

UNITED



NATIONS

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

16 July 1957 to 15 July 1958

GENERAL ASSEMBLY

OFFICIAL RECORDS : THIRTEENTH SESSION

SUPPLEMENT No. 2 (A/3901)

NEW YORK, 1958

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NOTE

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INTRODUCTION

The present¹ report is submitted to the General Assembly by the Security Council in accordance with Article 24, paragraph 3, and Article 15, paragraph 1, of the Charter.

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

With respect to the membership of the Security Council during the period covered, it will be recalled that the

General Assembly, at its 695th plenary meeting on 1 October 1957, elected Canada, Japan and Panama as non-permanent members of the Council to fill vacancies resulting from the expiration, on 31 December 1957, of the term of office of Australia, Cuba and the Philippines.

The newly-elected members of the Security Council also replaced the retiring members on the Disarmament Commission which was established under the Security Council by the General Assembly in accordance with its resolution 502 (VI) of 11 January 1952, to carry forward the tasks originally assigned to the Atomic Energy Commission and the Commission for Conventional Armaments.

The period covered in the present report is from 16 July 1957 to 15 July 1958. The Council held forty-six meetings during that period.

¹ This is the thirteenth annual report of the Security Council to the General Assembly. The previous reports were submitted under the symbols A/93, A/366, A/620, A/945, A/1361, A/1873, A/2167, A/2437, A/2712, A/2935, A/3157 and A/3648.

PART I

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

Chapter I

THE PALESTINE QUESTION

A. Letter dated 4 September 1957 from the permanent representative of Jordan, addressed to the President of the Security Council

Letter dated 5 September 1957 from the acting permanent representative of Israel, addressed to the President of the Security Council

1. By a letter dated 4 September 1957 (S/3878), the representative of Jordan requested the President of the Security Council to convene an urgent meeting of the Council to consider a serious situation resulting from violations by Israel of a number of the provisions of the General Armistice Agreement in the zone between the armistice demarcation lines in the Jerusalem sector. The letter stated that, on 21 July 1957, a number of Israelis, under the protection of Israel security forces, had entered the area in question and had started digging on it. Their action had continued during the succeeding days and more Israelis had entered with bulldozers and tractors. In spite of the fact that a protest and a formal complaint had promptly been lodged, respectively, with the Chairman of the Mixed Armistice Commission and with the Chief of Staff of the United Nations Truce Supervision Organization, the Israelis had refused to cease their activities.

2. By a letter dated 5 September 1957 (S/3883), the representative of Israel requested that the Security Council consider a complaint by Israel of violations by Jordan of the provisions of the General Armistice Agreement, and in particular of article VIII, which provided for the establishment of a Special Committee for the purpose of formulating agreed plans and arrangements designed to enlarge the scope of the Agreement and to effect improvements in its application. For the past eight years Jordan had refused to agree to the functioning of the Special Committee.

3. At its 787th meeting on 6 September 1957, the Council had before it a provisional agenda containing the complaint received from Jordan as sub-item (a), and the complaint received from Israel as sub-item (b).

4. The representatives of the United Kingdom of Great Britain and Northern Ireland and China supported a proposal made by the President to discuss sub-items (a) and (b) jointly, while the representative of Iraq, supported by the representative of the Union of Soviet Socialist Republics, suggested that the sub-items be discussed consecutively.

5. The representative of the United States of America thought the President's proposal was a reasonable and constructive one, but expressed his willingness to

take up the questions either simultaneously or consecutively in order to avoid a procedural debate.

Decision: *The agenda was adopted unanimously. After the representatives of Jordan and of Israel had been invited to take part in the discussion, the Council decided, by 9 votes to 1 (Iraq), with 1 abstention (USSR), to start with hearing the preliminary statements of the two parties directly concerned and to postpone until later its decision on the order of the debate.*

6. The representative of Jordan said that not only were the Israelis trying to establish the right of access to, and control over, privately-owned Arab properties in the no man's land area at Jebel El Mukabber, which was under the control of the Truce Supervision Organization, but that they were also endeavouring to gain new strategic positions of importance which would render practically impossible all defence of the Arab part of Jerusalem.

7. On the question of the official international agreements governing the status of the Jebel El Mukabber area and signed by his Government, the representative of Jordan noted that during the fighting between the Arabs and the Jews in 1948, the Red Cross had established its headquarters at Government House and had been allowed the use of an adjoining small section between Government House and the Arab College owing to a number of incidents jeopardizing the safety of the Red Cross personnel. Negotiations had taken place between the Chairman of the Central Truce Supervision Board and representatives of the two parties and, as a result, the area of Jebel El Mukabber had been declared a neutral zone. That decision embodied the following principles: (1) that all military personnel, equipment and installations in the zone would be removed or destroyed; (2) that the United Nations Truce Supervision Board would supervise the area and become responsible for the safeguarding of individuals and their properties in the area; (3) that the neutral zone status given to the area implied that individual rights of ownership to lands and buildings in the area would not be affected once that agreement was reached on 4 September 1948 (S/992). The maps attached to the cease-fire agreement of November 1948, which showed the lines occupied by the respective fighting forces, were later incorporated in the General Armistice Agreement of 3 April 1949.

8. The representative of Jordan said that, after the Mixed Armistice Commission had been organized in 1949, his Government had strongly objected to the proposals regarding partition of the Jebel El Mukabber area or the drawing of any so-called civilian line.

9. Speaking of what was meant by the *status quo* in the Jebel El Mukabber area, the representative of

Jordan said that the area was not, in principle, to be inhabited and the parties had been prevented from crossing the demarcation lines or from trespassing into the area. In fact, the area, from 1948 until lately, had continued to remain under the supervision and control of the United Nations. It had always been clearly understood that only those civilians who had been allowed to stay there could cultivate their own properties and that they could not make use of other people's properties in the area.

10. The representative of Jordan requested: (1) that the activities in the area undertaken by Israel in violation of the General Armistice Agreement be stopped immediately, and that the situation be re-established as it had been prior to the activities of which Jordan had complained; (2) that Israel be condemned for violation of the provisions of the General Armistice Agreement, article III, paragraph 2, article II, paragraphs 1 and 2, and article IV, paragraph 3.

11. At the 788th meeting on 6 September 1957, the representative of Israel said that his Government had always hoped, ever since the General Armistice Agreement had been signed, that it would truly be, as it was designed to be, a transition to peace. Unfortunately, despite the frequent deliberations of the Council, the efforts for the restoration of the peace in the Middle East had yielded meagre results. The principal reason had been that the Council had been dealing with effect rather than cause. Perhaps because of this, the Council had not found it possible to go beyond those articles of the General Armistice Agreement which referred specifically to conditions on the border and to examine the Agreement as a whole and, in particular, the parts which determined fundamental issues of principle. During the past eight years, the Government of Israel had made frequent efforts to secure the implementation of Article VIII, but had constantly met with an obdurate refusal on the part of Jordan to carry out that clear and unmistakable obligation of the Agreement. The matter had been discussed with the Secretary-General and the Chief of Staff, but all efforts to secure Jordan's compliance had failed. The result was that rights which Israel regarded as of cardinal religious, educational and practical importance had been gravely prejudiced. He charged further that Jordan had constantly violated the provisions of article I, which was the heart of the General Armistice Agreement, and he referred to the failure of the Secretary-General's efforts to secure Jordan's compliance with article XII.

12. His Government, the representative of Israel said, could not passively acquiesce in a selective interpretation and implementation of the Armistice Agreement by Jordan, and it therefore appealed to the Security Council to use its influence to restore to full effect all the articles of the Agreement, including articles VIII, I and XII, which laid down fundamental principles of action for the parties to the General Armistice Agreement.

13. Turning to the Jordanian complaint, the representative of Israel stated that it should not have been brought to the Security Council at all. In that particular case, the Government of Jordan had at least three subsidiary bodies to which it could have brought its complaint before bringing it to the Council. The Jordan Government, however, had refused to use those normal channels and had brought a trifling affair straight to the attention of the Security Council.

14. After having examined the origins, the history and the present circumstances of the area mentioned in

the Jordan complaint, namely the Israel side of the civilian line established in the Government House area in Jerusalem, the representative of Israel stated categorically that no elements of the Israel defence forces had entered that area during that whole period and said that the only violations were those which were being committed by Jordan: first, Jordan had erected military fortifications inside the area, which had been manned on many occasions by Jordanian troops; secondly, Jordan had set up a sentry post near the eastern gate of Government House inside the area; thirdly, military traffic had continuously used the highway constructed through the area. Those acts constituted flagrant violations by Jordan of article III, paragraph 2, and article IV, paragraph 2, of the General Armistice Agreement. He urged the Council to dismiss the Jordanian complaint as being without foundation either in fact or in law.

15. After discussion on the question of the order of the debate and of the desirability of asking for reports from the Chief of Staff of the Truce Supervision Organization, the President summed up by saying that so far the Council had not taken any decision or reached any agreement as to whether sub-paragraphs (a) and (b) of the agenda were to be discussed jointly or separately. He noted that the representative of the Philippines had moved that the Council ask for two reports from the Chief of Staff of the United Nations Truce Supervision Organization, one regarding the Jordanian complaint and the other regarding the Israel complaint. So far, there had been unanimity or at least a substantial majority in favour of calling for such reports. He believed that there was majority support for the suggestion that particular urgency be given to the report on the Jordanian complaint and that it should reach the Council within a fortnight. He also considered that the majority of the members of the Council supported the view that both parties should be advised to refrain from taking any steps which could aggravate the tension in that area.

16. The representative of the Union of Soviet Socialist Republics said that it should be entirely clear that the explanation made by the President would not in any way constitute approval or sanction by the Security Council of the activities undertaken by Israel in the neutral zone.

B. Report of the Acting Chief of Staff of the United Nations Truce Supervision Organization

17. In compliance with the wishes expressed by the members of the Security Council, the Acting Chief of Staff submitted a report (S/3892), dated 23 September 1957, on the area between the lines (neutral zone) around the Government House area. He stated that on 21 July 1957 Israel workmen had commenced to stake out part of the zone up to what Israel considered to be a *de facto* civilian line separating the civilian activities of both parties. Later, earth-moving and agricultural equipment had been used by those labourers to cut roads and plough the land. The work had continued without interruption since 21 July 1957 and was still in progress. The declared purpose of the work was to prepare the land for afforestation as part of a beautification project.

18. The Acting Chief of Staff recalled that, in September 1956, he had ordered an inspection of the whole area by United Nations military observers and had drawn the attention of both parties to various military infringements in the zone which had been revealed by the in-

vestigation. Further inspections were carried out on 15 July and 2 and 3 August 1957. He stated that the demilitarized character of the zone had been violated during the initial stages of Israel's afforestation project. In particular, Jordanian troops had been seen in the zone, and trenches and positions had been renovated. Moreover, Jordan had used the Jerusalem-Bethlehem-Hebron highway for military traffic. During the same period, no Israel military personnel had been observed in the zone, with the exception of several Israel army officers who had inspected the area on two occasions. Israel border police, up to approximately fifteen men, were in the zone with the stated purpose of providing protection to the labourers. United Nations military observers had noted that the police were armed with rifles and sub-machine-guns.

19. The Acting Chief of Staff reported that UNTSO considered itself competent to exercise surveillance over the zone in order to maintain its demilitarized status. UNTSO did not, however, possess any specific authority or terms of reference with respect to civilian activities in the area.

20. The report stated that it was evident from a reading of the records that the civilian matters of the zone had been left regrettably vague for many years. Although some arguments advanced by the parties had merit and should be given due consideration, others did not appear to be fully supported.

21. Referring to the past efforts of UNTSO to assist the parties in finding a solution to the present controversy, the Acting Chief of Staff pointed out that since October 1956 Israel had declined to participate in emergency Mixed Armistice Commission meetings, but had expressed willingness to attend any other type of meetings, including sub-committee meetings of the Mixed Armistice Commission. Jordan had refused to attend any meetings except an emergency meeting on the matter under discussion.

22. Israel had been urged on several occasions to suspend its afforestation work for the sake of maintaining the tranquillity which had prevailed in the area for many months, but had indicated that it did not feel justified in suspending the work, which it claimed was a permissible civilian activity on its side of the so-called civilian line.

23. The Acting Chief of Staff stated that there appeared to be three ways to approach the problem: (a) to transform the area between the lines into a no man's land and apply article IV (3) of the General Armistice Agreement prohibiting any person from crossing the demarcation line into the zone except United Nations personnel; (b) to revert to the conditions existing on 3 April 1949; (c) to arrive at an arrangement which would take into account, to some extent at least, the changes which had taken place since 1949.

24. Alternatives (a) and (b) did not appear to be advisable. Alternative (c) appeared to offer a reasonable basis for a solution. Civilian activities of both parties should continue but be kept separate. The ownership of the land as established by a thorough search of the land registries should also be respected.

25. With a view to finding a solution along the lines of alternative (c), the Acting Chief of Staff recommended that: (1) the parties meet and discuss civilian activities in the zone; (2) such discussions be conducted through the Mixed Armistice Commission machinery; (3) in order to create an atmosphere which would be more conducive to fruitful discussion, the Government of Israel

should suspend its afforestation project within the zone pending the outcome of such discussions; (4) such discussion be completed within a period of two months; (5) the Security Council be advised of the result of the discussion. In an addendum to the report dated 16 November 1957 (S/3892/Add.2), the Acting Chief of Staff stated that United Nations military observers had not observed any work proceeding in the area in question since 8 November 1957.

26. In compliance with the wishes expressed at the 788th meeting of the Security Council, the Acting Chief of Staff also submitted a report (S/3913) dated 31 October 1957 relating to the Israel complaint against Jordan which specifically referred to the provisions of article VIII, articles I and III, and article XII of the General Armistice Agreement.¹

27. In a letter dated 8 November 1957 (S/3907), the representative of Jordan informed the Council that Israel had not heeded its decision taken on 6 September 1957 and had continued to commit a series of violations in the area, a list of which was attached. In a letter dated 14 November 1957 (S/3910), the representative of Israel charged that the Jordanian letter of 8 November 1957 (S/3907) contained three serious misrepresentations designed to cast an unfavourable light on the legitimate activities of his Government: (1) the records of the Security Council did not disclose any decision on the question at issue; (2) the views of the Security Council were summed up by the President at the meeting of 6 September—that summing-up did not include the statement quoted by the representative of Jordan or any other expression in the same or a similar sense; and (3) as the Acting Chief of Staff had confirmed in his report, the General Armistice Agreement contained no provisions determining the legal status of the area and did not define the respective rights and obligations of the parties in the area. In another letter dated 18 November 1957 (S/3914), the representative of Jordan submitted to the Council an additional list of violations that Israel had committed in the area.

28. In a further letter dated 11 November 1957 (S/3909), the representative of Jordan, referring to paragraph 7 (b) of the report of the Acting Chief of Staff (S/3892), stated that General Riley, Chief of Staff, in a letter dated 12 June 1949 to Colonel Dayan, Israel delegate to the Mixed Armistice Commission, had confirmed the no man's land status of the area and, further, that the crossing of the demarcation lines, as well as entry into the area, were prohibited to civilians, with the exception of United Nations personnel. The representative of Jordan stated further that it appeared that a misinterpretation of the minutes of the Mixed Armistice Commission meeting on 12 June was at the base of a series of erroneous conclusions in the report of the Acting Chief of Staff.

29. At its 806th meeting, held on 22 November 1957, the Council resumed consideration of the Jordanian complaint. The representative of Jordan said at the outset that he had received information from his Government to the effect that Israel workers were still pursuing their unlawful activities in the area. He then proceeded to discuss the points raised by the representative of Israel (788th meeting) and by the report of the Acting Chief of Staff (S/3892) and reiterated his Government's position on the matter.

¹ The Security Council did not consider further the item submitted by Israel in the period covered by this report.

30. Turning to the three proposals made by the Acting Chief of Staff in his report, the representative of Jordan stated that the acceptance of alternative proposal (c) would amount to a legalization of the Israel violations in the area. He declared that nobody in Jordan could allow Israelis to take possession of Arab-owned lands. In order for the third alternative proposal of the Acting Chief of Staff to become just and practicable, he proposed that civilian activities of both parties in the area should continue on the basis of ownership rights as established by a thorough search of land registries by the Mixed Armistice Commission.

31. With regard to alternative proposal (b), the Jordan representative said that although his country would be the one affected by the closing of the Jerusalem-Bethlehem-Hebron road, it preferred to face that inconvenience in order to safeguard the General Armistice Agreement and Arab rights of ownership in the area.

32. The application of alternative proposal (a), the representative of Jordan said, would not require a "transformation" of the legal status of the area, which was that of a no man's land in the terms of the General Armistice Agreement. As an alternative to proposal (b), he would accept proposal (a) if fully implemented.

33. In conclusion, the representative of Jordan made the following points among others: the General Armistice Agreement remained the only legal agreement governing the status of the Jebel El Mukabber area. There had never been an agreement for the division of the area signed by the two Governments. The area had remained under the supervision and control of UNTSO. Both under common law and under the specific terms of the General Armistice Agreement, neither of the parties had any right to make use of or appropriate the other's properties. Israel's penetration into and activities in the area constituted flagrant violations of the General Armistice Agreement and of the *status quo*. The representative of Jordan then repeated the request which he had submitted at the 787th meeting of the Council, and asked, in addition, that the Mixed Armistice Commission be directed to determine the rights of property ownership in the area and to ensure respect of those rights; that the supervision and control of UNTSO over the Jebel El Mukabber no man's land area be confirmed and that Israel be asked to co-operate with the Mixed Armistice Commission, which was the competent organization to deal with violations of the General Armistice Agreement.

34. The representative of Israel said that the complaint about the planting of trees in the Israel sector of the Government House area was an artificial charge designed for no other purpose than to meet the exigencies of Jordan's internal and external political situation. UNTSO had competence to exercise military surveillance over the zone under article IV of the Armistice Agreement, which prohibited the crossing of the demarcation lines by military forces of the parties, and not because that zone had at any time been formally declared to be a demilitarized area. UNTSO had not possessed authority over civilian activities in the zone ever since the signing of the Armistice Agreement on 3 April 1949, as was attested by a statement of General Riley, the first Chief of Staff, at the ninth meeting of the Mixed Armistice Commission on 12 June 1949.

35. The civilian activity of afforestation undertaken by Israel did not constitute a violation of the General Armistice Agreement. The Acting Chief of Staff had stated in paragraph 7 of his report (S/3892) that there

were no provisions in the General Armistice Agreement regarding the status of the zone. It had not been contended that the prohibition of the entry of the armed forces of the parties into the area applied also to civilians. No rules and regulations existed obliging the armed forces of the parties to prohibit the entry of civilians from their respective sides. In any steps to maintain the *status quo* of the area, due regard should be paid to the developments that had occurred in the area with the consent of the parties since the signature of the Armistice Agreement on 3 April 1949. The *status quo* must, of necessity, also take into account the existence of a line which, whether Jordan agreed with it or not, had since 1949 effectively divided the area into an Israel sector and a Jordan sector.

