegation would have supported the request.

1085. The representative of the UNITED STATES OF AMERICA explained that his country would be the last member to hinder any country having an interest in the future of the former Japanese mandated islands from being heard. But he reminded the Council that, four months previously, copies of the draft agreement had been delivered to the countries not members of the Council for the purpose of study and none of them had made a request to be heard.

3. *Decision of the Council to invite interested States to participate in the discussion*

1086. At the 118th meeting of the Council, on 12 March 1947, the SECRETARY-GENERAL read a cablegram dated 13 March 1947 from the Prime Minister of New Zealand (S/297), requesting, under Article 31 of the Charter, that New Zealand might participate in the discussion in the Security Council of the United States draft trusteeship agreement for the former Japanese mandated islands, and that those members of the Far Eastern Commission not represented on the Security Council, namely, Canada, the Netherlands, New Zealand, India and the Philippines, should be invited to participate in the discussions, if they so desired.

1087. At the same meeting, the PRESIDENT received a letter dated 12 March 1947 from the Indian Liaison Officer with the United Nations (S/299), requesting, under Article 31 of the Charter, the privileges that would enable his Government to acquaint the Council with its views regarding the draft trusteeship agreement for the former Japanese mandated islands.

1088. **Decision :** *After some discussion, the Council agreed that the Governments of New Zealand and India should be invited to participate in the discussions of the United States draft trusteeship agreement for the former Japanese mandated islands, and also agreed that any other member of the Far Eastern Commission should be invited, if it so desired.*

4. *Views of representatives of States not members of the Security Council*

1089. The representatives of States invited to participate in the discussion took their places at the Council at the 119th meeting.

1090. The representative of the NETHERLANDS stated that with respect both to the immediate future and to the long-term aspect of the great problem of ensuring peace in the Pacific, his Government unreservedly approved the United States proposal.

1091. The representative of NEW ZEALAND, while fully and cordially endorsing the principle that the administration of the former Japanese mandated islands should be entrusted to the United States, considered that the disposal of those islands was an essential part of the peace settlement with Japan, and was therefore a matter of interest to all those States that had taken an active part in the war against Japan.

1092. The representatives of CANADA, INDIA and the PHILIPPINES warmly supported the United States draft trusteeship agreement.

5. *Detailed examination of the draft trusteeship agreement<sup>1</sup>*

1093. The representative of AUSTRALIA proposed the addition to the draft trusteeship agreement of a new article, to be called article 17, to read as follows :

1094. " This agreement is subject to confirmation in the interim or final treaty of peace between Japan and the Allied Powers victorious in the war against Japan, it being understood that, by such treaty, Japan shall be required to surrender all its rights, if any, relating to the control and administration of the present territories, and such territories shall be formally detached from any form of control by Japan."

<sup>1</sup> The final text is reproduced at the end of this section.

1095. The representative of the UNITED KINGDOM also submitted two amendments to the draft agreement.

1096. The first amendment was to article 8, paragraph 1, and called for the deletion of the words "except the Administering Authority".

1097. The second amendment called for the redrafting of article 13 as follows :

1097 a. "The provisions of Articles 87 and 88 of the Charter shall be applicable to the Trust Territory, provided that the Administering Authority may at any time inform the Security Council, in accordance with Article 83, paragraph 3, of the Charter, that security considerations do not permit the exercise of the functions of the Trusteeship Council in regard to specific areas."

1098. At the 119th meeting, on 17 March 1947, the PRESIDENT pointed out that the Australian amendment gave rise to a constitutional point related to the competence of the Security Council on trusteeship questions in strategic areas. It was his opinion that that constitutional point had to be cleared up before the representatives of the countries not members of the Council were invited to the Council table. In view of the powers conferred upon the Security Council by Article 83, paragraph 1, of the Charter, it appeared to him very difficult to accept the idea that a decision of the Council on trusteeship matters might be conditional upon confirmation by any other international body. If the Council approved the draft trusteeship agreement, the decision was final as far as the United Nations was concerned, and could be revoked only by another decision of the Security Council itself. He reminded the Council that it acted in those matters on behalf of all Members of the United Nations, as provided for in Article 24 of the Charter. There could be no higher authority than the Security Council on those questions. On the other hand, he thought it highly undesirable for the Council to give a directive to a conference which was purposely not held under the auspices of the United Nations. He declared that he was not giving a ruling on that point, but rather expressing an opinion on it.

1099. The representative of AUSTRALIA thought that the phrase "subject to confirmation" used in the amendment might quite possibly be understood differently by different members of the Council.

1100. In order to avoid any misunderstanding, and to provide a clear basis for future discussions on the question of the admissibility of his amendment, he submitted a redraft of the original text, as follows :

1101. "This agreement will enter into force on the date on which the interim or final treaty of peace between Japan and the Allied Powers victorious in the war against Japan becomes binding on Japan."

1102. The PRESIDENT stated that in his opinion the redraft presented by the representative of Australia settled the constitutional problem. He thought the Council could proceed with the general discussion.

1103. The representative of the UNITED STATES OF AMERICA challenged the Australian amendment from three points of view. He considered that the first phrase of the amendment was an unconstitutional effort to take away authority from the United Nations and to give it to somebody else. The United Nations had the sole, the exclusive and the supreme authority over trusteeship. No other authority equalled it. The second phrase of the amendment constituted a gross assumption of authority. The United Nations had no authority under the Charter to make peace terms. Article 16 of the draft agreement was part of an agreement between two parties, the United States and the United Nations. The undetermined number of nations introduced in the Australian amendment had nothing whatever to do with the actual situation.

1104. The representative of SYRIA considered that the Australian amendment would not only contradict the meaning of the peace treaties, which were supposed to be entered into freely between the two parties, but would introduce a third party which was not participating. Moreover, it would seem from the amendment that the Council was not sure of its authority to conclude the trusteeship agreement at that time, as if the Council were trying to preserve for Japan a certain form of right which would suspend the execution of the trusteeship agreement.

1105. The representative of the UNITED KINGDOM supported the Australian amendment because it was in line with the attitude of his Government. He objected to the argument of the United States representative that it was not legitimate for the Council to take a decision that would depend on conditions over which the Council had no control. He held that the Council was master of its own proceedings and that it had the right to say that an agreement should come into force under certain conditions.

1106. He also disagreed with the United States representative's remark that the terms of surrender constituted a final renunciation by Japan of all rights in regard to the islands. Terms of surrender or armistice were never entirely final, even in the case of Japan.

1107. The representative of POLAND expressed opposition to the Australian amendment on the grounds that Japan had lost all legal claims to those mandated territories through commencing a war of aggression against China, through withdrawing from the League of Nations, and through other acts of violation of the mandate entrusted to it. Moreover, the proposed article 17 was in contradiction to the preceding article 16.

1108. The representative of CHINA stated that Japan had never had sovereignty over the mandated islands and that, having violated the terms of the mandate, it had forfeited whatever legal claims it had had thereunder. The League of Nations having ceased to exist, it was proper that the Security Council should assume the duty of placing those islands under the International Trusteeship System.

1109. He believed the Security Council alone was competent to approve or disapprove any trusteeship agreement for a strategic area, and he thought it would place an important limitation on the inherent competence of the Security Council if the trusteeship agreement under consideration had to await the approval of the peace conference with Japan, which conference admittedly had no legal or constitutional competence under the Charter of the United Nations in that matter.

1110. The representative of FRANCE stated that Japan had forfeited its rights in the islands as a consequence of its violation of certain obligations which it had assumed. As the League of Nations, which had laid those obligations upon Japan, no longer existed, it was for the United Nations to pronounce on the matter. It was for that reason that the French delegation considered that the procedure of handling the matter through the Security Council was perfectly acceptable.

1111. At the 123rd meeting, on 28 March 1947, the representative of AUSTRALIA declared that the Australian Government did not aim at delaying the question of disposing of the islands, but solely at maintaining the vital principle that all the terms of what might fairly be called the final settlement with Japan should be approved not by a few nations only, but by all the nations that had contributed with substantial forces to the overthrow of the enemy. Since the Security Council had agreed to the Australian suggestion that representatives of the nations that had fought against Japan should be admitted to the Security Council for the purpose of stating their views on the United States trusteeship proposal, Australia had decided not to press the proposal for the amendment of the draft agreement by the addition of a new article 17.