36. Turning to the report of the Acting Chief of Staff, the representative of Israel said that the civilian line referred to in paragraph 7 (c) had been established by negotiation between the representatives of Israel and Jordan on 23 June 1949 and formed the basis of whatever *status quo* existed in the area. The first four chapters of the report described the factual situation in the Government House area and, as he had shown, supported the Israel position in nearly every particular. Chapter V gave the Acting Chief of Staff's own conclusions, recommendations and expectations. He supported the Acting Chief of Staff's rejection of the transformation of the area into an uninhabited no man's land, or its reversion to the conditions existing on 3 April 1949. He had no objection to the suggestion that a reasonable basis for a solution would be an agreement between the parties which would take into account, to some extent at least, the changes which had taken place since 1949. The political or moral relevance of the suggestion of determining the ownership of the land in the area was not explained nor did it have any legal justification in that context.

37. Concerning the recommendations made by the Acting Chief of Staff in his report, the representative of Israel stated that his Government was prepared to discuss civilian activities in the zone with Jordan at any time. Referring to the second recommendation, he stated that Israel was prepared to meet with Jordan in the Mixed Armistice Commission sub-committee or in the Special Committee constituted under article VIII of the General Armistice Agreement, or at a meeting arranged in the context of the Jerusalem Area Commanders' Agreement. With regard to the third recommendation, the representative of Israel said that whatever justification there might be for asking one party alone to refrain from exercising its legal rights in order, by its passivity, to create an atmosphere which was being poisoned by belligerent and provocative propaganda from the other, that suggestion had been overtaken by events. The report indicated that no work in the area had been observed since 8 November 1957. His Government rejected the fourth recommendation, that work should continue to be suspended for two months, as being completely unwarranted and as being in contradiction to the existing rights and obligations of the parties, as recognized by the Acting Chief of Staff in his report. He had no objection to the fifth recommendation, that the Security Council be advised of the result of the discussion, nor to the expression of the Chief of Staff's hope that the parties would fully co-operate with UNTSO in restoring the demilitarized status of the zone.

38. At the 809th meeting on 22 January 1958, the Council had before it the following joint draft resolution (S/3940) submitted by the United Kingdom of Great

"The Security Council,

"Recalling its consideration on 6 September 1957, of the complaint of the Hashemite Kingdom of Jordan concerning activities conducted by Israel in the zone between the armistice demarcation lines in the area of Government House at Jerusalem;

"Having considered the report relating to the zone dated 23 September 1957, submitted in response to the Council's request by the Acting Chief of Staff of the United Nations Truce Supervision Organization;

"Noting that the status of the zone is affected by the provisions of the General Armistice Agreement and that neither Israel nor Jordan enjoys sovereignty over any part of the zone (the zone being beyond the respective demarcation lines);

"Motivated by a desire to reduce tensions and avoid the creation of new incidents;

"1. Directs the Chief of Staff of the United Nations Truce Supervision Organization to regulate activities within the zone subject to such arrangements as may be made pursuant to the provisions of the General Armistice Agreement and pursuant to paragraph 3 below, bearing in mind ownership of property there, it being understood that unless otherwise mutually agreed, Israelis should not be allowed to use Arab-owned properties and Arabs should not be allowed to use Israel-owned properties;

"2. Directs the Chief of Staff to conduct a survey of property records with a view to determining property ownership in the zone;

"3. Endorses the recommendations of the Acting Chief of Staff to the end that:

"(a) The parties should discuss through the Mixed Armistice Commission civilian activities in the zone;

"(b) In order to create an atmosphere which would be more conducive to fruitful discussion, activities in the zone, such as those initiated by Israelis on 21 July 1957, should be suspended until such time as the survey will have been completed and provisions made for the regulation of activities in the zone;

"(c) Such discussions should be completed within a period of two months; and

"(d) The Security Council should be advised of the result of the discussions;

"4. Calls upon the parties to the Israel-Jordan General Armistice Agreement to co-operate with the Chief of Staff and in the Mixed Armistice Commission in carrying out these recommendations pursuant to this resolution;

"5. Calls upon the parties to the Israel-Jordan General Armistice Agreement to observe article III of the Agreement and prevent all forces referred to in article III of the Agreement from passing over the armistice demarcation lines and to remove or destroy all their respective military facilities and installations in the zone;

"6. Calls upon the parties to use the machinery provided for in the General Armistice Agreement for the implementation of the provisions of that Agreement; and

"7. Requests the Chief of Staff to report on the implementation of this resolution."

39. Introducing the joint draft resolution, the representative of the United States declared that since neither party enjoyed sovereignty over the area and no agreement on the status or rights in the zone seemed to exist, it was the responsibility of the Security Council to provide for the regulation of the area so as to reduce tensions and incidents between the two countries. He said that the United States and the United Kingdom had accordingly submitted a draft resolution which, in response to the Jordanian complaint, was designed to strengthen the authority of the United Nations in the area and to provide for continued suspension of the activity which had given rise to the dispute. His country believed that the draft resolution pointed the way to a prompt and equitable solution.

40. Statements in support of the joint draft resolution were made by the representatives of the United Kingdom, Panama, Iraq and China. The representative of France, while supporting it in principle, emphasized that the question before the Council was of a particular nature owing to the *sui generis* character of the demilitarized zone around Government House. Accordingly, the solution envisaged by the draft resolution should not be regarded as capable of being extended to problems regarding other demilitarized zones where the elements of the problems might well be totally different.

41. At the 810th meeting on 22 January 1958, the representative of Japan supported the joint draft resolution.

42. The representative of Jordan stated that, in spite of the fact that the draft resolution answered his requests only in part, his Government nevertheless accepted it because it contained a number of positive points. He hoped that Israel would faithfully carry out the directives of the draft resolution and that its implementation would alleviate the present difficulties in the zone. Should Israel sincerely renounce its policy of systematic violation of the General Armistice Agreement and be prevented from deriving any political, military or economic advantages from its objectionable activities, tranquillity would prevail along the demarcation lines in Palestine.

43. The representative of Israel stated that, since 8 November 1957, his Government, without prejudice to its legal rights and position, had suspended in the Israel sector of the zone those activities about which complaint had been made. Commenting on the draft resolution, he mentioned that it could in no way affect, add to, or derogate from the binding force of the agreements which governed the legal relationship between Jordan and Israel. The Government of Israel would observe the General Armistice Agreement as it stood, and would abide by all its obligations under international law, with the clear understanding that Jordan was bound to do the same.

Decision: *The joint draft resolution was adopted unanimously.²*

C. Communications relating to the Mount Scopus incident

44. By a letter dated 29 May 1958 (S/4011), the representative of Israel transmitted to the President of the Council the translated text of the reply by the Prime Minister of Israel to a question put to him in the Knesset on 28 May 1958 concerning the incidents on Mount Scopus on 26 May.

² See document S/3942.

45. By a letter dated 29 May 1958 (S/4012), the Secretary-General informed the President of the Security Council that in view of the communication regarding the recent incident on Mount Scopus received from the delegation of Israel, he had requested the Chief of Staff to report urgently on all the circumstances surrounding the incident, in particular the death of Colonel Flint.

46. The Secretary-General circulated on 17 June 1958 a report (S/4030), dated 7 June 1958, by Major-General Carl Carlsson von Horn, Chief of Staff of UNTSO, concerning the firing incident of 26 May 1958 on Mount Scopus, near Jerusalem. The report consisted of three parts: Part I dealt with the factual details of the events in which the Chief of Staff's Representative for Mount Scopus, Lt.-Colonel G. A. Flint, lost his life and with the investigations on both sides; Part II described the background of the incident; Part III set forth the conclusions of the Chief of Staff.

47. The Chief of Staff reported that the total number of casualties in the incident amounted to five killed; i.e., Lt.-Colonel Flint and four Israelis, with two Israelis wounded. He stated further that the provisional conclusions of the investigations into the circumstances of the death of Lt.-Colonel Flint was that he had probably been shot by a bullet fired from Jordanian-controlled territory to the north-north-east.

48. The Chief of Staff pointed out that the grave incident of 26 May had been preceded by similar incidents of less gravity occurring from time to time in an atmosphere of tension in which the Israel police in the Jewish section of Mount Scopus were also involved. He stressed that particular consideration should be given to the conflict between Arabs and Israelis in connexion with Arab civilians' activities and Israel patrolling in that area.

49. The difficulties which had arisen in the western and eastern areas of Mount Scopus were connected with the "map controversy". There were two maps, the Chief of Staff noted, showing different limits for the demilitarized zone. On the Israel side, it was considered that the valid map was that referred to in the first paragraph of the 7 July 1948 Agreement, i.e., the map "SCOPUS-UN" dated 8 July 1948. On the Jordan side, it was considered that the valid map was the more carefully delineated map of the truce lines in the Jerusalem area, which was attached to the Truce Agreement signed on 21 July 1948. Consequently, since the map recognized as valid by Israel covered a larger area than the map recognized as valid by Jordan, there were on Mount Scopus sectors which Israel considered as being within the demilitarized zone and Jordan as being in Jordanian-controlled territory.

50. Referring to the mission undertaken during December 1957—January 1958 by Dr. Francisco Urrutia, who had gone into the map question and had discussed it with the two Governments, the Chief of Staff stated that the evidence produced did not permit any progress towards a settlement of the controversy. The 26 May 1958 incident took place in the eastern area of Mount Scopus. Israel, on the basis of the "7 July 1948 map", considered that the area was in the Jewish section of the demilitarized zone, while Jordan, on the basis of the "21 July 1948 map" considered that it was not in the demilitarized zone, but in Jordanian-controlled territory.

51. The Chief of Staff summed up the existing situation on Mount Scopus as follows: (a) Peaceful co-existence between the Arab villagers and the Israel police on

Mount Scopus was possible as long as contacts and conflicts were avoided. Practical measures could be taken to avoid contacts and conflicts in the future by the evacuation of the seven houses mentioned in the report and the prevention by United Nations observers of Arab cultivation and other activities close to the Jewish buildings. (b) Patrolling by the Israel police in areas inhabited or cultivated by the Arabs had resulted in contacts and conflicts. Such patrolling was not ordered by the "United Nations commander" under whom "in their respective areas armed Arab and Jewish civilian police will be placed on duty". (c) It had been argued that such patrolling was necessary for security reasons. Such reasons could hardly be invoked unless there were, as indicated above, contacts—which could be avoided—between the Israel police and the Arab villagers. (d) There had been at various times Israel complaints concerning (1) the presence of Jordanian soldiers in the village of Issawya, and (2) the possession of firearms by the villagers. United Nations observers had been visiting Issawya frequently and they were satisfied that, following representations to the Mukhtars and action by the Jordanian authorities, occasional visits by soldiers to relatives or acquaintances in the village were effectively checked. It should be noted that allegations concerning firing by Issawya villagers at the Israel police had not been proved. United Nations observers had not seen firearms while visiting Issawya.

52. Pending full implementation of the 7 July 1948 Agreement, in accordance with the statements referred to in paragraph 1 of Dr. Francisco Urrutia's report of 18 January 1958, acceptance of what had been called the *status quo* of 1954 might help in diminishing tension. As explained by its initiator, General Burns, the policy consisted in maintaining the state of affairs as he had found it in 1954. The fact that there existed, as he had stated, no complete description of the status of 1954 was, of course, a difficulty. The Chief of Staff stated that it might be worth considering how the policy could now be applied in practice. Provided it was recognized that the policy applied to both sides and had to be implemented by the United Nations alone, without interference by either party, the question of existence or non-existence of sovereign rights in the area between the "7 July" and "21 July" lines, which had become a burning question, could be left in abeyance until further agreement.

D. Developments on the Israel-Syrian Armistice Demarcation Line

53. In an addendum dated 7 August 1957 (S/3844/Add.1) to a previous report of the then Acting Chief of Staff regarding certain aspects of the work of the United Nations organ in the Demilitarized Zone established under article V of the Israel-Syrian General Armistice Agreement, report was made that the Acting Chief of Staff had advised the Government of Israel of UNTSO's intention to establish an observation post near the newly erected bridge at the outlet of Lake Huleh, in the central sector of the Demilitarized Zone. He considered that such an observation post would be desirable to reduce the risks of incidents, especially during the final stages of the Huleh reclamation project.

54. The Acting Chief of Staff had been informed that in Israel's view the terms of the General Armistice Agreement did not entitle UNTSO to act in the Demilitarized Zone without that country's consent and that UNTSO's announcement of its intention to establish an

observation post near Huleh bridge—without requesting permission from the Israel Government—was not in conformity with the General Armistice Agreement. Consequently, the Israel Government would not consider the UNTSO announcement. In view of Israel's opposition to the establishment of the observation post in the area, the Acting Chief of Staff, in a further effort to improve surveillance in that area and as a practical measure, had on 27 July 1957 directed, through the Chairman of the Israel-Syria Mixed Armistice Commission, United Nations military observers to extend the duration of their stay in that area during their twice-a-day visits. He reported that the observers had been unable to carry out those instructions because of objections on the part of the Israel authorities, who stated that they could see no present need for such a measure.

55. By a letter dated 30 January 1958 (S/3945), the representative of Israel drew the attention of the Security Council to a new wave of Syrian aggression against Israel which, on 28 January 1958, culminated in an attack by a Syrian unit with rifle and automatic fire on Israel policemen who were engaged in clearing mines in the fields in the Demilitarized Zone east of the Dan settlement. He stressed that the nature of that latest unprovoked attack had left no room for doubt about its planned and premeditated character and indicated that it had been carried out in accordance with instructions issued by a responsible authority.

56. By a letter dated 30 January 1958 (S/3946), the representative of Syria, referring to the incident of 28 January 1958, stated that an Israel military detachment consisting of twenty-five soldiers and an armoured vehicle had entered the northern Demilitarized Zone. In addition, an Israel reinforcement of thirty-five soldiers and two further armoured vehicles arrived from the Dan settlement to join the first Israel detachment and support its action. In planning and execution, the incident was a deliberate act on the part of Israel. It was in line with the policy of the *fait accompli* which Israel had consistently pursued in the Demilitarized Zone since 1951, despite the General Armistice Agreement and the decisions taken on several occasions by the Syrian-Israel Mixed Armistice Commission condemning that policy.

57. In another letter dated 4 February 1958 (S/3948), the representative of Syria stated that, on 4 February 1958, a detachment of the Israel army, consisting of sixty soldiers, escorted by four armoured vehicles and protected by a "Mystère" jet aircraft, had entered the northern Demilitarized Zone. Other Israel armed detachments, reinforced by mortars, were observed to be massed opposite the northern Demilitarized Zone.

58. In a further letter dated 11 February 1958 (S/3950), the representative of Syria informed the Council that, on 10 February 1958, a detachment of the Israel army, consisting of fifty soldiers and two armoured vehicles, had entered the northern Demilitarized Zone at two points. He stated that the continuation of those acts of aggression and demonstrations of force rendered the situation strained to the highest degree.

59. By a letter dated 14 February 1958 (S/3955), the representative of Israel informed the Security Council that the clearing of mines from the fields of the Dan village in the Demilitarized Zone near the border between Israel and Syria, undertaken during the months of January and February this year, had been completed on 10 February. He noted that the operation had been conducted with the knowledge and approval of UNTSO

and in the presence of United Nations observers. He declared that at no time had any Israel army troops or vehicles been present in the Demilitarized Zone.

60. By a letter dated 30 March 1958 (S/3983), the representative of the United Arab Republic transmitted to the Secretary-General a note dated 29 March regarding Israel aggression on the borders of Syria—the northern region of the United Arab Republic—during the period between 24 and 27 March 1958.

61. By a letter dated 2 April 1958 (S/3985), the representative of Israel drew the attention of the Security Council to the serious situation which had arisen on the border between Israel and Syria as a consequence of a series of aggressive acts committed by Syrian armed forces against Israel labourers engaged in digging a drainage canal in the Lake Huleh area, and against life and property in neighbouring villages.

62. On 8 April 1958, the Chief of Staff of UNTSO informed the Secretary-General of the acceptance by the Governments of Israel and the United Arab Republic of the latest survey finding in the area of Lake Huleh that there had been certain encroachment on land in which Arabs had property rights in the Demilitarized Zone and that Israel had announced its intention to take corrective action.

E. Other communications

(i) COMPLAINT BY ISRAEL AGAINST EGYPT CONCERNING RESTRICTIONS IMPOSED BY EGYPT ON THE PASSAGE THROUGH THE SUEZ CANAL OF SHIPS TRADING WITH ISRAEL

63. By a letter dated 23 July 1957 (S/3854), the representative of Israel complained to the Security Council of the illegal conduct of the Government of Egypt, in connexion with the passage through the Suez Canal of the vessel *Brigitta Toft*. The Government of Israel protested to the Council against the arbitrary actions by the Government of Egypt which were in violation of the United Nations Charter and the internationally valid principle of the freedom of passage through the Suez Canal.

64. In another letter dated 23 August 1957 (S/3870), the representative of Israel drew the attention of the Security Council to a new instance of the methods of harassment and intimidation practised by the Government of Egypt in the Suez Canal against merchant shipping trading with Israel. The Government of Israel regarded the high-handed and arbitrary behaviour of the Egyptian authorities in the case of the *Mars* as a gross violation of the principle of free passage for shipping of all nations through the Suez Canal.

(ii) COMPLAINT BY ISRAEL AGAINST EGYPT CONCERNING THE SEIZURE OF AN ISRAEL FISHING VESSEL (S/3898 AND S/3899)

65. By a letter dated 7 October 1957 (S/3898), the representative of Israel protested to the Security Council against the illegal act of violence, detention and depredation committed on the high seas by agents of the Government of Egypt against an Israel fishing vessel the *Doron*, some 30 miles off the Sinai coast opposite El Arish.

66. By a letter dated 11 October 1957 (S/3899), the representative of Egypt informed the Security Council that the Israel boat *Doron* had entered the Egyptian

territorial waters in the El Arish area and approached the coast of Sinai on 23 September in violation of the provisions of the Egyptian-Israel Armistice Agreement and the Shipping Agreement concluded between Egypt and

Israel on 23 July 1953. He stated further that the Egyptian authorities had stopped the boat, held its crew in custody and referred the matter to the Egyptian-Israel Mixed Armistice Commission for investigation.

Chapter 2

THE INDIA-PAKISTAN QUESTION

INTRODUCTORY NOTE: The twelfth annual report of the Security Council¹ contains a summary account of the proceedings of the Council on this question that took place at fourteen meetings held between 16 January and 21 February 1957. It also contains a summary of the report (S/3821) of Mr. Gunnar Jarring, President of the Security Council for the month of February 1957 who, under the terms of the resolution of 21 February 1957 (S/3793), was requested to report to the Council.

In the period covered by the present report, the Security Council considered the India-Pakistan question at fourteen meetings, held between 24 September and 2 December 1957.