## 6. Decisions of the Council

1112. At the 124th meeting, on 2 April 1947, the Council agreed to vote on the draft trusteeship agreement, article by article, following the numbering and taking the relevant amendments in the same order.

1113. The preamble and most of the articles as originally proposed by the United States were approved unanimously. There was extensive debate, however, on some of the articles.

1114. The representative of the UNITED KINGDOM, explaining his proposed amend-

ment to article 8, said that the words "except the Administering Authority" would seem to give a preferential position to the United States, which did not seem to be in strict accordance with Article 83, paragraph 2, and Article 76, sub-paragraph d, of the Charter.

1115. The representative of BELGIUM was prepared to vote for the original text of article 8 of the United States draft agreement, since the islands were not, in existing circumstances, of any real interest from the economic and commercial points of view.

1116. The representative of the UNITED STATES OF AMERICA objected to the amendment proposed by the representative of the United Kingdom, and contended that the security objective must be the overriding consideration in a strategic area. The draft agreement was justified by Article 76, sub-paragraph d. and Article 83, paragraph 2, of the Charter. The former provided for equal treatment of all Members of the United Nations and their nationals "without prejudice to the attainment of the foregoing objectives", one of which was the furtherance of international peace and security. The latter provided for the manner in which Article 76 should be carried out in a strategic area, by stating that the provisions of Article 76 should be applicable to the people of the Territory, rather than to the people outside. He stressed that the islands, in the light of experience, were an economic liability and not an asset to the Administering Authority. He believed that the provisions of Article 81 were appropriate to the Territory.

1117. He declared that the United States, while it might be obliged to withdraw the tender of an agreement, would not exercise a veto in the Security Council if the amendment were put to the vote.

1118. **Decision :** *The United Kingdom amendment was rejected by 6 votes to 3 (Poland, United Kingdom, Union of Soviet Socialist Republics), with 2 abstentions (China, United States of America).*

1119. The representative of the UNITED KINGDOM, explaining his amendment to article 13, stated that the latter was one of the most important articles of the agreement. While realizing that it would be impossible to provide for any prior notification to the Security Council of any areas which might be closed for security reasons, his Government hoped that some provision might be inserted for notifying the Security Council when areas were closed, giving reasons if possible.

1120. The representative of the UNITED STATES OF AMERICA, in reply, declared that the word "specified" in article 13 was an act of notification, and that it was the purpose of the United States to keep the Security Council notified.

1121. The representative of the UNITED KINGDOM said he was satisfied with the declaration of the representative of the United States.

1122. **Decision :** *Article 13, in its original form, was approved unanimously.*

1123. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS proposed that article 15 should be redrafted as follows :

1123 a. " The terms of the present Agreement may be altered and amended or the terms of its validity discontinued by the decision of the Security Council. "

1123 b. He emphasized that the adoption of his amendment would bring the text of article 15 more into accordance with the powers and the rights of the Security Council with regard to the approval of trusteeship agreements concerning strategic areas. He thought the second version of the United States draft was less acceptable than the first, containing, as it did, the same ideas in a more veiled form.

1124. The representative of the UNITED STATES OF AMERICA declared that the USSR amendment could not be accepted by the United States as a party to the agreement. The whole theory of the trusteeship system was that there must be in any case at least two parties to any trusteeship agreement. It would be an astonishing interpretation of the Charter to maintain that the function of determining the terms of the agreement should be given exclusively to the party which, under the Charter, had only the function of approval. To give the power of termination to the Security Council alone would be in violation of the spirit of the Charter and of the theory of the agreement. He would have to refrain from voting on the USSR amendment, but he warned that the whole matter might result in a withdrawal by the principal party to the performance of the trust.

1125. The representatives of BELGIUM and AUSTRALIA expressed their objection to the amendment and their willingness to vote for the original text.

1126. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, replying to the remarks of the representative of the United States, maintained that since the Security Council had the power to approve a draft trusteeship agreement at the time of its conclusion, it followed that it had also the right to take later a decision that that agreement had become out of date and should be amended, discontinued or replaced by a new agreement. The USSR amendment was not intended to curtail the rights of the Administering Authority, but to ensure that the rights of the Council were observed.

1127. The representative of SYRIA thought there was no doubt that those who concluded

a convention would in a sense be entitled to amend it or bring it to an end. He pointed out that the words " agreed upon by the States directly concerned " in Article 79 of the Charter merited more study by the Council.

1128. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, referring to the point raised by the representative of Syria, said that, in the United States text as it stood, the notion of " States directly concerned " simply did not exist.

1129. The representative of CHINA considered that the difficulty in the debate was a matter of wording. He suggested that article 15 should be redrafted as follows :

1130. " The terms of the present Agreement shall not be altered, amended or terminated, except in accordance with the provisions of the Charter. "

1131. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS was agreeable to that suggestion, but as the representative of the UNITED STATES OF AMERICA objected strongly to it and the representative of the UNITED KINGDOM also thought the compromise was unnecessary, it was not put to the vote.

1132. The representative of Poland presented another amendment to article 15, as follows :

1133. " The terms of the present Agreement shall not be altered, amended or terminated except as provided by the Charter. "

1134. The representative of the United Kingdom objected to the amendment on the ground that the Charter said nothing on the subject.

1135. **Decision :** *The USSR amendment was rejected by 8 votes to one (Union of Soviet Socialist Republics), with 2 abstentions (France, United States of America).*

1136. **Decision :** *The Polish amendment was not adopted, having failed to obtain the requisite 7 affirmative votes. There were 4 votes in favour (China, Poland, Syria, Union of Soviet Socialist Republics), 3 against (Australia, Belgium, United Kingdom) and 4 abstentions (Brazil, Colombia, France, United States of America).*

1137. **Decision :** *Article 15, in its original form, was approved by 8 votes to none, with 3 abstentions (Poland, Syria, Union of Soviet Socialist Republics).*

1138. The PRESIDENT then asked the Council to vote on the draft trusteeship agreement as a whole.

1139. **Decision :** *The draft trusteeship agreement was unanimously approved.*

1140. The approved text of the Trusteeship Agreement for the former Japanese mandated islands reads as follows :

### *Preamble*

1141. " *Whereas* Article 75 of the Charter of the United Nations provides for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent agreements ; and

1142. " *Whereas* under Article 77 of the said Charter the trusteeship system may be applied to territories now held under mandate ; and

1143. " *Whereas* on 17 December 1920 the Council of the League of Nations confirmed a mandate for the former German islands north of the equator to Japan, to be administered in accordance with Article 22 of the Covenant of the League of Nations ; and

1144. " *Whereas* Japan, as a result of the Second World War, has ceased to exercise any authority in these islands ;

1145. " *Now, therefore*, the Security Council of the United Nations, having satisfied itself that the relevant articles of the Charter have been complied with, hereby resolves to approve the following terms of trusteeship for the Pacific islands formerly under mandate to Japan.

### *Article 1*

1146. " The territory of the Pacific Islands, consisting of the islands formerly held by Japan under mandate in accordance with Article 22 of the Covenant of the League of Nations, is hereby designated as a strategic area and placed under the trusteeship system established in the Charter of the United Nations. The territory of the Pacific Islands is hereinafter referred to as the Trust Territory.

### *Article 2*

1147. " The United States of America is designated as the Administering Authority of the Trust Territory.

### *Article 3*

1148. " The Administering Authority shall have full powers of administration, legislation and jurisdiction over the Territory subject to the provisions of this Agreement, and may apply to the Trust Territory, subject to any modifications which the Administering Authority may consider desirable, such of the laws of the United States as it may deem appropriate to local conditions and requirements.

### *Article 4*

1149. " The Administering Authority, in discharging the obligations of trusteeship in the Trust Territory, shall act in accordance with the Charter of the United Nations, and the provisions of this Agreement, and shall, as specified in Article 83 (2) of the Charter, apply the objectives of the international trusteeship system, as set forth in Article 76 of the Charter, to the people of the Trust Territory.

### *Article 5*

1150. " In discharging its obligations under Article 76 a and Article 84 of the Charter, the Administering Authority shall ensure that the Trust Territory shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the Administering Authority shall be entitled :

1151. " 1. To establish naval, military and air bases and to erect fortifications in the Trust Territory ;

1152. " 2. To station and employ armed forces in the Territory ; and

1153. " 3. To make use of volunteer forces, facilities and assistance from the Trust Territory in carrying out the obligations towards the Security Council undertaken in this regard by the Administering Authority, as well as for the local defence and the maintenance of law and order within the Trust Territory.