A. Communications from the Governments of India and Pakistan

67. On 29 April 1957, Pakistan drew the attention of the Security Council (S/3822) to a press report which said, *inter alia*, that Jammu and Kashmir would be more closely associated with India's development programme and that it had been made a member of the Northern Zonal Council of India. Pakistan took a grave view of the situation created by India's action in determining unilaterally the future shape and affiliation of the State of Jammu and Kashmir, and reserved its right to seek later further action by the Security Council in regard to that matter.

68. On 5 August 1957, Pakistan notified the Council (S/3860) that, from information available to it, it appeared that India had settled in Jammu and Kashmir a large number of non-Muslims, who were not residents of the State. By this act, India was contravening the Security Council resolution of 17 January 1948 (S/651) which had asked the parties to refrain from doing or permitting any acts which might aggravate the situation. This move was being made in order that India might assert later that a plebiscite had become progressively more difficult because of changed circumstances.

69. On 9 August 1957, India informed the Council (S/3861) that the allegations contained in the letter of Pakistan (S/3860) were false and baseless. No non-resident of Jammu and Kashmir was permitted to become a resident and no evacuee property could be allotted to any non-resident. The refugees had fled from the Pakistan-occupied areas of Jammu and Kashmir. India had not acted in contravention of the Security Council resolution of 17 January 1948 (S/651). The relevant facts were that Pakistan was in occupation of part of the territory of the Union of India by aggression and in violation of the Security Council resolution of 17 January 1948 and

the two resolutions of the United Nations Commission for India and Pakistan.²

70. On 21 August 1957, India drew attention (S/3869) to a press report that Pakistan had begun to execute the Mangla Dam project located on the territory of Jammu and Kashmir and declared that it was a further instance of consolidation by Pakistan of its authority over the Indian territory of Jammu and Kashmir and of violation of the resolution of 17 January 1948 and of the assurances given by the Chairman of the UNCIP to the Prime Minister of India.

71. On 3 October 1957, Pakistan stated (S/3896) that the Mangla Dam project was being executed co-operatively by Pakistan and the Azad Kashmir authorities, and that the project would greatly improve the economy of the Azad Kashmir area. India, too, had carried out a number of projects on its side of the cease-fire line, and if India's action could not be deemed to aggravate the situation in terms of the resolution of 17 January 1948, Pakistan failed to understand how the Mangla Dam project could be described as a violation of that resolution.

B. Resumption of Security Council consideration of the India-Pakistan question

72. On 21 August 1957, Pakistan requested (S/3868) that the Security Council be called to discuss the report of Mr. Gunnar Jarring (S/3821) and to consider further action. Accordingly, the 791st meeting of the Security Council was held on 24 September 1957 to consider the India-Pakistan question.

73. The representative of Sweden said that, in pursuance of the Security Council resolution of 21 February 1957 (S/3793), he, in his capacity as President of the Council for the month of February, had visited India and Pakistan, and had submitted his report (S/3821) on 29 April 1957. He believed that with the submission of his report, his duties under that resolution were terminated.

74. The representative of Pakistan, after expressing disappointment at the failure of the Jarring mission, said that every previous United Nations effort to resolve the dispute had met with failure because of India's refusal to carry out its international obligations. It was gratifying that Mr. Jarring had reported that both India and Pakistan still stood committed to the resolutions adopted on 13 August 1948 and 5 January 1949 by the United Nations Commission for India and Pakistan. Mr. Jarring had reported that he had explored the question of plebiscite and proposed ways and means by which any difficulties that might arise could be met or at least mitigated, but that his

¹ See *Official Records of the General Assembly, Twelfth Session, Supplement No. 2 (A/3648)*, pp. 46-72.

² Resolutions of 13 August 1948 and 5 January 1949, see *Official Records of the Security Council, Fourth Year, Special Supplement No. 7*, document S/1430, paras. 132 and 143.

suggestions had not proved to be mutually acceptable. The representative of Pakistan stated that with regard to this point, without divulging conversations of a confidential nature, he could say that his Government had accepted every suggestion and that it could be concluded that Mr. Jarring's proposals were unacceptable to India alone.

75. Mr. Jarring had also referred, without defining their nature, to grave problems which he thought might arise in connexion with and as a result of a plebiscite in Kashmir. Pakistan considered that every conceivable problem that had any bearing on the matter had already been discussed and taken care of in the two UNCIP resolutions. Pakistan had raised no problem and all that needed to be done was that the original agreement contained in the two UNCIP resolutions should be implemented without further delay. It was the changed attitude of India in regard to the plebiscite that was the problem, and it was to this that Mr. Jarring had obviously referred. India had alleged that if a plebiscite were held in Kashmir, the Muslims of India would be placed in jeopardy. Such an argument was nothing short of an admission that Muslims were being held as hostages. Pakistan, on the other hand, had never threatened its Hindu minority. Furthermore, this argument had the obvious implication that India was afraid that the voting in a plebiscite would go in favour of Pakistan and it was for that reason that it had been avoiding a plebiscite.

76. India, said the representative of Pakistan, had, furthermore, alleged that two factors had stood in the way of implementation of the UNCIP resolutions: first, that Part I of the 13 August 1948 resolution, particularly its sections B and E had not been implemented by Pakistan; and secondly, that it was incumbent on the Security Council to express itself on the question of aggression and equally incumbent on Pakistan "to vacate that aggression". As regards the allegation of aggression, the representative of Pakistan said that it had been summarily dismissed by Mr. Jarring as irrelevant to his task. So far neither the Council nor UNCIP had regarded the Indian allegation as worthy of consideration. Moreover, UNCIP had been in possession of the full facts while framing its resolutions of 13 August 1948 and 5 January 1949, and those resolutions had been accepted by India.

77. As regards the alleged non-implementation by Pakistan of Part I of the 13 August 1948 resolution of UNCIP, the position was that Pakistan had reported full implementation of that part as far back as 30 May 1949. Dr. Graham, the United Nations Representative for India and Pakistan, had stated the position in this regard in paragraphs 29 and 36 of his third report (S/2611 and Corr.1)³, as well as in paragraph 44 of his fifth report (S/2967)⁴. After the conclusion of the cease-fire agreement, all negotiations which had been undertaken were to secure implementation of the resolution of 13 August 1948, it being accepted by both parties that Part I had already been implemented. The excuse now being put forward that Part I had not been implemented was designed to reopen settled issues and to obstruct progress. Hitherto, India had never refused to enter into negotiations concerning implementation of Part II on the plea that Part I had not been implemented. India could have reopened that question only if there had been any subsequent violation of the cease-fire agreement, but there had

been no question about Part I having been successfully implemented. The Pakistan representative next pointed out that his country's membership in certain regional alliances and the receipt by it of military aid was an irrelevant factor in the consideration of the implementation of Part I, since what section B of that Part prohibited was only the augmentation of the military potential of the forces under the control of the respective Governments in the State of Jammu and Kashmir. Pakistan, he said, had not augmented in any way the military potential of its forces stationed in the State. As regards section E of Part I, Pakistan had also fully implemented it.

78. In all previous negotiations, United Nations mediators had concluded that what had prevented implementation of the UNCIP resolutions was not Part I of 1948 resolution, but the difference of opinion between the two Governments on the question of demilitarization. The Security Council had also accepted that position in its resolution of 30 March 1951 (S/2017/Rev.1) and 23 December 1952 (S/2883). While Mr. Jarring had found himself unable to give a clear finding on the supposed deadlock concerning Part I, he had not, however, supported the view that Part I had not been implemented. In view of India's intransigence on that point, Mr. Jarring had inquired if the Governments would be prepared to submit to arbitration the question whether or not Part I had been implemented. Although the Government of Pakistan had been convinced that Part I had been implemented, it nevertheless had agreed to Mr. Jarring's request in order to demonstrate its anxiety to agree to any steps which would facilitate a settlement. India, on the other hand, had not agreed to that proposal, maintaining that the issues in dispute were not suitable for arbitration. In rejecting the proposal of arbitration, India, in addition to showing bad faith, had also maintained that its acceptance would have been interpreted as indicating that Pakistan had a *locus standi* in the matter. But Pakistan's *locus standi* had already been established, for that country was as much a party to the two UNCIP resolutions as was India.

79. Commenting on paragraphs 20 and 21 of Mr. Jarring's report (S/3821), the representative of Pakistan said that there Mr. Jarring had obviously been referring to the concern for changing factors expressed to him by India. Pakistan had expressed no concern in that respect. Such extraneous matters should not be invoked to avoid clear commitments or to confuse the real issues; they had no connexion with the plebiscite pledge given to the people of Kashmir. Both Pakistan and India were receiving military aid, directly or indirectly, and India's defence expenditure alone was 140 per cent of Pakistan's total budget. The Pakistan representative said that he understood Mr. Jarring's observations in paragraph 21 of his report to mean that he wanted to impress on the Council the need for a speedy solution. Mr. Jarring had warned the Council that further delay might create further complications.

80. After reiterating that the international agreement between India and Pakistan as embodied in the two UNCIP resolutions was still fully in force, the representative of Pakistan said that India, in spite of its commitment to an internationally organized plebiscite in Jammu and Kashmir, had nevertheless deliberately taken several steps to incorporate the State into India in violation of that agreement and Security Council resolutions. In fact, India had annexed Kashmir by aggression and the Council had the duty to make India "vacate that aggression". The Pakistan representative pointed out that in contrast

³ See *Official Records of the Security Council, Seventh Year, Special Supplement No. 2.*

⁴ See *Official Records of the Security Council, Eighth Year, Special Supplement No. 1.*

with India's attitude of defiance, Pakistan had made several major concessions to obtain Indian implementation of the UNCIP resolutions. Pakistan had secured the withdrawal of tribesmen as well as of its own nationals from the State, agreed to demilitarization in a single, continuous stage and further agreed to United Nations surveillance over the reduced Azad Kashmir forces and the local authorities in that area. Pakistan had even compromised on the question of setting up an all-parties Government in the State pending a plebiscite, on the understanding that the Plebiscite Administrator would have overriding powers. Now, it was for the Council to face the issues raised by India's defiance.

81. The representative of Pakistan concluded by saying that Part I of the 13 August 1948 resolution of UNCIP had been fully implemented and the Security Council should next proceed to bring about demilitarization so as to ensure a plebiscite in the State. The dispute under consideration involved a threat to the peace and the situation came under the provisions of Articles 39 and 41 of Chapter VII of the Charter. In order to facilitate the task of the Council, Pakistan would urge that all troops, whether of India or Pakistan, should be withdrawn from the cease-fire line and a United Nations Force be stationed on that line to prevent any violations of it. Alternatively, Pakistan would be prepared to remove immediately every Pakistani soldier on the Pakistan side of the cease-fire line, provided a United Nations Force, strong enough to defend those areas and ensure their integrity, was stationed beforehand along the cease-fire line and further provided that India would reduce its own troops to the level prescribed by the Security Council in its resolution of 23 December 1952 (S/2883). He believed that India could have no objection to a United Nations Force being posted in the territory of the State of Jammu and Kashmir, which was neither Indian nor Pakistan territory, particularly since that Force would be stationed only on territory on the Pakistan side of the cease-fire line. If India were to create conditions favourable to the holding of a plebiscite, the Kashmir dispute could be speedily and peacefully settled.

82. At the 795th and 796th meetings held on 9 October 1957, the representative of India made a statement outlining his Government's point of view on the question before the Council. He said that the genesis of the present meetings of the Council was its resolution of 21 February 1957 (S/3793) and the report submitted in consequence of it. As far as India was concerned, its attendance was due to its complaint of aggression by Pakistan on Indian territory. India was seeking not an adjudication but the good offices of the Council under Chapter VI of the Charter to have that aggression vacated.

83. Commenting on paragraphs 8 and 9 of the Jarring report (S/3821), the representative of India said that his Government stood engaged by the two resolutions of UNCIP. In that engagement, there was a commitment which had to be met initially by Pakistan. Only after that commitment had been carried out, might other commitments arise, provided the circumstances remained the same. Thus, India was bound by those two resolutions with all the conditions attached and in the context of the solemn assurances given to India on behalf of the Commission. India had not resiled from that position. Referring to Pakistan's claim that it had a *locus standi* in Kashmir by virtue of its being party to the UNCIP resolutions, the Indian representative said that an examination of the resolutions would show that Pakistan was excluded from any operation under them. The "problems that had

arisen in connexion with" the UNCIP resolutions to which Mr. Jarring had referred were those that had arisen subsequent to the resolutions, such as the accentuation of aggression, annexation of territory and the rule of terror in the Pakistan-occupied areas.

84. After drawing attention to Mr. Jarring's statements in paragraphs 10 and 11 of his report, which he trusted the Council would take fully into account, the representative of India stated that the responsibility for the failure of suggestions because they were not mutually acceptable to both parties could not be laid at the door of one party, as Pakistan had sought to do. Mr. Jarring had taken no such position.

85. The representative of India said that it was India's position that Part I of UNCIP's resolution of 13 August 1948 had not been implemented, and Mr. Jarring had mentioned in paragraph 13 of his report India's stand on that point. Dr. Graham's reports had stated that only a part of Part I—the cease-fire part—had been carried out. His report must be read in its context, and India had always maintained that its conversations with him were of an exploratory nature. The representative of Pakistan had misinterpreted paragraph 14 of the Jarring report to mean that Mr. Jarring had told India that the question of aggression had been disposed of. That was not so. The Council was seized of the complaint and, until the question was withdrawn, Pakistan remained charged with the invasion of India and violation of Indian sovereignty. For Pakistan to go further and charge India with aggression was fantastic. Throughout the discussion of the Kashmir question, it had never before been suggested that the Government of India and its troops were on the soil of Kashmir, an integral part of the federal structure of India, by anything in the way either of aggressive or occupational action. While India was a successor State of the British authority in India, Pakistan was a new State. India was bound by certain treaties concluded earlier by the British Government. Thus, even if Kashmir had not acceded to India, India would have been duty-bound, under those treaties, to come to Kashmir's aid.

86. The representative of India denied that his country had augmented its forces in Kashmir after 13 August 1948. The contrary was the case. UNCIP, in its third interim report (S/1430), had given no evidence to show any violation of Part I of the resolution by India, but there was a definite charge against Pakistan in paragraph 225. Not only section D, but also section E of Part I stood continuously violated. Since 1949, there had been a continuous campaign of hatred and a holy war by Pakistan against India. Under section E, it was not sufficient, as the representative of Pakistan had assumed, merely to make an appeal to the people. Section E enjoined upon the two Governments to take active measures to ensure the creation and maintenance of a better atmosphere.

87. The representative of India pointed out that with regard to Mr. Jarring's proposal that, in view of the differences existing between the two Governments as to whether Part I had or had not been implemented, the question be submitted to "arbitration", his Government's view was that the question was not amenable to arbitration. Arbitration as a procedure, where applicable, was not objectionable. What Mr. Jarring had proposed was not "simple arbitration". There was some difficulty in reconciling the statements in paragraphs 17 and 18 of Mr. Jarring's report (S/3821). In the circumstances, he could not agree that India's attitude on the question of arbitration had been negative.

88. The representative of India further stated that it was not necessary to arbitrate the obvious. The campaign of hatred carried on by Pakistan was very obvious and even the statements of the representative of Pakistan before the Council were a proof of it. Secondly, India had no wish to go beyond the confines of the UNCIP resolution of 5 January 1949, under which the Commission must report to the parties whether or not implementation had taken place. That resolution had provided a machinery which had performed its functions and had recorded that there had been an increase of potential and that the necessary atmosphere had not prevailed. Thirdly, India had already tried arbitration on various matters relating to Pakistan and had found itself being forced to make further concessions without achieving any results. A fourth reason why India could not accept arbitration was a question of principle. After recalling that the United States had strongly opposed arbitration in a case called the Interhandel case involving also the interests of Switzerland, on the ground that arbitration was not permissible because the matter concerned the honour and integrity of the United States and its vital interests, the representative of India said that his Government similarly could not accept arbitration on matters involving its honour, integrity and sovereignty. Normally, only juridical questions could be subjected to arbitration. India did not come to the Council with a legal problem asking it to decide as to who had title to Kashmir. India came to the Council for conciliation and to get an aggression vacated. Far from settling any matter, arbitration would create unsettlement. For all those reasons, India had been obliged not to accept the suggestion of arbitration.

89. The representative of India concluded his observations on the Jarring report (S/3821) by referring to paragraphs 20 and 21, in which Mr. Jarring had taken note of certain of the arguments presented by India on previous occasions in the Council. As stated in the last paragraph of the report, India was always willing to settle any matter peacefully and by negotiation.

90. The representative of India then said that he would next deal with the allegations against India contained in the statement of the representative of Pakistan. India regretted that Pakistan had thought fit to make charges of bad faith and of dishonesty against a sister State of the Commonwealth with which it maintained diplomatic relations. Pakistan had charged that India had from the very beginning of the appointment of the United Nations Commission used tactics to avoid a plebiscite in Kashmir. However, the representative of Pakistan himself had stated that, until 1953, there had been no impediment to a plebiscite except the determination of the quantum of forces. India had been prepared to go on with its obligations, provided all conditions had been satisfied. India stood by its record in carrying out its international obligations. The defiance was, in fact, on the part of Pakistan—a defiance arising out of concealment—and no country which had concealed the facts and had misled the Security Council had the right to ask for remedies.

91. The charge that there was a denial of freedom in Jammu and Kashmir would also not stand scrutiny. Two free elections had been conducted in the State, there was a free Press, many political parties functioned, and a large number of non-Indian tourists had visited the State. In Pakistan-occupied Kashmir, on the other hand, there was repression of every kind, and institutions of freedom were absent.

92. The representative of Pakistan had also tried to give the impression that India had been arming against Pakistan and that India's defence expenditure was 140 per cent that of Pakistan. The facts, however, were that India's total defence expenditure was only 38 per cent of its national budget and amounted to \$504 million, while Pakistan's defence expenditure was \$244 million for last year and to that should also be added the United States military aid. India, a country five times larger than Pakistan, had indeed, a relatively smaller army than Pakistan. There was no sentiment in India to arm against Pakistan.

93. The representative of India then went on to state how Part I, section B of the 13 August 1948 resolution had not been honoured by Pakistan. When the Commission had passed that resolution, it had not been made aware of the existence of the Azad Kashmir forces. The Commission said that had it known of the existence of those forces, which were and had become increasingly powerful, it would have taken a different view of the matter. Then, in another part of Kashmir, called the northern areas, also occupied by Pakistan, there were new airfields, new roads and all kinds of military preparations. Furthermore, the sovereignty of India over those areas had not been questioned. Thus, in contravention of the UNCIP resolution and without the knowledge of the Security Council, Pakistan had raised troops in those areas and had illegally annexed those territories. The enormous increase in the military potential in the Azad Kashmir area was a threat not only to the rest of Kashmir but also to the whole of India. While India was prepared to accept the United States assurance that American military aid to Pakistan had not been given for any hostile action against India, it could not ignore a large number of statements from responsible leaders of Pakistan to the effect that Pakistan's real intentions in joining military alliances had been to strengthen itself against India and also to involve other people in its dispute with India over Kashmir. The representative of India quoted a number of statements emanating from Pakistan which were designed to encourage subversion inside India and aggression against his country.