### *Article 6*

1154. " In discharging its obligations under Article 76 b of the Charter, the Administering Authority shall :

1155. " 1. Foster the development of such political institutions as are suited to the Trust Territory and shall promote the development of the inhabitants of the Trust Territory toward self-government or independence, as may be appropriate to the particular circumstances of the Trust Territory and its peoples and the freely expressed wishes of the peoples concerned ; and to this end shall give to the inhabitants of the Trust Territory a progressively increasing share in the administrative services in the Territory ; shall develop their participation in government ; shall give due recognition to the customs of the inhabitants in providing a system of law for the Territory ; and shall take other appropriate measures toward these ends ;

1156. " 2. Promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources ; encourage the development of fisheries, agriculture, and industries ; protect

the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication;

1157. " 3. Promote the social advancement of the inhabitants, and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect the health of the inhabitants; control the traffic in arms and ammunition, opium and other dangerous drugs, and alcohol and other spirituous beverages; and institute such other regulations as may be necessary to protect the inhabitants against social abuses; and

1158. " 4. Promote the educational advancement of the inhabitants, and to this end shall take steps toward the establishment of a general system of elementary education; facilitate the vocational and cultural advancement of the population; and shall encourage qualified students to pursue higher education, including training on the professional level.

#### *Article 7*

1159. " In discharging its obligations under Article 76 c, of the Charter, the Administering Authority shall guarantee to the inhabitants of the Trust Territory freedom of conscience and, subject only to the requirements of public order and security, freedom of speech, of the Press, and of assembly; freedom of worship, and of religious teaching; and freedom of migration and movement.

#### *Article 8*

1160. " 1. In discharging its obligations under Article 76 d of the Charter, as defined by Article 83 (2) of the Charter, the Administering Authority, subject to the requirements of security and the obligation to promote the advancement of the inhabitants, shall accord to nationals of each Member of the United Nations and to companies and associations organized in conformity with the laws of such Member, treatment in the Trust Territory no less favourable than that accorded therein to nationals, companies and associations of any other United Nation except the Administering Authority.

1161. " 2. The Administering Authority shall ensure equal treatment to the Members of the United Nations and their nationals in the administration of justice.

1162. " 3. Nothing in this article shall be so construed as to accord traffic rights to aircraft flying into and out of the Trust Territory. Such rights shall be subject to agreement between the Administering Authority and the State whose nationality such aircraft possesses.

1163. " 4. The Administering Authority may negotiate and conclude commercial and other treaties and agreements with Members of the United Nations and other States, designed to obtain for the inhabitants of the Trust Territory treatment by the Members of the United Nations and other States no less favourable than that granted by them to the nationals of other States. The Security Council may recommend, or invite other organs of the United Nations to consider and recommend, what rights the inhabitants of the Trust Territory should acquire in consideration of the rights obtained by Members of the United Nations in the Trust Territory.

#### *Article 9*

1164. " The Administering Authority shall be entitled to constitute the Trust Territory into a customs, fiscal, or administrative union or federation with other territories under United States jurisdiction and to establish common services between such territories and the Trust Territory where such measures are not inconsistent with the basic objectives of the International Trusteeship System and with the terms of this Agreement.

#### *Article 10*

1165. " The Administering Authority, acting under the provisions of article 3 of this Agreement, may accept membership in any regional advisory Commission, regional authority, or technical organization or other voluntary association of States, may co-operate with specialized international bodies, public or private, and may engage in other forms of international co-operation.

#### *Article 11*

1166. " 1. The Administering Authority shall take the necessary steps to provide the status of citizenship of the Trust Territory for the inhabitants of the Trust Territory.

1167. " 2. The Administering Authority shall afford diplomatic and consular protection to inhabitants of the Trust Territory when outside the territorial limits of the Trust Territory or of the territory of the Administering Authority.

#### *Article 12*

1168. " The Administering Authority shall enact such legislation as may be necessary to place the provisions of this Agreement in effect in the Trust Territory.

### Article 13

1169. " The provisions of Articles 87 and 88 of the Charter shall be applicable to the Trust Territory, provided that the Administering Authority may determine the extent of their applicability to any areas which may from time to time be specified by it as closed for security reasons.

### Article 14

1170. " The Administering Authority undertakes to apply in the Trust Territory the provisions of any international conventions and recommendations which may be appropriate to the particular circumstances of the Trust Territory and which would be conducive

to the achievement of the basic objectives of article 6 of this Agreement.

### Article 15

1171. " The terms of the present Agreement shall not be altered, amended or terminated without the consent of the Administering Authority.

### Article 16

1172. " The present Agreement shall come into force when approved by the Security Council of the United Nations and by the Government of the United States after due constitutional process."

## B. ADMISSION OF NEW MEMBERS

### 1. *Special report of the Security Council to the second part of the first session of the General Assembly*

1173. The Security Council submitted a special report (S/177) on the admission of new Members to the General Assembly at the second part of the first session. The report contained the Council's recommendation that Afghanistan, the Republic of Iceland and Sweden should be admitted to membership in the United Nations, together with a summary of the proceedings of the Security Council in its consideration of applications, including also those of the People's Republic of Albania, the Mongolian People's Republic, the Hashemite Kingdom of Transjordan, Ireland, Portugal and Siam.

### 2. *Further consideration of the application of Siam during the second part of the first session of the General Assembly*

1174. The representative of Siam in the matter of Siam's application to the United Nations, in a letter dated 28 August 1946 addressed to the Secretary-General (S/132), requested that consideration by the Security Council of Siam's application might be adjourned until a settlement of the territorial dispute between Siam and France had been effected. For that reason, as was noted in the special report above, Siam's application was not voted on when the Council considered the first report of its Committee on the Admission of New Members.

1175. In a letter dated 29 November 1946, addressed to the Secretary-General (S/201), the representative of Siam requested that consideration by the Security Council of Siam's appli-

cation might be proceeded with in due course, since settlement of the territorial dispute between Siam and France had been effected, as noted in a separate communication of the same date (S/199).

1176. That request was placed on the provisional agenda of the 82nd meeting, on 10 December 1946. Further consideration of Siam's request at that meeting was postponed at the request of the representative of the USSR, who wished to study the question more fully.

1177. At the 83rd meeting, on 12 December 1946, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that he was ready to support the application of Siam.

1178. The representative of FRANCE supported the application of Siam, noting that the Franco-Siamese dispute had been settled by peaceful means and in perfect conformity with the principles of the Charter. In view of that settlement, the French Government was prepared to state that Siam fulfilled the conditions set out in the Charter.

1179. The representative of China, supported by the representative of Egypt, submitted the following draft resolution :

1180. " *The Security Council,*

1181. " *Having taken note of the unanimous approval by its members of the application of Siam for membership in the United Nations,*

1182. " *Recommends to the General Assembly that it admit Siam to membership in the United Nations.*"

1183. **Decision :** *The resolution was adopted unanimously and forwarded to the General Assembly.*

3. *Special report to the second session of the General Assembly*

1184. Up to the date of the conclusion of this report, new applications for admission to

membership had been received from Hungary (S/333), Italy (S/355) and Austria (S/403). At the 132nd, 137th and 154th meetings respectively, the President of the Security Council referred those applications to the Committee on the Admission of New Members for study and report at the appropriate time, in accordance with rule 59 of the provisional rules of procedure of the Security Council.<sup>1</sup>

## C. RE-EXAMINATION OF APPLICATIONS FOR MEMBERSHIP

1185. The President of the General Assembly, in a letter dated 25 November 1946, addressed to the President of the Security Council (S/197), transmitted the resolution adopted by the General Assembly at its 49th plenary meeting on 19 November 1946,<sup>2</sup> recommending that the Security Council should re-examine the applications for membership in the United Nations of the People's Republic of Albania, the Mongolian People's Republic, the Hashemite Kingdom of Transjordan, Ireland and Portugal, on their respective merits as measured by the yardstick of the Charter, in accordance with Article 4.