94. The whole of the State of Jammu and Kashmir, the representative of India declared, became an integral part of India when the Head of that State had acceded to India and India had accepted the accession. This was a legal fact and in accord with international agreements to which the Governments of the United Kingdom, India and Pakistan were parties. No authority could question that fact.

95. The representative of India stated further that he wished to make it clear that the Government of India stood engaged only by the Council resolution of 17 January 1948 (S/651) and the two UNCIP resolutions. Any conversations and negotiations regarding them had been purely of an exploratory character. Tentative positions taken on proposals which had not been accepted by both sides could not be regarded as binding, particularly as the surrounding circumstances had changed, nor could agreements on isolated proposals be regarded as commitments unless there was agreement on the whole of the problem. During the course of his talks, Dr. Graham had, no doubt, submitted a number of points and India had agreed to a number of them, but no agreement on all of them had been concluded and thereafter those talks had been discontinued and since then other things had taken place. The Government of India, therefore, was not legally or morally committed to any of those proposals

at the present time. What remained before the Council was for it to address itself to the Jarring report, which did not say that Part I of the UNCIP resolution of 13 August 1948 had been carried out. What also remained before the Council was India's request that aggression against it be vacated.

96. The representative of India said that Pakistan had recently alleged in a letter to the Council (S/3860) that the Jammu and Kashmir Government had settled Hindus on the property of those who had gone across the border, and had thereby violated agreements. India had already replied to that charge and had pointed out that the facts were to the contrary. Even at the risk of admitting infiltrators, India had received 450,000 Muslim Kashmiri refugees, some of whom had earlier crossed the border, and rehabilitated them. In addition to them, there were 122,429 non-Muslim Kashmiri refugees. Over four million Hindus and over one million Muslims had come into India from Pakistan after the end of the great two-way mass migrations that had taken place at the time of the partition of the country. The representative of Pakistan had charged India with genocide, ignoring the fact that one million Muslims would not come back to a country if there were even the slightest persecution. In contrast, the sad plight of Hindus in East Pakistan had been commented on widely by foreign observers, and even the present Prime Minister of Pakistan, Mr. Suhrawardy, when he was in the Opposition, had criticized the Pakistan Government for its treatment of the Hindu minority. The Muslims of India, as self-respecting Indian citizens, had been deeply hurt by the statement of the representative of Pakistan that they were being held as hostages by India.

97. The representative of India next dealt with certain new conditions that had arisen since February 1957 in relation to Kashmir and Pakistan. First taking up the question of the augmentation of military potential in Pakistan-occupied Kashmir in the last four months, he said that the strength of the Northern Scouts had been increased by 200 to 300 per cent. The Azad Kashmir forces were now heavily armed with modern weapons. One platoon in each infantry battalion had been trained in guerilla warfare and four training schools had been established to train the Azad forces in commando raids. A pilot gun factory had also been established and military roads and bridges had been constructed. All this had been done in violation of the assurances given to India by the Chairman of UNCIP.

98. Again, Pakistan had violated the sovereignty of the State of Jammu and Kashmir and the agreement which the Maharajah of Jammu and Kashmir had entered into with the British Government by beginning the construction of the Mangla Dam. Moreover, that construction was being made at the expense of the interests of the local population and in the face of widespread opposition from it. Pakistan had stated that it had entered into some kind of agreement with the Azad Kashmir authorities on the construction of the Mangla Dam. But the Azad Kashmir authorities were only a "local authority", having no right to enter into any international agreement. The sovereignty over the area lay with the Jammu and Kashmir State, and to the extent that Pakistan had concluded an agreement with the Azad Kashmir authorities, it had violated the Charter and the resolutions of the Security Council, and had acted in disregard of its neighbourly relations with India. India, on the other hand, in building a tunnel under the Banihal Pass, had not in any way violated any other country's sovereignty and had not

exploited the local people, but had actually provided an all-weather route for the people of Kashmir.

99. The representative of India next said that the most important development since February last, however, had been the new wave of aggression that Pakistan had begun against India. In violation of Chapter VI of the Charter and while the Council was still seized of the Kashmir question, Pakistan had promoted the establishment of a Kashmir Liberation Front in order to create subversion inside India. It was a planned and premeditated move. As a result, bomb explosions had started in Jammu and Kashmir in the middle of June 1957, and from that time until the end of October there had been twenty-three explosions, resulting in damage to life and property. There was little doubt that a deliberate attempt had been made to create communal trouble by such subversive acts. A number of persons had been arrested in that connexion and from their statements, an examination of the materials used in the explosions, and the methods that had been employed, it had become clear that Pakistan army authorities had been actively supporting those acts of sabotage. Those efforts, however, had no effect in Kashmir, where the people had in fact resented such acts. Obviously, Pakistan would deny its involvement in those acts of sabotage. However, the cases of those persons who had been arrested would come up for open trial. India had so far been treating the question of infiltrators rather leniently, as it had not felt inclined to turn away persons who were seeking refuge. However, subversion once begun knew no bounds and the Council was in duty bound to consider what action it should take in that respect.

100. Proceeding next to comment on the proposals of the representative of Pakistan, the representative of India remarked that as regards the proposal that the Security Council should proceed from the stage where it had left the matter on 23 December 1952, no mention had been made that since that time there had been direct negotiations between the Prime Ministers of India and of Pakistan, which had been terminated by the Prime Minister of Pakistan. India had then and always had maintained that the Kashmir question could be settled only by direct negotiations and by a peaceful approach to the problem. As regards the efforts of Dr. Graham or of other mediators, the Indian position was, as stated earlier, that they were of an exploratory nature in the context of that time when India had believed that Pakistan would implement Part I and would proceed to Part II of the UNCIP resolution of 13 August 1948.

101. The representative of Pakistan had also stated that the Kashmir "dispute" involved a threat to peace to which the provisions of Articles 39 and 41 of the Charter might apply. In the first place, the Kashmir question was not a "dispute". It was a complaint by India of aggression against it by Pakistan. India had sought conciliation under Chapter VI of the Charter. If there was a threat to peace, then it had come from Pakistan, and the Council must take steps to stop further aggression. As far as India was concerned, it would defend itself against any attack on any part of its entire territory. The removal of an aggressor was not aggression. India asked the aggressor to remove himself. India asked the Council to secure the vacation of an aggression. India, however, had no intention of settling the issue by force even though the legal, moral and all other rights were on its side.

102. Pakistan had also demanded that a United Nations Force be stationed along the cease-fire line and that

both Indian and Pakistani troops be withdrawn from that line. First, he would reply that there were no troops on the cease-fire line, only some United Nations military observers. Secondly, Pakistan had the authority and the responsibility to order the withdrawal of its own troops which should have already been withdrawn. But, so far as India was concerned, its troops were stationed on its own territory and were fully entitled to be there. Moreover, the cease-fire line lay in the sovereign territory of India and was not a political boundary. Pakistan had no authority to invite United Nations forces to be stationed on the sovereign territory of India. India would never agree to the stationing of foreign troops on Indian soil and would regard the offer of any nation to participate in such a force as an unfriendly act.

103. Pakistan had also proposed that it would be prepared to remove all its troops provided an adequate United Nations Force were stationed beforehand along the cease-fire line and provided that India agreed to reduce its own troops to the level prescribed. The representative of India stated that no levels had been prescribed except levels contingent on certain conditions, and, furthermore, no one country could give orders to another country as to where its soldiers should be deployed. The withdrawal of troops in Pakistan's case would make hardly any difference, for the majority of the Pakistan military establishments, to which troops could withdraw, were between fifteen and thirty miles from the border, and one was only four miles away. The representative of India cited figures to show that Pakistan's over-all military potential had also been considerably augmented since the time of partition, and in a number of respects was superior to that of India.

104. The representative of India then said that, as far as his country was concerned, there continued to exist a situation caused by Pakistan's aggression against the sovereign territory of India, which India would like to settle through peaceful negotiations. India, however, would not surrender its sovereignty over any part of its territory, nor submit to aggression. Equally, India would do nothing to aggravate the situation. India would, therefore, ask for full "vacation of that aggression"; the total disbanding of the Azad Kashmir forces; and the evacuation of the "northern areas" and their restoration to the State of Jammu and Kashmir. India should also have assurances that its neighbour would not permit the passage of hostile elements across its territory, and that all military equipment which had been introduced into the Pakistan-occupied area since 13 August 1948 would be removed. All military installations built after 13 August 1948 should also be dismantled. Propaganda against India must be stopped and all support by Pakistan to subversion and sabotage within Kashmir must be stopped. India would also request assurances from Pakistan's military allies that any military assistance given to Pakistan would not be utilized in or against the territory of India. India would not tolerate military concentrations on its frontiers, and, as the United Nations Commission had assured it, India was entitled to the responsibility it would like to assume of protecting its frontiers. There should be full compliance with section E of Part I of the UNCIP resolution. That was India's position, and under conditions of a fair disposition of the matter India would do all it could to seek a settlement of all outstanding problems in a friendly spirit. India was, however, not prepared to offer any proposal which in any manner or degree infringed its national sovereignty.

105. The representative of Pakistan expressed the view that any argument as to which party had started the aggression and whether any party had consolidated the aggression was hardly relevant at the present stage and would certainly not be conducive to a peaceful settlement of the Kashmir dispute. He wondered whether India, by raising that issue, wished that Pakistan should again ventilate the question of India's aggression in Kashmir and in Junagadh, Manavadar, Mangrol and Hyderabad. The United Nations objective in Kashmir, he said, still continued to be the demilitarization of the State, followed by a plebiscite under United Nations auspices. Pakistan had already accepted eleven proposals to secure that objective while India had rejected each one of those proposals. The proposal of Mr. Jarring had also been accepted by Pakistan, while India had rejected it. The representative of Pakistan then denied that there had been any augmentation of military potential in the Azad Kashmir area. On the contrary, there had in fact been a reduction in the number of battalions. The Pakistan General Staff had reported that the Pakistan regular forces and the Azad Kashmir forces were now far less in number than on 1 January 1949. The United Nations military observers knew their exact number, as they observed and reported on such matters to the Council.

106. The representative of Pakistan added that India's contention that the accession of the State of Jammu and Kashmir was final could not be maintained when one looked at the text of the UNCIP resolution of 5 January 1949, which India had accepted and which declared that the question of the accession of the State of Jammu and Kashmir to India or Pakistan would be decided through the democratic method of a free and impartial plebiscite. He wondered whether India was seeking to escape the international obligations to which it stood committed under the two UNCIP resolutions.

107. Referring to the Indian statements about explosions in the State of Jammu and Kashmir, the representative of Pakistan said that his Government had no knowledge of them and had had nothing to do with them. If they had taken place, they were simply manifestations of the increased restlessness of a subjugated people or they might well be designed to serve as a smoke-screen from behind which India might be able to make further charges against Pakistan. The situation needed rapid action by the Security Council, and the people of Kashmir should be given, as soon as possible, an opportunity to express freely their will as to which country they wished to join.

108. At the 797th meeting on 25 October, the representative of the United Kingdom said that although Mr. Jarring had felt unable to report to the Council any concrete proposals, he hoped nevertheless that the Jarring report (S/3821) would mark the beginning of a new phase of constructive progress towards a settlement of the Kashmir problem. It was important that both parties had expressed to Mr. Jarring their desire to find a peaceful solution and to co-operate with the United Nations to that end. It was commendable that both countries had shown great patience over the issue and a desire to avoid the danger of a military clash. The United Kingdom had always attached importance to the resolution of 17 January 1948 (S/651) which, among other things, had called upon both parties to take all measures to improve the situation, and was glad, therefore, to note that the representative of India had stated in his last speech that India stood engaged by that resolution, together with the two UNCIP resolutions. The United Kingdom also attached great importance to the letter and the spirit of

section E of Part I of the UNCIP resolution of 13 August 1948 and was of the view that that section required a continuing effort on the part of both Governments to create and maintain an atmosphere favourable to the promotion of further negotiations, and for that reason his delegation would deplore charges of genocide being made in the Council.

109. The United Kingdom was greatly concerned about the recent bomb incidents in Srinagar and had been glad to hear the representative of Pakistan deny categorically that his Government knew anything of them. The United Kingdom Government held strongly that terrorist activities could only create complications.

110. Mr. Jarring had also reported that another impediment to progress had been the feeling in India that the Council had not so far expressed itself on the question of what India considered was aggression by Pakistan on India. The views of the United Kingdom Government on that point had been reiterated a number of times in the Council and were well known. Similarly, the attitude of the Security Council in that respect was also well-known. Since neither his Government nor the Council had felt able to pronounce themselves on that aspect of the Kashmir question and since that was the major premise in the Indian argument, it followed that the United Kingdom was unable to accept many of the deductions drawn by India. The more fruitful way of making progress would be to fasten on those points where there was some area of agreement between the parties and to see whether progress could be made from them. The United Kingdom was also deeply conscious of the grave problems connected with a plebiscite in the State. What was therefore most needed was a willingness to find a peaceful solution, and both parties had expressed such a willingness to Mr. Jarring.

111. There was a grave difficulty, too, in that section of the UNCIP resolution of 13 August 1948 relating to an agreement by both High Commands to refrain from augmenting their military potential. That was an important preliminary to the stage of withdrawal of the troops of Pakistan and the withdrawal of the bulk of Indian forces, to which both sides stood engaged. It had been originally contemplated that the three parts of the resolution would be implemented in quick succession. The passage of time had, however, added to the difficulties in its implementation. Armies had become more efficient, old equipment had been replaced and new roads had been built on both sides. The representative of India had shown his concern, not only over the principle that forces should not be augmented after the cease-fire, but also over the question of Azad Kashmir forces. However, the question of Azad Kashmir forces was not considered in the 13 August 1948 resolution and the Commission had not explicitly dealt with it. The Security Council would, nevertheless, be concerned at any augmentation of military potential on either side. Since 1949, the Security Council had attached the greatest importance to demilitarization and had directed its efforts towards achieving progress in that direction. The compelling arguments for making progress towards demilitarization were stronger than ever before and were such that if the parties were determined to make an advance and could enter into conversations with a United Nations representative to that end, progress would in fact be possible. The United Kingdom believed that Dr. Graham could again play a useful role in that respect. The United Kingdom would also appeal to both sides to do their utmost to create an atmosphere favourable to further negotiations and to agree to an in-

vestigation regarding the facts concerning the augmentation of forces. It would also urge that both sides should again attempt to make some progress towards the implementation of Part II of the UNCIP resolution of 13 August 1948.

112. The representative of the United States said that since the two UNCIP resolutions formed an area of agreement to which both parties had repeatedly subscribed, the Council's most constructive contribution at the present stage would undoubtedly be to help to implement them. The Council must continue to make further progress towards demilitarization or the implementation of the truce agreement. Efforts to achieve agreement on the forces to remain on each side of the cease-fire line should be an important aspect of any further action by the Council. A reduction in the number of troops in the area would in itself be a forward step in improving relations between the parties.

113. The representative of the United States then said that questions had also been raised about the status of implementation of the "cease-fire order". In his report (S/3821), Mr. Jarring had referred to his proposal of arbitration in that respect. The United States delegation would suggest that an appropriate Council resolution could include an authorization for recommendations to be made on the "cease-fire order", if considered necessary. To achieve its objectives, the Council would again need assistance, and it would be appropriate for the Council to call upon Dr. Frank Graham to consult again with the parties. The representative of the United States concluded by stating that the Council's efforts to help the parties implement their commitments were based on a sincere desire to achieve stability and friendly relations between India and Pakistan. In the meantime, the United States hoped that both parties would continue to refrain from any steps which might aggravate the situation.

114. The representative of China said that Mr. Jarring had made a great effort to remove the differences of opinion between the two countries in relation to Part I of the 13 August 1948 resolution and his suggestion in that respect had been objective and constructive. Unfortunately, the rejection of that suggestion by India had led to the failure of Mr. Jarring's mission.

115. The representative of China then said that the Pakistan suggestion that a United Nations Force could be sent to Kashmir had been considered by many members of the Council, including China, as constructive and had been included in one of the draft resolutions.⁵ To ensure a free and impartial plebiscite and at the same time to maintain peace and order, there could not be a better solution than that of the use of a United Nations Force. India, however, had rejected that proposal.

116. The representative of India had made a long exposition of the Indian constitution and of its legal position in Kashmir and, while the Chinese delegation was not disputing or affirming those claims, it would wish, however, to point out that all colonial empires had the backing of law. In the case of India itself, in the face of its claim to self-determination, the legal documents in the hands of the United Kingdom had no moral or political relevance. What the Indians had demanded and had been granted by the United Kingdom should also be granted to the people of Kashmir. The Chinese delegation firmly believed that the principle of a free and fair plebiscite must be applied to solve the Kashmir question and, secondly, that all preliminary conditions which India or

⁵ Document S/3787.

Pakistan might demand in order to ensure a really free and fair plebiscite were legitimate and worthy of the Council's consideration.

117. The representative of Iraq said that Mr. Jarring had been wise and within his terms of reference in restricting his efforts to exploring the impediments which had held up the implementation of the two UNCIP resolutions. According to the Council's resolution of 21 February 1957 (S/3793), it had not been necessary for Mr. Jarring to go over the ground which had already been covered by the previous examination of the dispute or to express an opinion as to the adequacy of the resolutions adopted by the Council. The Council must proceed to find out what further steps could be taken, keeping in mind its resolution of 24 January 1957 (S/3779) which had declared that the final disposition of the State of Jammu and Kashmir would be made in accordance with the will of the people expressed through a free and impartial plebiscite. Any attempt to raise issues, which had been superseded by that resolution, should be considered as irrelevant.

118. The representative of Iraq pointed out that with reference to India's claim that the preconditions necessary for demilitarization had not been complied with, Pakistan had taken the opposite view. India had also contended that Pakistan had augmented its forces in the area under its control. Pakistan had denied that charge and had referred in that respect to the findings of the United Nations Representative. Moreover, the United Nations military observers in Kashmir had not reported any such augmentation on the Pakistani side, and the Council, in all its previous deliberations, had proceeded on the assumption that there had been no augmentation of the military potential in Kashmir. Even India in all previous negotiations had never raised the question of the non-implementation of the 13 August 1948 resolution. If Pakistan had not implemented Part I, then India should not have entered at all into any negotiations for the implementation of Part II and should indeed have raised that question in January 1949 when those negotiations had started. The Iraqi delegation wondered if the new stand of the Government of India regarding the non-implementation of Part I was not an afterthought and an attempt to reopen issues which had long been closed. The acceptance of the two UNCIP resolutions had embodied a definitive agreement between the parties with regard to the settlement of the dispute and India had accepted that position. India's charge of aggression against Pakistan and the repetition of that charge during Mr. Jarring's mission had not been relevant to that mission. A speedy implementation of the Council's resolutions was urgently required, as Mr. Jarring had explained in paragraph 21 of his report (S/3821). The solution of the problem still lay in holding a free and impartial plebiscite in the State. India's and Pakistan's actions in the wider field of international relations had no connexion whatsoever with the Kashmir dispute. The Council should proceed to the full implementation of the UNCIP resolutions by proceeding to a complete demilitarization on both sides, and once that demilitarization had been achieved, then all the other steps stipulated by the two UNCIP resolutions could be taken in an orderly and effective manner.

119. At the 798th meeting held on 29 October, the representative of Australia said that his Government considered Mr. Jarring's report a fair clarification of the issues in the Kashmir question and a useful contribution to the Security Council's work. Australia, as a friend of

both India and Pakistan and as a member of the Commonwealth, was distressed by the situation, and it shared the view of the United Kingdom that references by the representative of Pakistan to "the threat of genocide" were not helpful in a situation already causing considerable anxiety. Similarly, the representative of India's description of the nature of the present conditions along the frontier was also not likely to relieve existing tensions. All must try to improve the general atmosphere and avoid the aggravation of difficulties.

120. Australia considered that only the parties to the dispute could, in the last resort, provide the solution. It was for this reason, the representative of Australia believed, that the Council had never expressed any conclusion on the legal aspects of the original accession of the State of Jammu and Kashmir to India or made any adjudication on the question of aggression. However, the representative of Pakistan's statement that all representatives on the Council had "regarded the Indian allegation as unworthy of consideration" might be interpreted as indicating that Australia had pronounced India's complaint to be insubstantial and not worth examining. In fact, Australia had made no pronouncement at all on the matter, since it did not believe that it would be helpful to do so.

121. In order to help the parties towards an agreement, the only practical basis seemed to be to take the UNCIP resolutions as a whole without isolating one claim or another in any particular field of disagreement. It was in the implementation of those resolutions, or in some amendment that the parties could work out themselves, that the parties must find the path towards resolving their difficulties. Australia, therefore, supported the emphasis laid by other Council members on the assurances given to Mr. Jarring regarding the willingness of both Governments to co-operate with the United Nations in finding a peaceful solution. It remained a valid concern of the Council to resolve any doubts that might exist whether Part I of the UNCIP resolution of 13 August 1948 had remained unimplemented in any respect, and a further investigation should now be made on whether some progress could be made on the problem of demilitarization in Kashmir. There were other factors which also called for such an approach. In particular, the need for progress in the rapid economic development of India and Pakistan had made the maintenance of armed forces on the present scale an increasing handicap. Furthermore, balanced reductions in armed forces could contribute a great deal to increased mutual confidence. Therefore, the Australian delegation felt that the Council would be wise to take up the suggestion that Dr. Frank P. Graham, United Nations Representative for India and Pakistan, should consult again with the parties in order to bring about progress towards full implementation of the UNCIP resolutions.

122. The representative of Cuba said that, as early as 13 January 1949, the Security Council, while accepting the UNCIP report, had taken note of the agreement both by India and Pakistan that the question of accession of Kashmir should be decided by a free and impartial plebiscite. It was after that agreement that difficulties had arisen. However, at no time had either of the parties gone back on that agreement and that was of great importance, legally and morally. The passage of time had made it more difficult to implement that agreement, but it had not made the task impossible. None of the arguments advanced by India was sufficiently valid to prevent the people of Kashmir themselves from deciding their own des-

tiny. As regards India's complaint about the alleged aggression by Pakistan, the Council had implicitly resolved that problem by its various resolutions adopted after India's submission of that complaint. Moreover, India's acceptance of the two UNCIP resolutions had logically and legally prevented the Council from pronouncing on the original charge. The very method of plebiscite proposed by the Commission and accepted by India and Pakistan had implicitly resolved the question of the alleged aggression.

123. India had also referred to the necessity of guaranteeing the withdrawal of the armed forces of Pakistan. In that respect, Pakistan's offer to withdraw its forces and have them replaced by a United Nations Force was an encouraging and constructive suggestion. A similar withdrawal by India would help better to prepare the way for the holding of the plebiscite. Pakistan's membership in defensive military alliances also had no bearing on the Kashmir question. Those alliances could not be used for offensive purposes because the other contracting parties would not participate in an act of aggression. Cuba believed that, in spite of obvious difficulties, the Council should continue its work so as finally to achieve the holding of a plebiscite in Kashmir.

124. The representative of the Philippines regretted that Mr. Jarring, in spite of his best efforts and dedicated service, was not able to report more positive results. It was disquieting that the Kashmir question had remained before the Council for ten years and that the UNCIP resolutions of 1948 and 1949 had remained unimplemented for so long. Both India and Pakistan had accepted those two resolutions in good faith. Pakistan had shown readiness to comply with the terms of the agreement and had reiterated its desire to proceed to the full implementation of those resolutions. India, however, still contended that Pakistan had not fully implemented the cease-fire order and therefore India could not agree to the implementation of the truce agreement and the plebiscite.

125. Two disturbing factors were apparent in the present discussion. One arose from the affirmation in Mr. Jarring's report (S/3821) that the implementation of agreements of an *ad hoc* character might become progressively more difficult because of the fact that conditions tended to change. That was another way of saying that the UNCIP resolutions had reached or passed the point of diminishing returns. The second factor arose from the representative of India's statement at the 796th meeting of the Council to the effect that India would not be prepared to accept any proposal which would infringe in the slightest degree its sovereignty over the whole of its territory. Since the objective of the UNCIP resolutions was to determine the future of Kashmir through an impartial plebiscite, any claim to any portion of the territory of the State of Jammu and Kashmir would be highly prejudicial to the implementation of those resolutions.

126. The representative of the Philippines then said that the Council should continue to press the parties to come together in order to reach an understanding without sacrificing the legitimate aspirations of the people of Jammu and Kashmir, and if the suggestion to call upon the United Nations Representative for India and Pakistan to consult again with the parties could help such an objective, his delegation would support it.

127. The representative of Sweden, after thanking members of the Council for their appreciation of his report (S/3821), said that the report reflected the situation as he saw it and spoke for itself. In his report, he

had established that a deadlock had been reached between India and Pakistan on Part I of the UNCIP resolution of 13 August 1948, and, in particular, on sections B and E of that Part. In its efforts to find a way to a settlement, the Council should give that problem special attention.

128. The representative of Sweden then recalled that his Government had, during the current year, suggested that certain legal aspects of the Kashmir question might be referred to the International Court of Justice for an advisory opinion. The Swedish Government still maintained that its suggestion should, at an appropriate moment, be carefully considered, and it would be interested to learn the reaction, in principle, of the parties to that suggestion.

129. It had also been suggested that the United Nations Representative for India and Pakistan resume his conversations with the parties, with a view to putting forward recommendations for a settlement based on the two UNCIP resolutions. The Swedish delegation would not object to that suggestion, if it were to meet with general approval.

130. The President, speaking as representative of France, said that although the Kashmir problem had so far remained unsolved, the parties had nevertheless reaffirmed their concern to find a peaceful solution and that intention of the parties constituted the most important aspect of the situation. It was fortunate that Mr. Jarring's report had also ended on that note and the French delegation was glad of the renewed acceptance by the two parties of the principle of recourse to the methods of peaceful settlement contained in Article 33 of the Charter. Undoubtedly, there were difficulties in the way of adopting concrete measures to achieve such a settlement, but there were also some positive elements which should be used to advantage. The French delegation was in general opposed to the creation of new bodies. However, the Council already had had the benefit of the distinguished services of Dr. Frank P. Graham and the suggestion to utilize them again appeared to be a constructive proposal.

131. At the 799th meeting held on 5 November 1957, the representative of the Union of Soviet Socialist Republics stated that, during the discussion of the resolution of 21 February 1957, he had pointed out some of its essential shortcomings and had, in particular, objected to the reference to previous resolutions of the Council, holding that Mr. Jarring should have been left free to base his observations upon the currently existing international situation and circumstances in the area of Kashmir and not on resolutions which had lost their force and meaning because of the changed circumstances. However, the Soviet delegation had not objected to the adoption of that resolution, assuming that Mr. Jarring's mission, if carried out taking into account the circumstances in the area might promote a peaceful settlement.

132. Mr. Jarring's report (S/3821), said the representative of the Soviet Union, reflected the fact that, during the last ten years since the Kashmir question had come before the Council, fundamental changes had taken place in Kashmir itself as well as in the political situation in that part of Asia. In the light of the changed circumstances, it would be unrealistic to be guided by proposals which had been put forward many years ago and which, as Mr. Jarring had stated, had become progressively more difficult to implement because the situation with which they were to cope had tended to change. Mr. Jarring's

report also drew attention to the concern expressed in connexion with the changing political, economic and strategic factors surrounding the Kashmir question, together with the changing pattern of power relations in West and South Asia. Those conclusions of Mr. Jarring corresponded with the views expressed by the Soviet delegation at the beginning of 1957.

133. The representative of the USSR went on to say that India's effort to achieve a peaceful settlement on the basis of the two UNCIP resolutions, and, in particular, its efforts to secure the withdrawal of Pakistani troops from Kashmir, had been balked by Pakistan's obstructionist policy. India had accorded to the Kashmiri people the right to self-determination, and in September 1951 Kashmir had elected a Constituent Assembly which, in February 1954, had unanimously ratified Kashmir's accession to India. In March 1957, the people of Kashmir had participated in India's general elections and had also elected a State Assembly. By now it should be clear to everyone that the people of Kashmir had decided their own destiny once and for all, that they regarded Kashmir as an inalienable part of the Republic of India and that they did not want any interference in their affairs by any self-appointed guardians. It was obvious that a reconsideration of the Kashmir question had been taken up because the Western Powers had wished to use it for the purpose of aggravating relations between India and Pakistan, and to exert pressure on India to change its independent foreign policy. Any proposal to send international troops to Kashmir or to appoint arbiters was merely a manifestation of that policy of pressure. India's objection to the proposal of arbitration had been well-founded. The USSR delegation believed that the Security Council must exert its authority to prevent the imposition of foreign wills on the Kashmir people, to put an end to all actions tending to increase tension between India and Pakistan and to create conditions in which a peaceful solution of any remaining questions with regard to Kashmir could be brought about.

134. The representative of India said that he would be failing in his duty if he were not to draw attention again to the fact that it was India which had originally submitted a complaint of aggression against a part of its territory and had called upon the Security Council to take action on that complaint in accordance with Chapter VI of the Charter. India had referred the matter to the Council because it had wished to stop bloodshed in Kashmir and to avoid the extension of the conflict. India was interested in a peaceful solution of the question, but a solution which must be in accordance with the principles of the Charter, which should not militate against India's sovereignty or violate its integrity, and which did not put a premium on aggression. It must also be remembered that there never was a dispute regarding the territory of the State of Jammu and Kashmir. Kashmir was not a no man's land on which the Security Council could adjudicate. Those resolutions of the Council by which India was still engaged had not used the word "dispute". Therefore, any further approach to the Kashmir problem in a manner as though it were a territorial dispute would be a fundamental mistake. Any changes that might result from holding a plebiscite in the State of Jammu and Kashmir would affect only its future status. The present situation was that the sovereignty, the right of defence and the right to speak for the State of Jammu and Kashmir lay in the Union of India.

135. The representative of India observed that in discussing the Jarring report (S/3821) some members of

the Council had focused their attention on that part which had dealt with the proposal of arbitration. India's views on the question of arbitrating on certain aspects of the Kashmir question had been well known since 1948. India had held the view that the independence of countries could not be made the subject of arbitration. Other countries also had equally strongly opposed arbitration on issues of vital interest to them. Thus, while India was not opposed to the principle of arbitration, it had nevertheless felt that where its security was concerned and where the terms of reference of Mr. Jarring's mission were affected, arbitration was inappropriate. Moreover, Mr. Jarring had himself stated that the basis of his discussions were the two UNCIP resolutions. The Council had already taken certain decisions in that respect and it would not be proper to submit those decisions to arbitration.

136. Mr. Jarring had also stated that in his report he had established that a deadlock had been reached between India and Pakistan on Part I of the 13 August 1948 resolution. Therefore, as far as India was concerned, before Part I was disposed of, any discussion of Part II was ruled out. India had not raised the point as an afterthought as some members of the Council had seemed to feel. Moreover, Pakistan had continuously violated the Security Council's resolution of 17 January 1948 (S/651), which had called upon the parties concerned not to augment the strength of their forces. India, on the other hand, had accepted that resolution from the time it was passed and had scrupulously followed it in letter and spirit. The United Kingdom representative's appeal to the parties to observe section E of Part I of the first UNCIP resolution was unjustified as far as India was concerned, since, unlike in Pakistan, no responsible person or authority in India had made any statement or taken any decision which would in any way militate against section E. In fact, India agreed with the representative of the United Kingdom when he said that section E must be widely interpreted.

137. The representative of India then stated that he had not said anything about happenings on the Indian frontier which the Australian representative could justly consider unhelpful in easing tension. He had only presented certain facts and figures with regard to the use of intelligence men and funds by Pakistan to create disruption inside Indian territory.

138. The representative of India, after quoting from the United Kingdom representative's statement that since neither his Government nor the Security Council had felt able to pronounce on the Indian case that the issue was one of aggression it was not possible for the United Kingdom to accept many of India's deductions drawn from that major premise, declared that the Indian stand in respect of that question was basic and fundamental. India's position was not that the Security Council had not pronounced itself on aggression, because its resolutions were based upon India's sovereignty over its territory. They made no reference to Pakistan, and it was India that was required to keep law and order in the State of Jammu and Kashmir and ensure a number of other things. Although the Security Council had not branded Pakistan as an aggressor, its resolutions had nevertheless been formulated and accepted on the basis that India had made a complaint of the violation of its territory, which included Jammu and Kashmir. Therefore, the question of aggression against Indian territory was a basic issue and a major premise. India's sovereignty over the entire State of Jammu and Kashmir could not be altered by an act of force—an act which

was a violation of international law. This view had been upheld by Sir Owen Dixon, a former United Nations representative, in his report to the United Nations and also by Mr. Korbel, a member of the former United Nations Commission, who stated in his book entitled *Danger in Kashmir* that a former Foreign Minister of Pakistan had told the United Nations Commission that Pakistani troops had been in Kashmir since May 1948.

139. As regards the reference of the United Kingdom representative to the Azad Kashmir forces and his point that the UNCIP resolution of 13 August 1948 had not explicitly dealt with them, it must be remembered, said the representative of India, that in the first place the Azad Kashmir forces had been covered by the general reference in that resolution to "all forces, organized and unorganized" under Pakistan's control. Secondly, the Commission had not dealt with that point because the facts relating to Azad Kashmir forces had been concealed from it at the time it framed its resolution. Moreover, in sheer violation of the 13 August resolution, Pakistan had used the cease-fire period to consolidate its position in the Azad Kashmir territory and had reorganized the Azad Kashmir forces. The United Nations Commission in its third interim report (S/1430) had definitely stated that if it had known that Pakistan would use the cease-fire period to consolidate its position, it would have included a reference to that in the 13 August resolution. The Commission could not make it any plainer that that was a case of aggression. In fact, it was not a case only of violation of India's sovereignty but also of continued and cumulative violation of the decisions of the Security Council. Persons representing the United Nations and coming from various countries had investigated that and had found it to be true. No further investigation was necessary and the Council was duty bound to take action in accordance with the principles of the Charter.

140. The Chinese representative had stated that India had been unwilling to grant the right of self-determination to the people of Kashmir and that India in its refusal was taking refuge behind a legal stand which had, however, not prevented the United Kingdom from granting self-determination to India itself. In the first place, said the representative of India, no question of self-determination had been involved in the case of transfer of power in the Indian sub-continent. Certain *ad hoc* arrangements were made, and under an Act of the British Parliament power was transferred. Secondly, India, as the successor State, had inherited all the legal obligations and rights which previously rested in the British authority in India and those had not disappeared with the transfer of power. The foundation of the constituent relationship of Jammu and Kashmir to the Union of India was derived from the agreement to which Pakistan, India and the United Kingdom were parties. Moreover, the people of Kashmir were themselves Indian people who enjoyed the same rights and privileges as other Indians without any discrimination and, therefore, the question of granting them self-determination was hardly relevant.

141. The representative of India then said that the Philippine representative's contention that any claim by India or Pakistan over any portion of the State of Jammu and Kashmir would be prejudicial to the implementation of the two UNCIP resolutions, was contrary to the resolutions of the Security Council and the findings of the United Nations Commission, which were all based on the thesis that the whole territory of the State of Jammu and Kashmir was Indian territory, part of which

was effectively under Indian control and the rest of which had been illegally annexed by Pakistan.

142. Continuing his statement at the 800th meeting of the Council (11 November 1957), the representative of India said that the representative of Cuba had asked that the right of self-determination be granted to the people of Kashmir. The principle of self-determination, however, could be applied only in respect of people of dependent territories governed by a colonial Power and not to those in a constituent unit of a federal union. Moreover, in the case of an Indian State its ruler alone possessed the right to take a decision on the question of accession. Thus, the instrument of accession as signed by the ruler was the only legal document necessary for the accession of a State to the Indian Union.

143. It might, however, be asked why, if the State of Jammu and Kashmir had legally acceded to India, should the question of plebiscite arise at all? It should be remembered that, in the whole controversy concerning Kashmir, reference to a plebiscite had been made purely as an *ad hoc* suggestion for the purpose of ending bloodshed. As far as consulting the wishes of the people was concerned, it had only the significance of a domestic election, which India had duly carried out. However, assuming that the reference was to a plebiscite, that plebiscite must take place under the sovereignty of the Kashmir Government and under the authority of the Government of India. In all its resolutions, the Security Council had always held that position. Pakistan or any other country had no part in holding a plebiscite in the State of Jammu and Kashmir. Since it was a matter between the people of Kashmir and the Government of India—and thus a domestic matter—India could have changed its mind. It did not do so. It waited for three years for the Security Council to act and only then carried out its obligation of consulting the wishes of the people by holding elections in a democratic manner for a Constituent Assembly for the State of Jammu and Kashmir. Even the UNCIP resolution of 5 January 1949, which was subsidiary to the resolution of the 13 August 1948 and should be read in the context of events, had stated that the plebiscite administration would derive from the State of Jammu and Kashmir the powers that it would consider necessary for organizing and conducting the plebiscite. The 5 January resolution had thus recognized only one State of Jammu and Kashmir, whose Government alone could give authority to a plebiscite commissioner.