1186. That letter was placed on the agenda of the Security Council at its 81st meeting, on 29 November 1946.

1187. The representative of AUSTRALIA proposed that the Council should accept the Assembly's recommendation and refer the question to the Committee on the Admission of New Members which had previously assisted the Council, since it was quite obvious that the Security Council could not hope to carry out the re-examination, in public, at its current meeting.

1188. The representative of the NETHERLANDS pointed out that owing to the resolution of the General Assembly recommending consultation on the rules of procedure governing the admission of new Members,<sup>3</sup> it was uncertain how applications for membership would be dealt with in the future, and suggested that the second part of the Australian proposal be amended to read :

1189. "The Security Council will decide the question when the application for membership of the Hashemite Kingdom of Transjordan, Ireland, the Mongolian People's Republic, the People's Republic of Albania and

Portugal will be re-examined, after the question of the preparation of rules governing the admission of new Members acceptable both to the Security Council and to the General Assembly has been settled."

1190. The representative of EGYPT expressed views similar to those of the representative of Australia, while the representatives of CHINA, BRAZIL and POLAND agreed with the representative of the Netherlands that the Security Council should not begin the re-examination before hearing the results of the consultation on rules of procedure.

1191. The representative of POLAND wished to make it clear, first, that he did not consider the Security Council legally bound to accept the General Assembly resolution and, secondly, that he by no means conceded that in making the decision on the admission of new Members, the Security Council had acted in a manner contrary to Article 4 of the Charter.

1192. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS, while not opposing a postponement, considered that there was no direct connexion between the question of the new rules of procedure and the re-examination of applications, and that the Council should simply adopt a resolution agreeing to re-examine the applications for membership on which it had taken no positive decision.

1193. The representative of the UNITED KINGDOM thought action on the procedural question could quite logically come after action on the re-examination of applications, and for that reason was inclined to vote in favour of the Australian proposal.

1194. The representative of FRANCE agreed with the Netherlands amendment, but felt that if the time required for the Assembly and the Security Council to reach agreement on supplementary rules were too long, the Council ought to be free to proceed with the re-examination of the applications.

1195. At the suggestion of the representative of POLAND, the representative of the NETHERLANDS agreed to change the words "until it has been settled" to "until it has been considered by the Council".

<sup>1</sup> For the discussion in the Committee on the Admission of New Members on these further applications for admission to membership, see *Official Records of the Security Council, Second Year, Special Supplement No. 3*.

<sup>2</sup> See *Resolutions adopted by the General Assembly during the second part of its first session, No. 35 (I)*, p. 61.

<sup>3</sup> *Ibid.*, No. 36 (I), p. 62.

1196. The representative of AUSTRALIA argued that the Netherlands amendment, in a sense, made the consultation on new rules of procedure and the re-examination of applications contingent on each other, and he thought it would be better to keep them strictly apart. The delegation of Australia did not wish to defer the re-examination of the applications and thought it more appropriate to discuss in the Committee on the Admission of New Members, rather than in the Council, any reason which might be put forward for such a deferment.

1197. The representative of MEXICO agreed with the Australian proposal and thought the Council should not subordinate the question of the re-examination of applications to the results of the consultations concerning rules of procedure, since that result would in no way affect the applications already received and examined.

1198. The PRESIDENT considered that the Security Council should accept the General Assembly resolution. He agreed that there was no real connexion between the resolutions of the General Assembly on the re-examination of applications and on the rules of procedure, but thought the re-examination of the applications in detail should be postponed. He suggested that the representatives of Australia

and the Netherlands should withdraw the second part of the proposal and its amendment in order to permit the President to consult with them and other members of the Council on a line of procedure which would give effect to the Council's desire to co-operate with the General Assembly, while at the same time preserving its own entire right of freedom of action.

1199. The representatives of AUSTRALIA and the NETHERLANDS agreed to the suggestion of the President.

**1200. Decision:** *The Council adopted the first part of the Australian proposal accepting the resolution of the General Assembly.*

1201. At the 82nd meeting, on 10 December 1946, the President announced that there seemed to be agreement among the members of the Council that reconsideration of the applications should be deferred for the moment.

1202 and 1203. At the 152nd meeting, on 8 July 1947, the Council decided to refer the matter to the Committee on the Admission of New Members and instruct the Committee to submit its report on 10 August 1947, or earlier if possible.<sup>1</sup>

#### D. RULES GOVERNING THE ADMISSION OF NEW MEMBERS

1204. The President of the General Assembly, in a letter dated 25 November 1946 addressed to the President of the Security Council (S/196), transmitted the resolution on rules governing the admission of new Members to the United Nations, adopted by the General Assembly at its forty-ninth plenary meeting on 19 November 1946.<sup>2</sup> That resolution requested the Security Council to appoint a committee to confer with a committee on procedure of the General Assembly with a view to preparing rules governing the admission of new Members which would be acceptable both to the General Assembly and the Security Council.

1205. That letter was placed on the agenda of the Security Council at its 81st meeting, on 29 November 1946.

1206. The PRESIDENT suggested that the Committee of Experts should be instructed to appoint a sub-committee from their number to meet with the Committee on Procedure of

the General Assembly. He expressed the opinion that the sub-committee of the Committee of Experts should not make specific proposals, but should listen to the proposals which the Assembly's Committee might have to make and report those proposals back to the Security Council.

1207. The representative of POLAND supported that proposal.

**1208. Decision:** *The suggestion of the President was adopted by the Council without objection.*

1209. The Committee of Experts appointed the representative of China as Chairman of the Sub-Committee and the representatives of Brazil and Poland as the other members.

1210. The General Assembly Committee on Procedure and the Security Council's Sub-Committee held a series of four conferences between 28 May and 12 June 1947. The General Assembly Committee then drafted its proposals and, on 30 June 1947, submitted them with an explanatory letter to the Security Council's Sub-Committee. At the closing date of this report, the Council had not yet examined the new rules.

<sup>1</sup> For the report of the Committee on the Admission of New Members, see *Official Records of the Security Council*, Second Year, Special Supplement No. 3.

<sup>2</sup> See *Resolutions adopted by the General Assembly* during the second part of its first session, No. 36 (I), p. 620.

## E. INTERPRETATION OF ARTICLES 11 AND 12 OF THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

1211. In a letter dated 28 January 1947, the Acting Secretary-General transmitted to the President for the consideration of the Security Council the resolution of the General Assembly of 19 November 1946 on the rules of procedure with respect to the election of members of the International Court of Justice.<sup>1</sup>

1212. The matter was brought to the attention of the Security Council at its 97th meeting, on 31 January 1947, and was placed on the agenda of the Security Council at its 138th meeting, on 4 June 1947. The UNITED STATES representative submitted the following draft resolution :

1213. " *The Security Council,*

1214. " *Having considered* the resolution of the General Assembly of 19 November 1946, adopting provisionally and subject to the concurrence of the Security Council the following rule of procedure :

### *Rule 99 A*

1215. " 'Any meeting of the General Assembly held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have ob-

tained in one or more ballots an absolute majority of votes.'

1216. " *Resolves*

1217. " 1. To concur in the rule of procedure quoted above ; and

1218. " 2. To adopt the following rule of procedure :

## CHAPTER II

### RELATIONS WITH OTHER UNITED NATIONS ORGANS

#### *Rule 61*

" 'Any meeting of the Security Council held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.'

1219. " *Transmits* this resolution to the General Assembly for its information."

1220. **Decision :** *The resolution was adopted unanimously.*

## F. CONDITIONS UNDER WHICH THE INTERNATIONAL COURT OF JUSTICE SHALL BE OPEN TO STATES NOT PARTIES TO THE STATUTE

1221. The President of the International Court of Justice, in a letter dated 1 May 1946 addressed to the Secretary-General (S/99), requested information on any decision the Security Council might see fit to take, in accordance with paragraph 2 of Article 35 of the Statute of the International Court of Justice, in the matter of access to the Court by States not parties to the Statute.

1222. At its 50th meeting, on 10 July 1946, the Security Council referred to the Committee of Experts the examination of the conditions on which the International Court of Justice

should be open to States not parties to the Statute of the Court.