144. The representative of India then said the representative of Sweden, on behalf of his Government, had made a suggestion (798th meeting) that certain legal aspects of the Kashmir question might, at an appropriate moment, be referred to the International Court of Justice for an advisory opinion. In that respect, while India would not make any categorical rejection of any suggestion, it would nevertheless like to know what those "certain legal aspects" would be. India would also wish that, before those "certain aspects" were referred to the Court, the Swedish Government would first obtain assurances from Pakistan that it would abide by the advisory opinion of the Court and secondly that the Pakistani judge of the International Court of Justice, who was a partisan in the Kashmir question, would disqualify himself in law and spirit in any presentation of the Kashmir question before the Court. India would have to examine carefully what were the questions to be referred to the Court. India would like to point out that, according to the instrument of accession, Kashmir's accession was final and unconditional; as there was no provision for conditional accept-

ance. Nothing could alter the sanctity, the completeness and the legally binding nature of that contract between India and the State of Jammu and Kashmir. Secondly, the sovereignty of the Indian Union over the whole State of Jammu and Kashmir had been fully recognized in the resolutions of the Council and there would be no point in debating something which had been already accepted. India was not prepared to disregard its engagements under the Council resolution of 17 January 1948, and the UNCIP resolutions of 13 August 1948 and 5 January 1949. In his report to the Security Council (798th meeting), Mr. Jarring had stated that he had established that a deadlock had been reached between India and Pakistan on Part I of the 13 August resolution. The representative of India wanted to know if the Swedish Government had departed from the statement of Mr. Jarring and if Pakistan and members of the Council would bind themselves to the Swedish Government's proposition. Thirdly, he wondered whether there was any point in referring to the Court the one question on which the resolutions of the Security Council had been firm and in regard to which no organ had any jurisdiction.

145. Continuing at the 801st meeting on 13 November 1957, the representative of India regretted the statement by the representative of Iraq (797th meeting) alleging that India's stand that Part I of the first UNCIP resolution had not been implemented might perhaps be an afterthought, and was an attempt to reopen issues which had long been closed. He quoted from statements of previous representatives of India to show that India had always maintained that Part I of the 13 August 1948 resolution had not been implemented because Pakistan had continued its unlawful occupation of nearly half the State of Jammu and Kashmir and had organized therein subversive Azad Kashmir forces.

146. The representative of India said that, in view of some of the statements made in the Council, and because of conditions obtaining in India and the facts which had been implied in the report of Mr. Jarring, he would like to deal with the position of the northern areas in some detail. He pointed out that while Pakistan had admitted the entry of Pakistani forces in the State of Jammu and Kashmir in order, according to the statement of the Commander-in-Chief of the Pakistan army, to hold the general line of Uri-Poonch-Naoshera, which was in the western part of the State, there had been no suggestion in 1948 at the time of the adoption of the UNCIP resolution that the northern areas had also been occupied by Pakistani troops. At that time, the Chairman of the United Nations Commission had told the Prime Minister of India⁶ that because of the peculiar conditions of the northern area the Commission had not specifically dealt with the military aspects of the problem in the 13 August 1948 resolution. However, the Commission believed that the question that had been raised by the Prime Minister of India could be considered in the implementation of that resolution. From the Commission's reply it was clear that the whole question of the northern area had not been decided in any other way except as being part of the State of Jammu and Kashmir. On 28 March 1949, India had proposed to the Commission that it would like to maintain garrisons at selected points in the northern area. The Commission, while giving serious consideration to India's position, which it had recognized to be based on legal claims, had declared in its first truce

proposals of 15 April 1949 that observers would be stationed "in the sparsely populated and mountainous region of the territory of Jammu and Kashmir to the north". However, in spite of these assurances to India, no observers had been stationed there. The Commission had also stated that, upon advice from the observers or upon request from the Government of India, "the Commission and/or the Plebiscite Administrator may request the Government of India to post garrisons at specified points". The Commission had thus recognized India's sovereignty over the northern area and also that, whatever might be the administrative set-up in that region, the whole area fell within the territory of the State of Jammu and Kashmir. Pakistan's occupation of those northern areas was part of its annexation of the territory of the State of Jammu and Kashmir and constituted a violation of Part I of the resolution of 13 August 1948. Pakistan had told the Commission that from May to December 1948 it had no regular troops in the northern areas, but by January 1949, according to the report of the United Nations Commission,⁷ Pakistan held military control over the northern areas. While drafting its resolution of 13 August 1948, the Commission had not considered the northern areas in the same light as it had considered western Kashmir, and the Chairman of the Commission in a memorandum dated 27 August 1948⁸ had stated that surveillance of territories of the State of Jammu and Kashmir other than those then occupied by Pakistan was not provided for in the 13 August resolution and remained under the jurisdiction of the Government of the State. It was clear that either Pakistan had concealed the presence of its troops in the northern area, as it had done in regard to the first entry of its troops into the State of Jammu and Kashmir, or it had occupied the area after the cease-fire of 1 January 1949. In the former case, Pakistan's action had resulted in concealment of facts from the United Nations Commission and the Security Council, and, in the latter case, it had resulted in occupying and militarily administering a large area of the State of Jammu and Kashmir and had thus amounted to further violation of Part I of the 13 August 1948 resolution.

147. The representative of India then said that the word "demilitarization", in connexion with the State of Jammu and Kashmir, had to be interpreted in the context of the UNCIP resolution of 13 August 1948, by which certain things had to be done to implement Part I. That word did not mean neutralizing a territory. As far as India was concerned, it had accepted demilitarization in the sense that if Pakistan were to withdraw all its troops, equipment and organization from the area of Kashmir under its control, that would amount to a progressive step towards the implementation of Part I of the resolution and if it were followed by a continuous period of observance of clause E, then that would lead to a new situation. By "demilitarization", India had not meant abrogation of its sovereignty or neutralizing a certain part of its territory. In fact, the question of demilitarization was applicable only to Pakistan, as India in that respect was bound only by the two UNCIP resolutions. If, therefore, an appeal for demilitarization were to be made, it should be addressed to Pakistan, which should be asked to remove the accoutrements of war from the territory of its neighbouring State.

⁷ *Official Records of the Security Council, Fourth Year, Special Supplement No. 7*, document S/1430, para. 274.

⁸ *Official Records of the Security Council, Third Year, Supplement for Nov. 1948*, page 138.

⁶ *Official Records of the Security Council, Third Year, Supplement for November 1948*, document S/1100, paras. 80 and 81.

148. As regards the proposals concerning the so-called demilitarization that had been discussed in the past, specially the proposals which had been submitted by Dr. Graham, it must be remembered that all those proposals were of an exploratory nature and that there had never been an agreement on them. If the whole of the Graham proposals had been agreed to by the two parties and if either party had later gone back on them, there would then be a breach of agreement. India had discussed various proposals with Dr. Graham by way of exploration but none of the reports submitted by him had contained an agreement on any of the crucial matters. In fact, those reports had pointed out the impossibility of proceeding to Part II of the resolution of 13 August 1948, and the logical conclusion that could be drawn from that was that Part II could not be implemented except by resolving first the deadlock on Part I.

149. In summing up his statement, the representative of India said that his Government's position was that the only engagements by which India was committed were the general rules of international law; its obligation under the Charter to defend its sovereignty; and the obligations arising from the resolutions of 17 January 1948, 13 August 1948 and 5 January 1949. He added that further progress on the Kashmir question could be made only on the basis of the full vacation of aggression, which meant the de-annexation by Pakistan of the territory of the State of Jammu and Kashmir and the removal of everything that had come there from Pakistan since 20 December 1948. The stoppage of hostile propaganda and some assurances as to the future which should be acceptable to India and the Council were also essential.

150. At the same meeting, the representative of Sweden, after referring to his statement at the 798th meeting of the Council, and the subsequent request from the representative of India for further information, said that his Government had two questions in mind for an advisory opinion by the International Court of Justice. The first question dealt with the legality of the accession and was divided into the following three parts:

(a) Did the accession of the Princedom of Jammu and Kashmir to India become legally valid in virtue of the declaration of accession signed by the Maharaja in 1947?

(b) If that declaration had not constituted a definite accession, did it have the import of a legally valid, conditional accession?

(c) In the latter case, was the accession, as a result of the declaration by India on accepting the accession or for other reasons, conditioned by being confirmed through a plebiscite?

151. The second question was the following: if a confirming plebiscite was a condition for the accession, to what extent had India and Pakistan assumed precise obligations in respect to the manner in which the plebiscite should be arranged and to the prerequisites for a plebiscite?

152. The representative of Pakistan said that the representative of India, through his lengthy statements, had attempted to confuse the issues in the Kashmir dispute. The precise issue before the Council was the demilitarization of the State of Jammu and Kashmir in order that a free and fair plebiscite might be held under the auspices of the United Nations in compliance with the two UNCIP resolutions, which had guaranteed the right of self-determination to the people of the State.

Pakistan expected that the Council would not permit the opening of issues that had been already closed and would proceed to ensure that the obligations incurred by India under an international agreement were speedily implemented.

153. The representative of India, commenting on the statement of the representative of Sweden, said that his delegation would communicate to the Government of India the questions which the Swedish Government would wish to refer to the International Court. Whenever the Swedish Government considered it appropriate, the Indian Government would give the answer. In the meantime, he wished to state that the Indian delegation had not said that an advisory opinion might not be sought.

154. At the 802nd meeting held on 15 November 1957, the representative of Pakistan said that there should be no doubt in the mind of anybody about the implementation of Part I of the 13 August 1948 resolution. In regard to section B, not only had there been no augmentation of Pakistan military potential, but, on the contrary, there had been a substantial reduction. In any case, as the representative of the United Kingdom had pointed out, the implementation of Part II of the resolution would remove any remaining problems concerning augmentation. In regard to section E of Part I, the Government of Pakistan had made repeated and sincere efforts to promote an atmosphere conducive to the holding of a plebiscite. The statements which had been quoted by the representative of India had all been made in connexion with Pakistan's policy of adherence to regional alliances. Those alliances, which were entirely defensive, had no bearing on the Kashmir problem.

155. The representative of Pakistan then categorically denied that his Government had any knowledge of the alleged bomb explosions in the State of Jammu and Kashmir and added that he would strongly repudiate the allegation that he had been personally in contact with the so-called subversive elements in Kashmir.

156. Pakistan had succeeded in maintaining a peaceful atmosphere throughout Azad Kashmir and firmly believed that Part I of the 13 August 1948 resolution had been fully and faithfully implemented. That fact had been certified by Dr. Graham in paragraphs 29 and 44 of his third and fifth reports (S/2611 and Corr.1 and S/2967) respectively. Mr. Jarring had also not stated that Part I had not been implemented (S/3821). The deadlock on Part I, which he had reported, had been the result of the Indian rejection of limited arbitration in regard to the determination of certain facts. Pakistan regretted that any note at all had been taken of the unfounded allegation of augmentation of forces or of non-implementation of Part I of the 13 August resolution in any other respect. It was, however, a matter of some satisfaction that the Security Council had addressed itself to the question of demilitarization preparatory to the holding of a plebiscite and Pakistan welcomed the suggestion that Dr. Graham should again visit the sub-continent in that connexion.

157. The representative of Pakistan, replying to certain points made by the representative of the USSR (799th meeting), stated that it was India, not Pakistan, which had rejected all proposals for the withdrawal of troops and the implementation of the UNCIP resolutions. As to the reason for Pakistan's request for reconsideration of the Kashmir question, it was because India

had been attempting to complete its annexation of the Indian-occupied part of Kashmir in defiance of the Security Council resolution of 30 March 1951 (S/2017/Rev. 1), reaffirmed in January 1957. The policy of the Western Powers had nothing to do with it.

158. The two UNCIP resolutions had laid down meticulously the procedures to be adopted for the purpose of ensuring a free expression of the will of the people of Kashmir. Those procedures had been completely disregarded by India. The convening of the so-called Constituent Assembly as well as the holding of the so-called elections had been entirely contrary to the letter and to the spirit of the obligations voluntarily accepted both by India and Pakistan.

159. The representative of India, continued the representative of Pakistan, had also repeatedly said that Pakistan's military assistance agreement with the United States and its entry into regional defensive alliances had constituted a change of circumstances which justified denial of the right of self-determination to the people of Kashmir. The real reason, however, for India's repetition of its baseless charges regarding Pakistan's defensive alliances was its failure to bring about the political and military isolation of Pakistan. It was also not true, as the representative of India contended, that India was the sole legitimate successor of British authority in India. The correct position was that under the Indian Independence Act of 1947, two independent Dominions had been set up in the sub-continent and both India and Pakistan had become co-successors to British authority. Under the same Act, Pakistan also inherited the rights and obligations flowing from treaties and international obligations to which undivided India had been a party. The Indian representative's contention that India, as the successor State, had the obligation to go "to the rescue of Kashmir" was not correct. India had based its claim on the doctrine of paramountcy, but, with the termination of British rule, paramountcy over the Indian States had lapsed under section 7 of the Indian Independence Act. India, therefore, had no right of intervention in Kashmir. Indeed, Pakistan, by virtue of the Standstill Agreement with the Maharajah of Jammu and Kashmir, was the sole successor of the British Government of India with regard to its rights and obligations in relation to the State of Jammu and Kashmir.

160. The representative of Pakistan said that his delegation had in the past fully answered the charge of aggression repeatedly levelled against it by India. Pakistan's contention was that aggression had been committed by India, not only in Kashmir but also in Junagadh, Manavadar, Mangrol and Hyderabad. The representative of India had tried to make capital out of the fact that India had come first as a complainant to the Security Council and had asserted that Pakistan, being a defendant, could not stand on the same footing with India. The representative of India had ignored the fact that Pakistan had also made a complaint to the Security Council against India. Having committed aggression against Junagadh in spite of its accession to Pakistan, India had rushed to invade Kashmir and to seize it by force under the cover of a fraudulent accession. If the Security Council considered it necessary to go into the question of aggression, the Pakistan delegation would insist that all the transactions in connexion with the accession of Indian States, pending before the Council, must be investigated and pronounced upon, on the basis of a single standard of judgement.

161. If, as claimed by India, self-determination had taken place in Kashmir when the Maharajah acceded to India, then, asked the representative of Pakistan, what was the point of including self-determination in the UNCIP resolutions which India had accepted. He asked why India did not vacate its aggressions in Junagadh, Mangrol and Manavadar, whose rulers had acceded to Pakistan, and in Hyderabad, whose ruler had chosen not to accede to either India or Pakistan.

162. With reference to India's contention that, under its constitution, no part of its territory could secede, the representative of Pakistan pointed out that article 13 of the draft Declaration on Rights and Duties of States, which was adopted unanimously by the General Assembly by resolution 375 (IV) in 1949, forbade any State from invoking provisions in its constitution or its laws as an excuse for failure to perform its duty to carry out its obligations arising from treaties and other sources of international law. This view had been sustained by the International Court of Justice in the case of the "Treatment of Polish nationals and other persons of Polish origin or speech in the Danzig Territory". The right of the people of Kashmir to self-determination, therefore, remained unimpaired by any provisions in India's own constitution, and irrespective of the nature of the so-called accession to India.

163. The representative of Pakistan then declared that the Indian argument that UNCIP resolutions had made mention only of arrangements for the future status of the State of Jammu and Kashmir, and that consequently its present status entailed recognition of the total authority of India, had overlooked the fact that it was the present situation in the State which was the subject of a dispute between India and Pakistan before the Security Council. In fact, assertion of sovereignty by either party was inadmissible in view of the whole approach and basic concept of the UNCIP resolutions, a point already noted by the representative of the Philippines in his intervention (798th meeting). The representative of India, at the 799th meeting, had, himself, characterized the UNCIP resolutions as constituting a "peace arrangement". The resolutions, therefore, were concerned with the settlement of the dispute and not with the adjudication of claims and counter-claims. The responsibility for implementing the procedure laid down in the UNCIP resolutions naturally devolved on whichever entity was physically so situated in the State as to be able to shoulder it. The resolutions had not contained any recognition of sovereignty, for their main concern was how concretely demilitarization could be effected and the machinery for the plebiscite introduced.

164. Concerning Mr. Jarring's proposal that the question whether or not Part I of the 13 August 1948 resolution had been implemented be submitted to arbitration, the Pakistan representative observed that it did not involve questions of the sovereignty, dignity or vital interests of any party. As regards the representative of Sweden's submission of two questions for possible reference to the International Court of Justice, Pakistan believed that the issues involved in the Kashmir dispute were of a political rather than a juridical nature. In a strict sense, the questions raised by the representative of Sweden were irrelevant to the specific problem, namely, the implementation of the UNCIP resolutions. Any reference to the International Court of Justice would delay settlement and possibly might endanger peace; moreover, there was no guarantee that the advisory opinion of the Court would be accepted and enforced. He did not

doubt, however, that at the appropriate time his Government would give due consideration to the Swedish suggestion.

165. The representative of Pakistan then said that India's demand for de-annexation of the Azad Kashmir territory had no validity, since there had been no annexation of that territory either in law or in fact. As far as Pakistan was concerned, Kashmir was a separate territory and, according to article 203 of the Constitution of Pakistan, the future relationship of that State with Pakistan was still to be decided in accordance with the wishes of the people of Jammu and Kashmir. As regards India's demand that the administration and control of the northern areas should revert to the Government of the State of Jammu and Kashmir, the Pakistan representative pointed out that under Part II A (3) of the 13 August 1948 resolution the northern areas should continue to be administered by the "local authorities", and that under Part II B (2) of the same resolution the Indian and State armed forces must remain on their own side of the cease-fire line. Pakistan's stand on those points had been upheld by the United Nations Commission. Similarly, there was no justification for the Indian contention that the Azad Kashmir forces should be disarmed or reduced at the present stage. In paragraph 2 (c) of its letter dated 19 September 1948,⁹ the Commission had assured the Foreign Minister of Pakistan that its resolution of 13 August 1948 had not contemplated the disarming or disbanding of the Azad Kashmir forces.

166. The representative of Pakistan refuted the Indian charges that the construction of the Mangla Dam, which was a beneficial project, had constituted "consolidation" of the so-called "aggression". He added that of far more significance, in that context, was the construction of the Banihal Pass tunnel, which had been constructed for the purpose of providing a major strategic highway for Indian armed forces to move into the Kashmir valley throughout the year. He also denied that his delegation had charged India with committing genocide. It had merely warned the Council that an atmosphere of instability had been created by Indian leaders suggesting the possibility of wholesale slaughter and other consequences as a result of a plebiscite in the State of Jammu and Kashmir.

167. Recalling his earlier suggestion regarding the stationing of a United Nations Force in the State (791st meeting), the representative of Pakistan said that its purpose would be to create confidence in the minds of the parties concerned and to enable them to proceed without trepidation to the discharge of their obligations. The representative of India had given a long list of his Government's demands which were contrary to the assurances given to Pakistan by the United Nations Commission and to the UNCIP resolutions; he had not promised that, even if these were met, India would carry out its obligations under the UNCIP resolutions. The Pakistan delegation wondered how the representative of India reconciled his version of the present position of his Government with India's acceptance of the two UNCIP resolutions and its assurances to seek a peaceful settlement of the dispute. In the circumstances, the Security Council must take effective steps towards the full implementation of the two UNCIP resolutions to which both India and Pakistan were parties and to which both had proclaimed their adherence.