1223. The Committee noted that the problem before the Security Council was almost identical with that which had confronted the Council of the League of Nations in 1922 in connexion with the question of opening the Permanent Court of International Justice to States not parties to its Statute. The Committee therefore recommended an analogous solution, taking into account the changes necessary to adapt the text of the League of Nations resolution to the provisions of the Charter and of the new Statute, but placing no new obligation on States not parties to the Statute. It was thus stipulated that an applicant State should undertake to accept all the

<sup>1</sup> See *Resolutions adopted by the General Assembly during the second part of its first session*, No. 88 (I), p. 175.

obligations imposed upon a Member of the United Nations by Article 94 of the Charter.

1224. In the commentaries contained in its report, the Committee emphasized that a State party to the Statute could not, without its consent, be brought before the Court by a State not party to the Statute.

1225. **Decision :** *At its 76th meeting, on 15 October 1946, the Security Council adopted the following resolution (S/169) :*

1226. " *The Security Council of the United Nations,*

1227. " *In virtue of the powers conferred upon it by Article 35, paragraph 2, of the Statute of the International Court of Justice, and subject to the provisions of that Article,*

1228. " *Resolves :*

1229. " 1. The International Court of Justice shall be open to a State which is not a party to the Statute of the International Court of Justice, upon the following condition, namely, that such State shall previously have deposited with the Register of the Court a declaration by which it accepts the jurisdiction of the Court, in accordance with the Charter of the United Nations and with the terms and subject to the conditions of the Statute and rules of the Court, and undertakes to comply in good faith with the decision or decisions of the Court and to accept all the obligations of a Member of the United Nations under Article 94 of the Charter.

1230. " 2. Such declaration may be either particular or general :

1231. " A particular declaration is one accepting the jurisdiction of the Court in respect only of a particular dispute or disputes which have already arisen ;

1232. " A general declaration is one accepting the jurisdiction generally in respect of all disputes or of a particular class or classes of disputes which have already arisen or which may arise in the future.

1233. " A State in making such a general declaration may, in accordance with Article 36, paragraph 2 of the Statute, recognize as compulsory, *ipso facto*, and without special agreement, the jurisdiction of the Court, provided, however, that such acceptance may not, without explicit agreement, be relied upon *vis-à-vis* States parties to the Statute, which have made the declaration in conformity with Article 36, paragraph 2 of the Statute of the International Court of Justice.

1234. " 3. The original declarations made under the terms of this resolution shall be kept in the custody of the Registrar of the Court, in accordance with the practice of the Court. Certified true copies thereof shall be transmitted, in accordance with the practice of the Court, to all States parties to the Statute of the International Court of Justice, and to such other States as shall have deposited a declaration under the terms of this resolution, and to the Secretary-General of the United Nations.

1235. " 4. The Security Council of the United Nations reserves the right to rescind or amend this resolution by a resolution which shall be communicated to the Court, and on the receipt of such communication and to the extent determined by the new resolution, existing declarations shall cease to be effective except in regard to disputes which are already before the Court.

1236. " 5. All questions as to the validity or the effect of a declaration made under the terms of this resolution shall be decided by the Court."

## G. APPLICATION OF SWITZERLAND TO BECOME A PARTY TO THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

1237. The Swiss Consul-General in New York, in a letter dated 26 October 1946, transmitted to the Secretary-General a telegram from the Chief of the Federal Political Department of the Swiss Government requesting that the Security Council and the General Assembly should be informed of the desire of the Swiss Federal Council to know the conditions on which Switzerland could become a party to the Statute of the International Court of Justice (S/185).

1238. Under Article 93, paragraph 2, of the Charter, a State which is not a Member of the United Nations may become a party to the Statute of the Court on conditions to be

determined by the General Assembly upon the recommendation of the Security Council.

1239. At its 78th meeting, on 30 October 1946, the Security Council decided to refer the matter to the Committee of Experts for its consideration, requesting it to report to the Council as soon as possible and not later than 6 November 1946.

1240. The report of the Committee of Experts (S/191) pointed out that the conditions deemed appropriate in the case of Switzerland were not intended to constitute a precedent in any future case under Article 93, paragraph 2, of the Charter, which contemplated the fixing of

conditions in each case by the General Assembly upon the recommendation of the Security Council.

1241. **Decision :** *The conditions advised by the Committee were adopted by the Security Council at its 80th meeting, on 15 November 1946, and recommended to the General Assembly.*

1241 a. The recommendation of the Security Council was as follows :

1242. " *The Security Council recommends that the General Assembly, in accordance with Article 93, paragraph 2, of the Charter, determine the conditions on which Switzerland may become a party to the Statute of the International Court of Justice, as follows :*

1243. " *Switzerland 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 Switzerland and ratified as may be required by Swiss constitutional law, containing :*

1244. " (a) Acceptance of the provisions of the Statute of the International Court of Justice ;

1245. " (b) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter ; and

1246. " (c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Swiss Government."

1247. The General Assembly, on 7 December 1946, referred those recommendations of the Security Council to its Sixth Committee for consideration and report. Upon the recommendation of that Committee, the Assembly adopted, on 11 December 1946, the resolution which had been recommended by the Security Council, determining the conditions on which Switzerland might become a party to the Statute of the International Court of Justice.<sup>1</sup>

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## H. STATUTE AND RULES OF PROCEDURE OF THE MILITARY STAFF COMMITTEE

1248. In accordance with paragraph (c) of the directive to the Military Staff Committee, approved by the Security Council at its 2nd meeting, on 25 January 1946, the Military Staff Committee had drawn up proposals (S/10) on its Statute and rules of Procedure and submitted them to the Security Council for approval.

1249. At its 23rd meeting, on 16 February 1946, the Security Council instructed the Committee of Experts to examine document S/10 and submit a report on it to the Council. The Security Council also decided that pending the approval by the Council of the statute and rules of procedure of the Military Staff Committee, the latter might be authorized to carry on provisionally along the lines of the proposals which it had submitted.

1250. Following observations made by the Secretariat, and the correspondence which resulted therefrom between the Secretary-General and the Military Staff Committee, the Military Staff Committee made certain amendments in its draft statute and rules of procedure and submitted a revised text (S/115) to the Security Council on 24 July 1946.

1251. The Committee of Experts devoted 27 meetings to the consideration of that text. During the discussion, several members of the Committee expressed the desire for clarification of a certain number of points. To that end, two questionnaires were addressed to the Military Staff Committee.

1252. In the light of the Military Staff Committee's replies, the Committee of Experts amended document S/115 and presented the revised text to the Security Council with an explanatory report (S/421).

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<sup>1</sup> See *Resolutions adopted by the General Assembly during the second part of its first session, No. 91 (I), p. 182.*

## Part Four

### REPORT ON THE WORK OF THE MILITARY STAFF COMMITTEE

#### 1. Committee meetings

1253. The Military Staff Committee functioned continuously during the indicated period, and held 38 meetings.

#### 2. Examination of Article 43 of the Charter

1254. In accordance with the directives of the Security Council issued at its 23rd meeting, on 16 February 1946, and its 105th meeting, on 13 February 1947, the Military Staff Committee continued its examination of the provisions of Article 43 of the United Nations Charter from the military point of view.

#### 3. General principles for the organization of armed forces

1255. The Military Staff Committee completed its study of the general principles governing the organization of the United Nations armed forces and submitted its report to the Security Council on 30 April 1947 (S/336).

*Text accepted by the delegations of China, France and the Union of Soviet Socialist Republics*

1256 a. The Military Staff Committee, while its report on the general principles was under discussion by the Security Council, replied at the request of the latter to several questions having a special bearing on articles 10, 11 and 18 of the general principles.

*Text accepted by the delegations of the United Kingdom and the United States of America*

1256 b. The Security Council, while examining the report of the Military Staff Committee, instructed the Military Staff Committee to provide estimates of the over-all strength of the United Nations armed forces in order to assist it in resolving article 11 of the general principles. The delegations of France, the United Kingdom and the United States of America provided the Security Council

with provisional estimates. The delegation of China agreed with the United Kingdom delegation's estimate. The delegation of the Union of Soviet Socialist Republics did not feel able to provide an estimate until the general principles had been resolved.

#### 4. Future programme of work

1257. As a further step in its examination of Article 43 of the Charter from the military point of view, the Military Staff Committee, at its meeting on 16 May 1947, agreed on a future programme of work as follows :

1258. (a) The preliminary estimates of the over-all strength and composition of armed forces to be made available to the Security Council by Member Nations of the United Nations, including the determination of the over-all strength and composition of the three principal services of armed forces — land, sea and air ;

1259. (b) The preliminary estimates of the strength and composition of the armed forces to be made available to the Security Council by the five permanent members of the Security Council, including the determination of the strength and composition of the three principal services of armed forces — land, sea and air ;

1260. (c) The preliminary estimates of the strength and composition of the armed forces to be made available to the Security Council by the other Member nations, including the determination of the strength and composition of the three principal services of armed forces — land, sea and air ;

1261. (d) Preparation of a draft standard form of special agreement.

1262. In agreeing to the above programme of work, the delegations of China, France, the

United Kingdom and the United States considered that problems (a) and (d) of the programme of work should be considered first and concurrently, whereas the delegation of the USSR considered that problem (a) of the programme of work should be considered first. All delegations reserved the right to request the Military Staff Committee to reconsider at any time the question of setting up a sub-committee to consider the preparation of a draft standard form of special agreement.

1263. To implement that programme of work, the Military Staff Committee, at its meeting on 16 May 1947, established a Sub-Committee to examine problem (a) of the programme of work. That Sub-Committee was directed to commence informal discussion, in the light of the general principles submitted to the Security Council, on the question of the over-all strength and composition of the armed forces to be made available to the Security Council by the Member nations of the United Nations. Also, it was to make recommendations to the Military Staff Com-

mittee as to the over-all strength and composition of the armed forces, including the strength of the three services — land, sea and air — after the general principles had been approved by the Security Council.

1264. The Sub-Committee submitted two progress reports to the Military Staff Committee on 30 June 1947 and 15 July 1947, and those reports are now under consideration by the Military Staff Committee.

##### *5 Standard form of agreement*

1265. The Sub-Committee appointed by the Military Staff Committee on 5 June 1946 to consider that problem presented the view of the delegations of China, France, the United Kingdom and the United States on the question of the standard form of agreement to the Military Staff Committee on 27 August 1946. No further action has been taken on this subject except as indicated in the discussion on the future programme of work of the Military Staff Committee as indicated above.

## Part Five

### MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT PLACED ON THE AGENDA

#### A. INFORMATION ON ALLIED FORCES ON NON-ENEMY TERRITORY

##### *1. Statement of the representative of the Union of Soviet Socialist Republics*

1266. At the 57th meeting of the Security Council, on 29 August 1946, the representative of the UNION OF SOVIET SOCIALIST REPUBLICS made a statement concerning the presence of Allied troops on non-enemy territory.

1267. Allied armed forces, which had entered the territory of certain Members of the United Nations and other non-enemy States for military reasons during the war, continued to remain there, according to the information that was available. The presence of those forces long after the end of hostilities was causing uneasiness among the peoples of the countries concerned. Moreover, world opinion, which was interested in the maintenance of general security, was following the situation in those countries with unconcealed anxiety.

1268. The Security Council had no information as to where, exactly, the troops were situated and in what strength. However, in view of the obligation placed upon the Security Council under Chapter VII of the Charter of the United Nations, the Council ought to be informed of the location and strength of armed forces of Members of the United Nations in the territories in question. Accordingly, under instructions from his Government, the USSR representative invited the Council to adopt a resolution requiring Member States of the United Nations to submit the following information to the Security Council within two weeks :

1269. " 1. At what points on the territory of Members of the United Nations or other States, with the exception of former enemy territories, and in what number, are armed forces of other Members of the United Nations stationed ?

1270. " 2. At what points in the above-mentioned territories are air and naval bases situated, and what is the size of their garrisons belonging to the armed forces of other Member States of the United Nations ? "

1271. The above information would refer to the situation as it existed on 1 August 1946.

1272. The representatives of the UNITED KINGDOM and FRANCE submitted that as the subject did not appear on the agenda for the current meeting, the statement of the USSR representative was out of order.

1273. The PRESIDENT felt that most of the representatives needed time to study the statement and to consult their Governments. He assured the representative of the USSR that he would place the statement on the provisional agenda for a future meeting.

##### *2. Discussion concerning the inclusion of the matter in the agenda*

1274. The discussion on the statement was resumed at the 71st meeting, on 23 September 1946, when the representative of the UNION OF SOVIET SOCIALIST REPUBLICS asked the Council to put the question on the agenda for the purpose of considering its substance. Discussion continued at the 72nd and 73rd meetings.

1275. The representative of the UNITED KINGDOM, recalling that the representative of the USSR had referred to Chapter VII of the Charter, said he would like a more precise indication of the passage of the Charter which the USSR representative wished to invoke in bringing the question before the Security Council. He also wanted further indication of the purpose behind the statement and the scope of the Council's interest in the matter.

1276. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS stated that the question he had raised was a situation within the scope of Articles 34 and 35 of the Charter and was thus a question on which the Security Council not only could but, in his Government's opinion, had to take a decision.

1277. The representative of the UNITED KINGDOM replied that the explanation had made it perfectly clear that the USSR Government considered the presence of foreign troops on certain territories to be a dangerous situation coming under two Articles of Chapter VI of the Charter. In those circumstances, he was instructed by his Government to oppose the inclusion of the item in the agenda of the Security Council. If the USSR Government was referring to British troops stationed in certain foreign countries, he considered that the proper course for the USSR would have been to approach the United Kingdom Government with a view to direct negotiation between friendly governments, as provided for in Article 33 of the Charter. As there had been no attempt to follow that procedure in the case in question, the United Kingdom Government regarded the USSR proposal as a piece of pure propaganda.

1278. The representative of AUSTRALIA stated that under Article 24, paragraph 2, of the Charter, specific powers had been granted to the Security Council for action with regard to specific matters. However, the situation, which was being brought to the attention of the Council under Article 34 was a world situation, with which the Council would find it difficult to deal. Before the Council could include the item in its agenda, more precise indications would be required as to where the presence of foreign troops endangered the peace.

1279. The representative of the UNITED STATES OF AMERICA considered that there was nothing in the USSR statement that would justify its consideration by the Security Council. Statements concerning the unconcealed anxiety of world opinion constituted no basis for action by the Security Council under Chapter VI. Wherever United States troops were stationed on foreign soil, they were there on a basis of agreements and friendly understanding with the governments concerned. His Government was reluctant to conclude that the USSR proposal had been made for propaganda purposes, but had not been able to find a sound basis for it. He asked the USSR representative whether the reference, in his original statement, to Chapter VII implied that the information to be asked for would assist the Council in preparing special agreements under Article 43, or in determining the strength of available contingents under Article 45. The United States representative stated that he had instructions from his Government to vote against the inclusion of the item in the agenda.

1280. The representative of POLAND thought the Council had developed a bad habit of discussing the merits of a situation at the stage where the question before it was merely the admission of an item to the agenda.

1281. The representative of the UNION OF SOVIET SOCIALIST REPUBLICS explained that the situations he had in mind, which might lead to international friction and eventually endanger peace and security, were those created by the continued presence of United States troops in China, Iceland and certain Latin-American countries, and of British troops in Egypt, Greece, Iraq and Indonesia long after the war had come to an end. Protests against the presence of those troops were being made more and more frequently by prominent political personalities, trade union leaders, scholars and journalists in the above-mentioned countries. He then gave a detailed account of the situations in the countries concerned, pointing out that the presence of foreign troops on their soil had a detrimental effect on international relations and consequently had a direct bearing on the maintenance of international peace and security. Those situations might lead to an intensification of the friction between certain States and might become a serious source of instability in international relations. He rejected the allegation that his statement had been made for propaganda reasons.

1282. The representative of the NETHERLANDS shared the views expressed by the representatives of Australia, the United States and the United Kingdom with regard to the interpretation of the Charter in the case at issue. The cardinal question was whether foreign troops were in a country with the free consent of its government or without that consent. If the governments in question were uneasy about the presence of foreign troops, the matter was one which should be brought to the attention of the Council by the accredited representatives of those governments, and not by the representative of the USSR. No serious evidence of uneasiness in the countries concerned had been produced. In the circumstances, it was difficult to see how international peace and security could be disturbed. He would therefore vote against the inclusion of the item in the agenda.