C. Draft resolution submitted by Australia, Colombia, the Philippines, the United Kingdom and the United States

168. At the 803rd meeting held on 18 November 1957, the representative of India said that his delegation had been surprised at the circulation of a joint draft resolution (S/3911) on the Kashmir question before it had had an opportunity to reply to Pakistan's statement. He could say at once that India was totally opposed to that draft resolution because it was contrary to the Charter.

169. The representative of India then said that his Government had evidence to prove Pakistan's complicity in the explosions and the sabotage that were taking place in Jammu and Kashmir. While the Government of India was seeking a peaceful settlement of its differences with Pakistan, leaders in Pakistan had been making public statements to incite their people against India.

170. At the same meeting, the representative of the United States introduced the following draft resolution (S/3911) which was sponsored by Australia, Colombia, the Philippines, the United Kingdom of Great Britain and Northern Ireland and the United States of America:

"The Security Council,

"Having received and noted with appreciation the report of Mr. Gunnar V. Jarring, the representative of Sweden on the mission undertaken by him pursuant to the Security Council resolution of 21 February 1957;

"Expressing its thanks to Mr. Jarring for the care and ability with which he has carried out his mission;

"Observing with appreciation the expressions made by both parties of sincere willingness to co-operate with the United Nations in finding a peaceful solution;

"Observing further that the Governments of India and Pakistan recognize and accept the commitments undertaken by them in the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949, which envisage the determination of the future status of the State of Jammu and Kashmir in accordance with the will of the people through the democratic method of a free and impartial plebiscite, and that Mr. Jarring felt it appropriate to explore what was impeding their full implementation;

"Concerned over the lack of progress towards a settlement of the dispute which his report manifests;

"Considering the importance which it has attached to demilitarization of the State of Jammu and Kashmir as one of the steps towards a settlement;

"Recalling its previous resolutions and the resolutions of UNCIP on the India-Pakistan question;

"1. Requests the Government of India and the Government of Pakistan to refrain from making any statements and from doing or causing to be done or permitting any acts which might aggravate the situation and to appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations;

"2. Requests the United Nations Representative for India and Pakistan to make any recommendations to the parties for further action which he considers desirable in connexion with Part I of the UNCIP resolution of 13 August 1948, having regard to his third and fifth reports and the report of Mr. Jarring,

⁹ Official Records of the Security Council, Third Year, Supplement for November 1948, document S/1100, para. 108.

and to enter into negotiations with the Governments of India and Pakistan in order to implement Part II of the UNCIP resolution of 13 August 1948, and in particular to reach agreement on a reduction of forces on each side of the cease-fire line to a specific number, arrived at on the basis of the relevant Security Council resolutions and having regard to the fifth report of the United Nations Representative for India and Pakistan;

"3. *Calls upon* the Governments of India and Pakistan to co-operate with the United Nations Representative in order to formulate an early agreement on demilitarization procedures, which should be implemented within three months of such an agreement being reached;

"4. *Authorizes* the United Nations Representative to visit the sub-continent for these purposes; and

"5. *Instructs* the United Nations Representative to report to the Security Council on his efforts as soon as possible."

171. The Representative of the United States then said that the above draft resolution was designed to give concrete shape to the views expressed by most of the members of the Council. It took note of the willingness of the parties to co-operate with the United Nations in finding a peaceful solution of the Kashmir problem. It also reflected the fact that they continued to accept the UNCIP resolutions of 13 August 1948 and 5 January 1949 and had expressed a desire to see progress made under them. It was obvious that no final settlement of the question could be reached except on an amicable basis acceptable to both parties. In the absence of some other mutually acceptable solution, the Council's clear responsibility was to help the parties make those UNCIP resolutions a reality. The draft resolution also provided for steps being taken to help implement Parts I and II of the UNCIP resolution of 13 August 1948.

172. The representative of the United Kingdom said that his delegation realized that the joint draft resolution could not give full satisfaction to either of the parties as it contained elements which both would consider incompatible with some of their contentions. The sponsors of the draft hoped, however, that their proposal would assist the parties in attaining a solution of the Kashmir problem. The present situation was nothing new. A perusal of the documents of the Commission, in particular of its third interim report, would reveal that the stand taken by the two parties in 1949 was similar to their current stand. In 1949 also, the Council had been informed that a deadlock had been reached, but that had not deterred the Council then from seeking ways of resolving the deadlock consistent with its own approach. The United Kingdom delegation hoped that the Council would not be deterred now from continuing its efforts.

173. The United Kingdom representative then said that the draft resolution had confined itself to the earlier phases of the Kashmir question which had been dealt with in Parts I and II of the UNCIP resolution of 13 August 1948. The connexion between those two parts was such that it would be difficult for the Security Council, at the present stage, to take action on either part without regard to the other. Conscious of the contrary views held by the two Governments on the implementation of Part I and also considering that some step forward on Part II of that resolution was necessary, the sponsors of the joint draft resolution had proposed that the United Nations Representative should be requested to make recommendations as regards Part I which would

be acceptable both to Pakistan and to India. The sponsors also hoped that he would be successful in making progress on a plan for a reduction of forces, for that was a necessary preliminary to the creation of conditions in which progress towards a final solution would be possible. In that respect, the United Nations Representative must seek an agreement on the basis of the relevant Security Council resolutions and with regard to his previous discussions in that respect. The sponsors, however, were not putting any restraint on his freedom of action or giving any special authority to a previous series of proposals which had proved unacceptable. In fact, there was nothing in it which would prejudice the stand of either of the parties, because the sponsors believed that it was only out of the exercise of compromises and a willingness to try to find common ground that a solution could be found.

174. The representative of Cuba said that when his delegation had spoken of self-determination for the people of Jammu and Kashmir (798th meeting), it had not been advocating a political concept in the abstract, but had only referred to what had already been accepted both by India and Pakistan, that is, the right of the people of Jammu and Kashmir to decide freely the question of their accession either to India or to Pakistan. Moreover, when the Cuban delegation had spoken of a plebiscite, it had used the same wording as used by the Prime Minister of India in his telegram of 8 November 1947 to the Prime Minister of Pakistan. Since the Cuban delegation believed that the holding of a plebiscite, as promised by the Prime Minister of India, would lead to a solution of the Kashmir question, it would vote in favour of the joint draft resolution.

175. The representative of Australia, after recalling his earlier statement (798th meeting) that it was a valid concern of the Council to resolve any doubts that might exist whether Part I of the UNCIP resolution of 13 August 1948 had remained unimplemented, said that the prospects of progress along the lines of the two UNCIP resolutions would be improved if the Council and the two parties could be assured that Part I had been fully implemented. He added that, as mentioned in that earlier statement, his delegation also shared the view that a further investigation should be made to find out whether some progress could be attempted on the problem of demilitarization in Kashmir. The Australian delegation had co-sponsored the joint draft resolution in the hope and belief that it would result in some forward steps towards the solution of the Kashmir question.

176. The representative of Colombia said that the draft resolution, which his delegation was co-sponsoring, did not in the slightest degree change the final goal that the Council had been pursuing since 1948, with the express consent of the parties concerned, namely, that a solution of the Kashmir question should be found by means of a free and impartial plebiscite. The Colombian delegation hoped that, as a result of the United Nations Representative's consultations with the two parties, the areas of disagreement would be diminished and the United Nations objective in Kashmir would come closer to achievement.

177. The representative of China said that the India-Pakistan question was unique in two respects. It was the only territorial dispute between two Asian States and to be an item on the Security Council's agenda it had lasted longer than any other territorial dispute before the United Nations. Its consideration had undergone a num-

ber of crises, and one such crisis had been on 10 February 1948,¹⁰ when the then representative of India had declared that he would not participate any further in the debates of the Council because of what he had considered an over-emphasis on the problem of the plebiscite and a neglect of the Indian charge of Pakistani aggression. On that occasion, the representative of China had stated that the plebiscite was right in itself. It had been announced and accepted by India. The Security Council was not imposing anything on the Indian Government. The representative of China then added that the sentiments expressed by him ten years ago, concerning the importance of holding a fair and impartial plebiscite, were still valid and for that reason his delegation would vote in favour of the draft resolution.

178. At the 804th meeting held on 20 November 1957, the representative of the Philippines said that his delegation did not believe that the Kashmir question was such that it could resolve by itself. Moreover, he added, the Council had tried, between the years 1952 and 1957, to submit the dispute to the process of direct negotiations between India and Pakistan, but that method had brought no satisfactory results. Neither India nor Pakistan desired that the Kashmir question should fester indefinitely. He believed that neither of them desired to seek a solution by means of force. Both parties had reaffirmed that they were still engaged by the two UNCIP resolutions. The draft resolution (S/3911) before the Council was a logical and necessary answer to the mutual charges made by the parties concerned of violation of the cease-fire agreement. Similarly, the request addressed to both countries to refrain from hostile propaganda or provocative acts was also due to the complaints that had been made by each side against the other. The proposal, furthermore, sought to assist in the reaching of agreement on the demilitarization of the State, a step contemplated in the UNCIP resolutions.

179. The President, speaking as the representative of Iraq, said that, as regards the Kashmir problem, the goal was that its accession to either India or Pakistan should be decided by means of a free and impartial plebiscite. The conditions for carrying out the plebiscite had failed to be created. Discussion in the Council had made clear that the parties to the dispute differed on the question of whether there had been augmentation of forces after the cease-fire or not. It was also to be noted that no progress had been made in the demilitarization of the State. In this connexion the Pakistan representative's suggestion, made at the 791st meeting, of the stationing of a United Nations Force on the cease-fire line provided a sound, practical and proper answer to the deadlock of which Mr. Jarring had spoken in his report.

180. Commenting on the joint draft resolution, the representative of Iraq said that it dealt only partially with the real issues and that the procedure suggested therein might lead to a prolongation of the existing state of affairs. India's attitude had already been discouraging; first, by the legal position it had assumed in respect of the State, and, secondly, by its efforts to introduce a number of alien elements into the issue of demilitarization. Therefore, the procedures suggested in paragraphs 2 and 3 of the operative part of the draft resolution fell short of meeting the present requirements of the Kashmir case. While the Iraqi delegation would have preferred the Council to adopt a procedure similar in essence to that

suggested by the representative of Pakistan, it would nevertheless vote in favour of the joint draft resolution because, at present, it was the only proposal before the Council containing measures which might lead to widening the areas of agreement between the two parties and because it provided an approach which was consistent with the practice followed in settling international disputes.

181. The representative of Pakistan said that his delegation regretted that a reference should have been made in the joint draft resolution to Part I of the UNCIP resolution of 13 August 1948. As had been stated by him earlier, Part I had been fully and faithfully implemented and the United Nations Representative in his third and fifth reports to the Security Council had confirmed this. There was, therefore, no reason to re-open any issue which had already been closed. As far as Pakistan was concerned, there had been no augmentation of its military potential in the State of Jammu and Kashmir. In fact, there had been a reduction. As regards section E of Part I of the UNCIP resolution, the representative of Pakistan assured the Council that, despite provocative propaganda from the other side, Pakistan had succeeded in maintaining a peaceful atmosphere throughout Azad Kashmir.

182. The representative of Pakistan stated that he was, however, glad to note that the draft resolution emphasized demilitarization as a necessary prerequisite to the holding of a plebiscite, for his delegation believed that only through speedy demilitarization could progress be made towards full implementation of the UNCIP resolutions. The representative of Pakistan then assured the fullest co-operation of his Government with the United Nations Representative who was being entrusted with the task of securing an agreement on the reduction of forces on each side of the cease-fire line.

183. At the 805th meeting of the Security Council held on 21 November 1957, the representative of India said that paragraphs 204 and 225 of the third UNCIP report¹¹ would clearly show that UNCIP's first resolution had been violated by Pakistan. It had augmented its military strength in the State. Furthermore, with regard to the "northern areas", which were an integral part of the State of Jammu and Kashmir and for whose security India was responsible even according to UNCIP, Pakistan had put in forces there after the Commission had adopted the 13 August 1948 resolution. If that resolution was to be observed, those forces would have to be withdrawn.

184. The representative of India then stated that the United Nations Representative, Dr. Graham, had not certified that Part I of the 13 August resolution had been implemented, as had been claimed by Pakistan. In the first place, Dr. Graham had not been authorized to certify anything; secondly, there had been no such certification; and thirdly, the facts as stated in his report were contrary to Pakistan's claims. All that Dr. Graham had done was to mention certain steps that should be taken, assuming that Part I had been implemented. Dr. Graham's talks were of an exploratory character based on certain assumptions. There was also nothing in the report of Mr. Jarring (S/3821) to justify the Pakistan representative's statement that India had created a deadlock on Part I. Actually, Mr. Jarring had only said that he (Mr. Jarring) had established that a deadlock had been

¹⁰ *Official Records of the Security Council, Third Year, 243rd meeting.*

¹¹ *Official Records of the Security Council, Fourth Year, Special Supplement No. 7, document S/1430.*

reached between India and Pakistan on Part I of the 13 August resolution.

185. The representative of India said that his delegation had made no criticism of countries joining defensive pacts. It had only pointed out that those pacts were being used by the party in question against India. It had quoted from statements of responsible members of the Government of Pakistan to show for what actual purposes Pakistan had entered into those pacts.

186. The representative of Pakistan had also denied his country's involvement in saboteurs' activities within the State of Jammu and Kashmir and alleged that the trials held by the Indian Government were stage-managed. Anyone conversant with the Indian juridical system, the representative of India said, would know that the judiciary was completely independent of the executive arm of government. Due process was observed and trials were public. Similarly, Pakistan's contention that the elections in Jammu and Kashmir were rigged was without foundation. The elections had been conducted under the Indian law and the election commissioner was completely independent of the executive. The elections had been observed by the international Press and contests had been vigorous.

187. The representative of India then said that the fact that India was a successor State to Britain had been internationally recognized. While India had continued its membership in the United Nations, it was Pakistan that had had to apply as a new State. The representative of Pakistan had also asserted that India could not be given any precedence on the ground that it had been the first to submit a complaint. That would be true if the complaint were not *bona fide*. India's complaint, which was one of aggression against it by Pakistan, had at first been denied, but aggression had afterwards been proved.

188. Commenting on the draft resolution (S/3911), the representative of India pointed out that none of the resolutions which India had accepted had referred to "disputes" or "commitments". India did not recognize any territorial dispute with regard to Jammu and Kashmir. India was engaged by the resolutions of 17 January and 13 August 1948, and of 5 January 1949, but India had made no commitments as such. The omission from the draft resolution of a reference to the resolution of 17 January 1948 (S/651) was unfortunate. Without that resolution, the two UNCIP resolutions had no effect. Furthermore, the whole of the draft resolution was centred on what its sponsors had chosen to call "demilitarization". It made no adequate reference to sections B and E of Part I of the 13 August resolution. In that respect the draft resolution was a repudiation of the Jarring report. Mr. Jarring had said in his report that there was a deadlock on Part I, but the draft resolution before the Council merely said that the United Nations Representative should make recommendations which he considered "desirable" in connexion with Part I, and then it proceeded to deal with Part II, as if resolving the deadlock on Part I was not an essential preliminary step for the implementation of Part II. While India stood engaged by the resolutions it had accepted, it would, nevertheless, not be willing for those resolutions, or the assurances that went with them, to be altered.

189. The representative of India stated that his Government was totally opposed to the draft resolution. India had submitted its case under Chapter VI of the Charter, and under that Chapter no resolution could have any value that did not contain the element of conciliation.

The draft resolution, by giving moral support to the aggressor, would, in effect, be an incitement to further subversion within Jammu and Kashmir. India was prepared to honour obligations under resolutions by which it stood engaged. First of all, however, Pakistan would have to carry out its obligations under Part I of the 13 August 1948 resolution by de-annexing the territory under its control, then part B of that resolution would emerge and, under it, Pakistan would have to withdraw its remaining troops. It would be then that India's obligations would come into the picture: they were of a voluntary nature but India would be prepared to carry them out under the conditions specified.

190. The representative of the Union of Soviet Socialist Republics said that, in spite of the long time spent and the various efforts made, no satisfactory solution to the Kashmir question had yet been found because of the position assumed by the Western Powers. The Western Powers had used the Kashmir question to carry out their own political plans and they had been trying to pry open the door for strategic penetration of the important area of Kashmir. They had been somewhat successful in their plans. The incitement of Pakistan to carry out military preparations and the lending of large-scale military assistance had exposed the true nature of the plans of the Western Powers, whose activities had helped to turn the part of Kashmir occupied by Pakistan into a fortified strategic outpost. The increased military potential of Pakistan, and its participation in Western military alliances, had made relations between India and Pakistan more difficult and consequently had adversely affected the peaceful settlement of their dispute. Mr. Jarring had pointed out in his report that implementation of international agreements of an *ad hoc* character could become progressively more difficult because the situation meanwhile had tended to change. The USSR delegation believed that the Security Council should not take any decision on the Kashmir question without making allowance for the reality of those facts. However, the statements of the representatives of the Western Powers and the draft resolution before the Council would reveal that the situation at present prevailing in Kashmir was still being ignored. The draft resolution had made no allowance for the protracted discussion in the Security Council and the positions of the parties as stated by them. It also did not reflect the substantial changes which had taken place in that Kashmir area and international affairs in general and it still proposed measures which experience had proved incapable of yielding any positive results.

191. The draft resolution placed special emphasis on the implementation of measures which the sponsors of the draft called "demilitarization". In that connexion, the USSR delegation asked whether the proposal on demilitarization also extended to discontinuing the supply of United States military equipment to Pakistan as well as the construction of military bases on Pakistan territory. It could not be denied that large-scale United States military assistance to Pakistan had created difficulties in the solution of the Kashmir question.

192. In his report, Mr. Jarring had also stated that the implementation of the UNCIP resolution had been blocked by the impasse on Part I of the 13 August 1948 resolution. From the facts which had been cited in the Council, it was evident that the impasse was the result of Pakistan's non-compliance with its obligations under Part I of the UNCIP resolution. That was a circumstance which any new decision of the Council must take into account. The draft resolution before the Council, on

the other hand, served the interest of only one party and had not taken India's position into consideration. It sought to impose on one of the parties a decision which that party had declared to be unacceptable. Such a procedure would be in complete violation of the principles of the Charter and would not lead to a peaceful settlement of the Kashmir question. For those reasons the USSR delegation could not support the joint draft resolution and would vote against it.

D. Swedish amendments to the joint draft resolution

193. At the 807th meeting of the Council held on 28 November 1957, the representative of Sweden said that his delegation, in an effort to meet the objections which had been raised to the joint draft resolution (S/3911), was submitting the following amendments (S/3920):

"1. In the fourth paragraph of the preamble delete the words 'commitments undertaken by them in' and insert instead 'provisions of its resolution dated 17 January 1948 and of';

"In the same paragraph insert between the words 'envisage' and 'the determination' the words 'in accordance with their terms'.