1283. The representative of BRAZIL fully endorsed the views stated by the representatives of the United Kingdom, Australia, the United States and the Netherlands. He felt that the presence of troops on foreign soil at the request of the governments concerned did not constitute a threat to peace. He agreed with the representative of Poland that any member of the Security Council had the right to request it to include a question in its agenda, but it was for the Council itself to decide whether or not such a matter fulfilled the requirements for inclusion in the agenda. After having heard the statements

by the representative of the USSR he had the impression that they were made for political reasons. He could inform the Council that there was not a single United States soldier on Brazilian soil.

1284. The representative of EGYPT stated that his delegation maintained the same view that it had held during the debate on the Iranian question. While not particularly insisting on the inclusion in the agenda of the question raised by the USSR representative, he thought all the countries concerned should have the opportunity of bringing the question before the Council at a later date. The main aspiration of the Egyptian people, ever since the occupation of Egypt by British forces, had been to rid it of that occupation. Negotiations were being conducted to that end. If those negotiations failed, Egypt would bring its case to the Security Council.

1285. At the 72nd meeting, on 24 September 1946, the representative of FRANCE stated that he did not think it correct to say that, because the question raised by the representative of the USSR was much broader in its scope than those usually examined by the Council, Article 34 could not be invoked in the case under discussion. Nor could he agree with the opinion that the statement, in view of its political nature, ought not to be included in the agenda. The Security Council was a political body whose duty it was to deal with essentially political questions. He was disturbed by what had been said regarding the propagandist character attributed to the USSR statement. The Council should consider a case on its merits alone, irrespective of the motives for which it had been brought up. The fact that the troops were stationed in the countries mentioned with the consent of the governments concerned did not constitute a reason for summarily dismissing the question; in the case of the Iranian question, the Council had taken the attitude that a situation might deserve the continued attention of the Council even when the country that had lodged the original complaint had withdrawn it. The Council could determine only after a thorough study whether or not peace was endangered. The question before the Council could not be considered as a mere request for information, as he had tended at first to regard it, from the point of view of Chapter VII. Viewed in the light of Article 34, the question was one of extreme importance, which did, by its nature, definitely belong to those with which the Council might have to deal under that Article. The French representative thought that the question of including the item in the agenda was essentially a question of advisability in the political sphere, rather than a matter of procedure. For the moment, he was not in a position to express an opinion on that point, being obliged to wait for further instructions from his Government with regard to the new aspect taken on by the question.

1286. The representative of MEXICO felt

that the fact that peace had not yet been established was a cause of growing concern all over the world. Every question that had so far been brought to the attention of the Council had been affected by that fact. The Council could not deal with a case like the one before it exclusively on its merits, as though it were unrelated to the main international issues which were being debated at the Peace Conference. It would be wiser to postpone the discussion of the question until peace had been finally established.

1287. The representative of CHINA opposed the inclusion of the matter at issue in the agenda of the Security Council for several reasons. The United Kingdom and United States troops stationed in a number of foreign countries were there for legitimate purposes and with the consent of the countries concerned, and did not constitute a threat to peace. He could not see the purpose of the proposed inquiry or the usefulness of the discussion of the question in the Council. The representative of the USSR would certainly have no difficulty in obtaining the desired information through diplomatic or other channels existing between Allied countries. The United States troops in North China were there to carry out certain missions and to assist the Chinese Government in discharging its responsibilities with regard to the defeated enemy. Whether or not those United States troops had completed their mission was a matter entirely for the Chinese and United States Governments to decide. The Chinese Government denied that the presence of United States troops created a situation which might lead to international friction or give rise to a dispute.

1288. The representative of POLAND said that, in his Government's opinion, any Member of the United Nations had the formal right to approach the Security Council and to be heard by it. Whether the matter should be discussed was not a question of political convenience or advisability. The existence of a situation of the kind referred to in Article 34 had to be determined by the Council after the question had been placed on the agenda, by discussing the substance of the case. He urged the Council strongly to make no decision which would deny the freedom of a Member State to be heard by the Council.

1289. The representative of the UNITED STATES OF AMERICA stated that his Government had always been in favour of placing as few technical impediments as possible in the way of access to the Security Council, and continued to adhere to that principle; but that did not mean that it considered the Council morally bound to accept for discussion every case brought before it by a Member of the United Nations. He further stated that the Government of the USSR had taken a serious step in alleging that the United Kingdom and the United States were causing international friction by maintaining troops in certain countries. It was unfortunate that the USSR

Government should have brought the matter before the Council without first having tried to settle it directly through diplomatic channels.

1290. He would not be able to vote for the inclusion in the agenda of the statement of 29 August as it stood, because it did not specify which troops in which foreign countries were a menace to international peace, or in what way.

1291. The representative of AUSTRALIA submitted that the representative of the USSR had still not given sufficient indication of where and between whom the friction was likely to arise, and where and between whom the possible dispute might occur, for the Council to be able to consider the situation in question as one coming under Article 34. The representative of the USSR had not established the existence of friction or the possibility of a dispute of the kind referred to in Article 34. The protest which the Netherlands representative had voiced at the apparent assumption by the USSR representative of the role of spokesman for countries other than his own was a very timely one, and he wished to associate himself with it.

1292. The Security Council should recognize in the first instance that the spokesman of the people of any country was their own government, and only in the most exceptional circumstances, as in the presence of a direct and immediate threat to peace, could the Council possibly attempt to work on any other basis.

1293. The representative of the UNION OF SOCIALIST REPUBLICS explained in what way the situation arising from the presence of troops in foreign countries fell within the scope of Articles 34 and 35 of the Charter. The intention of his proposal was that the

Security Council should be furnished with information as to the number and disposition of the forces of Allied Powers and the location of military bases in the territory of the countries indicated; that was all. There was no reason to doubt that the proposal was legitimate and well founded. He referred to the duties and obligations of the Security Council under Chapter VII and Article 24, and stated that in his opinion the Security Council had every right and reason to demand information such as that contemplated in the USSR proposal.

1294. In answer to the representative of the United States, who had asked whether the USSR proposal referred to Article 43 of the Charter, he stated that the Article had no bearing on the proposal. With regard to the observations made by the representative of the Netherlands, he recalled that under the Charter of the United Nations, any government or any Member State had the right to bring before the Security Council any question which in its opinion deserved examination by the Council. If the point of view expressed by the representative of Netherlands were taken to its logical conclusion, each nation would be obliged to draw the attention of the Security Council exclusively to situations which had arisen within its own territory. To take an example, it would be naïve to assume that the Government of the Netherlands itself would bring the question of Indonesia and the situation prevailing there to the attention of the Council; yet that situation was of interest to other Members of the United Nations and to the Organization as a whole.

1295. **Decision :** *The Council decided by 7 votes to 2 (Poland, Union of Soviet Socialist Republics), with 2 abstentions (Egypt, France), not to include the USSR proposal in its agenda.*

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## B. COMMUNICATION DATED 5 DECEMBER 1946 FROM THE AMBASSADOR OF IRAN TO WASHINGTON

1296. The Iranian Ambassador to Washington, in a letter dated 5 December 1946 addressed to the Secretary-General (S/204), transmitted for the information of the Security Council a report on the current state of affairs in the Province of Azerbaijan. The report stated that the Central Government of Iran had not yet been able to re-establish its authority in the Province of Azerbaijan.

1297. An election to provide for the selection of the national legislature of Iran was due to start on 7 December and, in order to ensure that the election should be properly conducted, it had been arranged that military forces should be stationed in all provinces of Iran.

1298. The USSR Ambassador at Teheran

had given the friendly advice, that, in view of possible disturbances, the Iranian Government's plan to station troops in Azerbaijan would be better abandoned.

1299. The report pointed out that it was the duty of the Iranian Government to exercise its sovereign responsibilities and to ensure that the elections should be impartially carried out; and, in conclusion, it expressed the hope that the presence of the troops would not cause any disturbance.

1300. The above-mentioned letter and report were circulated to the members of the Security Council, which is still seized of the Iranian question, but were not placed on the Council's agenda.

**C. COMMUNICATION DATED 26 MARCH 1947 FROM THE REPRESENTATIVE  
OF THE NETHERLANDS TO THE UNITED NATIONS**

1301. The representative of the Netherlands to the United Nations, in a letter dated 26 March 1947 (S/311), informed the Secretary-General that his Government had signed an agreement with the Government of the Repub-

lic of Indonesia in Batavia on 24 March 1947.

1302. That information was circulated to the members of the Security Council but not placed on the Council's agenda.

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## Appendix I

### REPRESENTATIVES AND ALTERNATE REPRESENTATIVES ACCREDITED TO THE SECURITY COUNCIL

<i>Australia :</i>	Dr. Herbert V. Evatt Mr. N. J. O. Makin Colonel W. R. Hodgson Mr. Paul Hasluck	<i>France :</i>	Mr. Alexandre Parodi Mr. Guy de la Tournelle
<i>Belgium :</i>	Mr. Fernand van Langenhove Mr. Joseph Nisot Baron Silvercruys	<i>Mexico :</i>	Dr. Luis Padilla Nervo
<i>Brazil :</i>	Mr. Pedro Leão Velloso Mr. Orlando Leite Ribeiro Mr. Oswaldo Aranha Mr. João Carlos Muniz Mr. Henrique de Souza Gomez	<i>Netherlands :</i>	Dr. E. N. van Kleffens Dr. J. H. van Roijen Dr. Alexander Loudon
<i>China :</i>	Dr. Quo Tai-chi Dr. C. L. Hsia Dr. Shuhsi Hsu	<i>Poland :</i>	Dr. Oscar Lange Mr. Jerzy Michalowski Mr. Julius Katz-Suchy
<i>Colombia :</i>	Dr. Alfonso López Dr. Eduardo Zuleta Angel Dr. Alberto González Fernández Dr. Emilio Toro	<i>Syria :</i>	Mr. Faris el-Khoury Dr. Costi K. Zurayk Mr. Rafik Asha
<i>Egypt :</i>	Mahmoud Hassan Pasha Mahmoud Fawzi Bey	<i>Union of Soviet Socialist Re- publics :</i>	Mr. Andrei A. Gromyko
		<i>United Kingdom :</i>	Sir Alexander Cadogan Lord Inverchapel Mr. Valentine Lawford
		<i>United States of America :</i>	Mr. Warren R. Austin Mr. Herschel V. Johnson

## Appendix II

### PRESIDENTS OF THE SECURITY COUNCIL

The following Presidents of the Security Council held office during the period covered by this report :

<i>Netherlands</i>	Dr. E. N. van Kleffens (17 July to 16 August)	<i>Belgium</i>	Mr. Fernand van Langenhove (1 February to 28 February)
<i>Poland</i>	Dr. Oscar Lange (17 August to 16 September)	<i>Brazil</i>	Mr. Oswaldo Aranha (1 March to 31 March)
<i>Union of Soviet Socialist Republics</i>	Mr. Andrei A. Gromyko (17 Sept. to 16 October)	<i>China</i>	Dr. Quo Tai-chi (1 April to 30 April)
<i>United Kingdom</i>	Sir Alexander Cadogan (17 Oct. to 16 November)	<i>Colombia</i>	Dr. Alfonso Lopez (1 May to 31 May)
<i>United States of America</i>	Mr. Herschel V. Johnson (17 Nov. to 31 Dec.)	<i>France</i>	Mr. Alexandre Parodi (1 June to 30 June)
<i>Australia</i>	Mr. N. J. O. Makin (1 January to 31 January)	<i>Poland</i>	Dr. Oscar Lange (1 July to 31 July)

## Appendix III

### REPRESENTATIVES, CHAIRMEN AND PRINCIPAL SECRETARIES OF THE MILITARY STAFF COMMITTEE

The following is a list of senior representatives of each service accredited to the Military Staff Committee during the period covered by this report :

#### Representatives

<i>Chinese Delegation</i>	Period of service	<i>USSR Delegation</i>	Period of service
General Shang Chen, CA	15 to 31 July 1946	Lt.-General A. Ph. Vasiliev, Soviet Army	15 July 1946 to present time
General of the Army Ho Ying Chin, CA	1 August 1946 to present time	Vice-Admiral V. Bogdenko, USSR Navy	
Lt.-General Mow Pong Tsu, CAF	15 July 1946 to present time	Lt.-General A. Sharapov, USSR Air Force	
Rear-Admiral Liu Ten Fu, CN	15 July to 7 August 1946	<i>United Kingdom Delegation</i>	
Captain Chow Ying Tsung, CN	8 August 1946 to present time	Admiral Sir Henry Moore, RN General Sir Edwin L. Morris Air Chief Marshal Sir Guy Garrod	15 July 1946 to present time
<i>French Delegation</i>		<i>United States Delegation</i>	
Général de Division P. Billotte, French Army	15 July 1946 to present time	Lt.-General M. B. Ridgway, USA	15 July 1946 to present time
Contre-Amiral P. Moullec, French Navy	15 July 1946 to 21 January 1947	Admiral R. K. Turner, USN	15 July 1946 to 31 March 1947
Capitaine de frégate V. Marchal, French Navy	22 January 1947 to present time	Admiral H. K. Hewitt, USN	1 April 1947 to present time
Général de corps aérien M. Valin, French Air Force	15 July to 12 Dec. 1946	General George C. Kenney, USAAF	15 July to 2 October 1946
Colonel A. Lauzin, French Air Force	13 December 1946 to 6 March 1947	Lt.-General H. L. George, USAAF	3 October to 14 Nov. 1946
Général de Brigade P. Fay, French Air Force	7 March 1947 to present time	Brigadier-General C. P. Cabell, USAAF	15 November 1946 1 May 1947
		General J. T. McNarney, USAAF	2 May 1947 to present time

#### Chairmen and Principal Secretaries

Meeting	Date 1946	Chairman	Principal Secretary
14th	24 July	Admiral Sir Henry Moore, RN (United Kingdom)	Captain R. D. Coleridge, RN (United Kingdom)
15th	7 August	Lt.-General M. B. Ridgway, USA (United States of America)	Captain Denys W. Knoll, USN (United States of America)
16th	21 August	General George C. Kenney, USAAF (United States of America)	Captain Denys W. Knoll, USN (United States of America)
17th	4 September	General of the Army Ho Ying Chin, CA (China)	Captain Chow Ying Tsung, CN (China)
18th	18 September		
19th	2 October	Général de Division P. Billotte, FA (France)	Commissaire en chef J. H. Deprez, FN (France)
20th	16 October	Général de Corps aérien M. Valin, FAF (France)	
21st	30 October		
22nd	13 November	Lieutenant-General A. Ph. Vasiliev, SA (USSR)	Colonel V. M. Studenov, SA (USSR)
23rd	27 November		

### Chairmen and Principal Secretaries (continued)

Meeting	Date	Chairman	Principal Secretary
	1946		
24th	12. December	Admiral Sir Henry Moore, RN (United Kingdom)	Captain R. D. Coleridge, RN (United Kingdom)
25th	23 December		
	1947		
26th	9 January	Admiral R. K. Turner, USN (United States of America)	Colonel L. W. Truman, USA (States of America)
27th	17 January		
28th	21 January		
29th	28 January	Rear-Admiral J. J. Ballentine, USN (United States of America)	Colonel L. W. Truman, USA (United States of America)
30th	13 February	General of the Army Ho Ying Chin, CA (China)	Captain Chow Ying Tsung, CN (China)
31st	14 February		
32nd	19 February		
33rd	6 March	Général de Division P. Billotte, FA (France)	Commissaire en chef J. H. Deprez, FN (France)
34th	29 March		
35th	21 March		
36th	27 March		
37th	31 March		
38th	3 April	Lt.-General A. Ph. Vasiliev, SA (USSR)	Colonel V. M. Studenov, SA (USSR)
39th	10 April		
40th	15 April		
41st	18 April		
42nd	24 April		
43rd	28 April		
44th	15 May	Admiral Sir Henry Moore, RN (United Kingdom)	Captain R. D. Coleridge, RN (United Kingdom)
45th	29 May		
46th	12 June	General J. T. McNarney, USAAF (United States of America)	Colonel L. W. Truman, USA (United States of America)
47th	19 June		
48th	20 June		
49th	26 June	General J. T. McNarney, USAAF (United States of America) (first part of meeting) Admiral H. K. Hewitt, USN (United States of America) (second part of meeting)	Colonel L. W. Truman, USA (United States of America)
50th	30 June	General J. T. McNarney, USAAF (United States of America)	Colonel L. W. Truman, USA (United States of America)
51st	7 July	General of the Army Ho Ying Chin, CA (China)	Captain Chow Ying Tsung (China)