"2. Replace operative paragraph 2 by the following text:

"Requests the United Nations Representative for India and Pakistan to make any recommendations to the parties for further appropriate action with a view to making progress toward the implementation of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and toward a peaceful settlement."

"3. Delete operative paragraph 3.

"4. Renumber operative paragraphs 4 and 5 accordingly."

194. At the 808th meeting of the Council held on 2 December 1957, the representative of the United Kingdom said that he had been authorized by the sponsors of the joint draft resolution to state that they welcomed the amendments submitted by the representative of Sweden in the hope that, while preserving the balance of the original draft resolution, the amendments might meet some of the difficulties which the draft resolution evidently had created for the parties and thus prove helpful. Assuming also that the Swedish amendments were not unacceptable to the parties, the sponsors of the joint draft resolution would vote for them and for the draft resolution thus amended.

Decision: *The Swedish amendments (S/3920) to the joint draft resolution (S/3911) were adopted by 10 votes to none, with 1 abstention (USSR).*

195. The representative of the Union of Soviet Socialist Republic said that before the Council proceeded to vote on the joint draft resolution as amended, his delegation wished to state that the discussion of the Kashmir question in the Security Council should not be utilized as a pretext for intervention in the affairs of Asian countries from outside. Bearing that in mind, the Soviet delegation was opposed to any attempt to impose on the parties any kind of mediatory mission. The most appropriate method for settling the Kashmir problem would be by way of direct negotiations between the parties. The Security Council should furnish assistance to that end

instead of following the tendency of the present draft resolution which even in its amended form suffered from a considerable number of serious shortcomings.

196. The representative of the USSR then said that, in the light of the statements of the sponsors of the draft resolution, their reference to "demilitarization" did not imply the ending of military assistance to Pakistan or of the construction of military bases in that country, which were the basic sources of tension in that area. Since there was no assurance of that, the correct thing would be to delete the reference to "demilitarization" in the draft. The Soviet delegation would, therefore, suggest the deletion of paragraph 6 of the preamble of the joint draft resolution. The functions of the mediator would be rendered more fruitful if that paragraph were deleted. His delegation could not support the amended draft resolution.

Decision: *At the 808th meeting of the Council on 2 December 1957, the joint draft resolution (S/3911), as amended, was adopted by 10 votes to none, with 1 abstention (USSR).¹²*

197. The representative of the United States, in explanation of his vote, said that his delegation had voted in favour of the Swedish amendments because it had considered them to be consistent with the purpose of the original draft resolution and had seemed helpful in enabling the parties to receive the United Nations Representative. Like the original draft, the amendments also directed the United Nations Representative to seek to bring about the implementation of the UNCIP resolutions and in that respect it was important to make progress on demilitarization as the preamble of the draft continued to reflect.

198. The representative of the United Kingdom expressed his hope that the resolution just adopted would contribute towards a solution of the Kashmir problem. Regretting the Soviet representative's announced intention to vote against the five-Power draft resolution, the United Kingdom representative said that, had he done so, it would have complicated the problem and diminished hopes of even modest progress.

199. The representative of China, welcoming the resolution as being a step in the right direction, said that the final word as to the future of Kashmir lay with the people of the State, and until the plebiscite the problem would remain.

200. The representative of Pakistan said that his delegation regretted that the specific objects that had been stated in the original draft resolution, particularly in regard to demilitarization, were not emphasized in the amendments. Since the amended resolution was also designed to further the full implementation of the two UNCIP resolutions, Pakistan was not opposed to it. However, Pakistan would like to reiterate its firm conviction that Part I of the 13 August 1948 resolution had already been fully and faithfully implemented. The Government of Pakistan would offer its full co-operation to the United Nations Representative and was confident that Dr. Graham would proceed to deal expeditiously with the implementation of Part II of the 13 August resolution.

201. The representative of India said that, so far as the welcoming of the United Nations Representative was concerned, his Government would always be prepared and happy to receive Dr. Graham. Turning, however, to the present resolution, he had to state that the Government

¹² The adopted text was issued as document S/3922.

of India did not accept it. The only Council resolution accepted by India was that of 17 January 1948 and India was also engaged by the terms of the UNCIP resolutions of 13 August 1948 and 5 January 1949. The present resolution was contradictory in terms. In spite of the efforts of the representative of Sweden, which India appreciated, the amended version was still not in line with the Jarring report. India could accept only a resolution which called upon the aggressor to vacate the aggression and India would then consider it its duty to try to implement further the principles of the Charter and the purposes of the Council.

E. Report of the United Nations Representative

202. On 28 March 1958, the United Nations Representative for India and Pakistan submitted his report (S/3984) on his discussions with the Governments of India and Pakistan in pursuance of the Security Council resolution of 2 December 1957 (S/3922).

203. The United Nations Representative said that, in view of the fact that both India and Pakistan had affirmed during the debate in the Security Council that they stood engaged by the resolutions of the UNCIP of 13 August 1948 and 5 January 1949, he had, in his discussions with the two Governments, addressed himself to certain obstacles which appeared to stand in the way of progress in the implementation of those two resolutions and had sought to ascertain the views of the Governments on how those difficulties might be overcome. At the end of his discussions with the Governments of India and Pakistan, he had submitted to the representatives of both Governments the following recommendations:

"I. That they [India and Pakistan] should consider the possibility of a renewed declaration in line with the 17 January 1948 resolution of the Security Council and of Part I of the 13 August 1948 resolution, under which they appeal to their respective peoples to assist in creating and maintaining an atmosphere favourable to further negotiations and in which they themselves undertake to refrain from statements and actions which would aggravate the situation.

"II. That they reaffirm that they will respect the integrity of the cease-fire line and that they will not cross or seek to cross the cease-fire line on the ground or in the air, thus further assisting in creating a more favourable atmosphere for negotiations.

"III. The withdrawal of the Pakistan troops from the State of Jammu and Kashmir is provided for in Part II of the 13 August 1948 resolution. Pending a final solution, the territory evacuated by the Pakistan troops is to be administered by the local authorities under the surveillance of the Commission. Part II of this resolution also provides for the withdrawal of the Indian forces from the State in stages to be agreed upon with the Commission.

"In an effort, to speed the implementation of these actions provided for in Part II, the United Nations Representative is suggesting that a prompt study be undertaken, under his auspices, of how the territory evacuated by the Pakistan troops could, pending a final solution, be administered in accordance with the provisions of the resolution.

"With a view to increasing the security of the area to be evacuated, the United Nations Representative recommends that consideration be given to the pos-

sibility of the stationing of a United Nations Force on the Pakistan side of the Pakistan and Jammu and Kashmir border, following the withdrawal of the Pakistan Army from the State.

"IV. If progress is to be made in the settlement of the 'Indo-Pakistan Question' there is need for an early agreement between the two Governments on the interpretation that should be placed on Part III of the 13 August resolution and those parts of the 5 January resolution which provide for a plebiscite. In this connexion, the United Nations Representative would call attention to the *communiqué* of the Prime Ministers of India and Pakistan issued following their meeting in New Delhi in August 1953, which recognized that a plebiscite had been agreed to and expressed the opinion that a solution should be sought 'causing the least disturbance to the life of the people of the State'.

"The United Nations Representative will be considering with the two Governments the means and timing under which agreement might be sought on these questions.

"V. The United Nations Representative, believing that further negotiations on the questions which he has been considering with the Governments of India and Pakistan would be useful, and believing that it would facilitate progress if these negotiations could be undertaken at the highest level, proposes to the two Governments that a Prime Ministers' conference be held under his auspices in the early spring.

"If the latter recommendation would not be agreeable to either or both Governments, the United Nations Representative recommends to the parties that they keep the general proposal, or any reasonable variation thereof, under consideration and that such a conference be held at the earliest practicable date."

204. The United Nations Representative reported that the Government of Pakistan had agreed to his recommendations in principle. It had also informed him that in the matter of the interpretation that should be placed on Part III of the 13 August resolution, and those parts of the 5 January 1949 resolution which provided for a plebiscite, Pakistan was prepared to abide by the terms of the Prime Ministers' *communiqué* of August 1953. Pakistan was also agreeable to a Prime Ministers' conference, or any reasonable variation thereof, to be held under the auspices of the United Nations Representative. The Government of India, however, had declared itself unable to agree to the recommendations of the United Nations Representative. It had based its position, *inter alia*, on the ground that his recommendations had been made without regard to the failure to implement the Security Council resolution of 17 January 1948 and sections B and E of Part I of the UNCIP resolution of 13 August 1948, for which it held Pakistan responsible. In India's view, the sole onus of performance was on Pakistan and the United Nations. India had also informed the United Nations Representative that it did not look with favour on the substance of his recommendations.

205. While declaring its inability to accept the recommendations of the United Nations Representative, India at the same time informed him that it had been and was anxious to promote and maintain peaceful relations with Pakistan and was determined to pursue paths of peace. In keeping with that spirit expressed by India, which he knew was shared by Pakistan, the United Nations Representative expressed to the Council the hope that the two Governments would keep under consideration the

proposal for a high level conference which might include in its agenda the basic differences which stood in the way of a settlement and such other matters as would contribute to progress toward the implementation of the two UNCTIP resolutions.

F. Further communications from India and Pakistan

206. By a letter dated 28 March 1958 (S/3981), the representative of Pakistan drew attention to a press report announcing India's decision to integrate the services of the State of Jammu and Kashmir with those of India and also to bring the State Executive under the jurisdiction of the Comptroller and Auditor General of India. The representative of Pakistan said that India's new move towards integrating the State within its territory was in contravention of the Security Council resolutions, particularly of 30 March 1951 (S/2017/Rev.1) and 24 January 1957 (S/3739), which had laid down that the final disposition of the State of Jammu and Kashmir would be made in accordance with the wishes of the people through a free and impartial plebiscite.

207. By a letter dated 24 April 1958 (S/3994), the representative of India said that Pakistan's letter of 28 March was a misrepresentation of measures taken by India in the normal course to secure administrative efficiency and proper audit control in the functioning of the Governments of the constituent States of the Indian Union. The letter added that Jammu and Kashmir had been an integral part of the Union of India since 26 October 1947 when it had acceded to India, and that position had been the basis of India's complaint before the Security Council, as well as of those resolutions of the UNCTIP which India had accepted, and of the assurances given to it on behalf of the Security Council.

208. By a letter dated 11 April 1958 (S/3987), Pakistan drew the attention of the Council to "the reign of terror" which it stated was prevailing in the Indian-occupied part of Kashmir. It reported that ever since Sheikh Mohammed Abdullah's release, his supporters who were not prepared to accept the alleged accession of the State to India were being terrorized. Large-scale arrests had taken place, the Press had been muzzled and public meetings had been prohibited.

209. By a letter dated 1 May 1958 (S/3999), the representative of India denied Pakistan's allegations of 11 April, and said they were a part of the campaign of hatred and calumny being waged by Pakistan against India. The local authorities had been constrained to take action against those who had participated in subversive activities organized from Pakistan. The letter stated that, unlike the area of Jammu and Kashmir occupied by Pakistan where no elections had taken place and no legislature and no independent judiciary existed, the State of Jammu and Kashmir enjoyed parliamentary and democratic liberties which were ensured to it under the Indian constitution.

210. By another letter dated 6 May 1958 (S/4003), the representative of Pakistan drew the Council's attention to the re-arrest of Sheikh Mohammed Abdullah on 30 April 1958, and said that the arrest was on account of the latter's refusal to abate his demand and peaceful campaign for a fair and impartial plebiscite in the State. The security act under which the arrest had been made required no trial. Since then, repression had grown in Indian-occupied Kashmir, and this was likely to cause

serious repercussions in Pakistan. For the sake of peace in that area, it was imperative that, as a first step, Sheikh Abdullah should be freed immediately.

211. By a letter dated 11 June 1958 (S/4024), the representative of India stated that the State of Jammu and Kashmir had ordered the detention of Sheikh Abdullah as "his remaining at large was hazardous to the security of the State". While the State Government was not currently in a position to set out in detail the reasons for Sheikh Abdullah's detention as there was a conspiracy case pending against some twenty-one persons and much of the material was thus *sub judice*, it could, however, be stated that he had been harbouring at his own residence proclaimed offenders against the law. It was, furthermore, clear that Sheikh Abdullah had been making public statements calculated to inflame religious passions and seeking to create conditions of disorder and lawlessness and supplementing Pakistan's subversive and sabotage activities in Jammu and Kashmir. The activities of Sheikh Abdullah were well known in Pakistan and they had the continued support of the Pakistan Government. The detention of Sheikh Abdullah was a matter entirely within the jurisdiction of the Jammu and Kashmir Government, a constituent State of the Union of India, and Pakistan's letter of 6 May 1958 protesting against Sheikh Abdullah's arrest constituted an attempt at interference in the internal affairs of a Member State of the United Nations.

212. By a letter dated 19 June 1958 (S/4032), the representative of Pakistan stated that the reasons given by India for Sheikh Mohammed Abdullah's detention were unconvincing as, according to Press reports, Bakshi Ghulam Mohammed, Prime Minister of Indian-occupied Kashmir, had himself stated that Sheikh Abdullah was not an "actual" but a "latent" menace. It appeared, therefore, that in occupied Kashmir a person could be deprived of his human rights on mere suspicion. Similarly, India's attempt to interpret Sheikh Abdullah's practice of reciting passages from the Holy Koran as fomenting religious passions was completely uncalled for because that practice, as was commonly known, was an act of prayer and piety and one which the Sheikh had maintained even during the days of his collaboration with Indian leaders. There was also no truth in the assertion that Sheikh Abdullah had raised a private army.

213. The letter added that India's claim that the State of Jammu and Kashmir formed a constituent State of the Indian Union was a false assertion and destroyed the very basis of the actions of the Security Council, which had held from the beginning that the status of the State of Jammu and Kashmir was to be settled by a fair and impartial plebiscite. Until such a plebiscite was held, Pakistan was bound to be actively concerned with conditions in Kashmir and would continue to draw the attention of the Security Council to any violations of the Council's resolutions to which both India and Pakistan stood committed.

214. By another letter dated 25 June 1958 (S/4036), the representative of Pakistan said that because of lack of progress in resolving the Kashmir dispute, a sense of frustration and unrest had arisen in the whole of Pakistan and Kashmir which had led a prominent Kashmir leader, Chaudhri Ghulam Abbas, to declare that as the condition on which the Kashmiris had stopped fighting had not been fulfilled by India, they were at liberty to take direct action to secure their right of self-determination and that accordingly he and his followers

proposed "to march peacefully into Kashmir on 27 June 1958". The Pakistan Government had given careful consideration to the serious situation which might develop as a result of the contemplated crossing of the cease-fire line and had decided that it would not permit any breach of the cease-fire agreement and would take all the necessary steps to enforce that decision. It had also informed the leaders of the "Kashmir liberation movement" that, while the Government of Pakistan was determined to secure justice for the people of Kashmir and their leader Sheikh Abdullah, it would not, however, tolerate any breach of the agreement to which it stood committed. The Government of Pakistan had accordingly taken all measures to prevent any violation of the cease-fire line in Kashmir.

215. By a letter dated 6 July 1958 (S/4042), the representative of India, referring to the Pakistan communication of 19 June 1958 (S/4032), stated, *inter alia*, that since the State of Jammu and Kashmir had acceded to the Indian Union in accordance with the terms of the statutory procedures laid down by an Act of the Parliament of the United Kingdom—the Government of India Act, 1935—and since those procedures had been accepted by the Governments of India and Pakistan, there could be no doubt that the type of interest which Pakistan was taking in the domestic affairs of India was in violation of Article 2 (7) of the Charter. Moreover, the fact that Jammu and Kashmir was a Constituent State of the Indian Union had not only formed the basis of India's original complaint to the Security Council but had been also the basis of the resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949 and of the assurances given by that Commission to the Prime Minister of India.

216. By another letter, dated 14 July 1958 (S/4046), the representative of India said that Pakistan's

communication of 25 June 1958 (S/4036), referring to threats in Pakistan and Pakistan-occupied Kashmir to cross the cease-fire line was yet another demonstration of the fact that Pakistan had done nothing to create and maintain a peaceful atmosphere in accordance with the terms of the Security Council resolution of 17 January 1948 and Part I of the UNCIP resolution of 13 August 1948. As to Pakistan's allegations regarding the prevalence of unrest and frustration, India would wish to draw attention to a statement of Sardar Mohammed Ibrahim, President of the so-called Azad Kashmir Government, declaring that Mr. Abbas had launched his movement to gain power in Azad Kashmir and that it was directed against him (Sardar Ibrahim) and Pakistan and not against India.

217. In continuation of his letter of 25 June 1958 (S/4036), the representative of Pakistan sent another letter, on 15 July 1958 (S/4048), wherein he stated that his Government wished to draw the attention of the Security Council to the situation which had arisen throughout Pakistan and Azad Kashmir as a result of the launching of the Kashmir liberation movement. Despite the ban imposed by the Government of Pakistan, volunteers in large number had been attempting to cross the cease-fire line and had been arrested for defying the ban. The Pakistan Government had also arrested Chaudhri Ghulam Abbas and other leaders of the movement. However, those arrests had created widespread resentment throughout Pakistan and the Government was being criticized for its actions. Almost all the political parties and the Press were supporting the movement. Sardar Ibrahim, President of the Azad Kashmir Government, was becoming unpopular for having opposed the movement. That widespread resentment was thus making the Pakistan Government's task increasingly difficult. It was, nevertheless, determined to honour its commitments with regard to the inviolability of the cease-fire line.

Chapter 3

COMPLAINTS OF TUNISIA AND FRANCE

A. Complaints resulting from an incident at Sakiet-Sidi-Youssef on 8 February 1958

218. In a letter dated 13 February 1958 (S/3951), the representative of Tunisia, referring to Article 51 of the Charter, reported to the Council that his Government had taken measures in exercise of its right of self-defence, following an act of aggression at Sakiet-Sidi-Youssef. His Government had prohibited: (1) the French armed forces stationed in Tunisia from engaging in troop movements; (2) the entry of French naval units into Tunisian ports; (3) the landing or parachuting of reinforcements; and (4) the flights of French military aircraft over Tunisian territory. The French troops, it was stated, were neither prisoners nor interned and they could leave their cantonments at any time to proceed to their evacuation from Tunisia. The Tunisian Government was prepared to facilitate the evacuation as well as the withdrawal of isolated French units for purposes of rejoining military establishments where maintenance facilities were available. However, if the French occupation forces violated the preventive security measures outlined above, the Tunisian Government would consider itself in a state

of self-defence; it declined any responsibility for the consequences.

219. In another letter of the same date (S/3952), the representative of Tunisia requested that a meeting of the Council be held to consider the following item: "Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Sakiet-Sidi-Youssef". In an explanatory memorandum, it was stated that on that date twenty-five bomber and fighter aircraft had subjected the Tunisian border town of Sakiet-Sidi-Youssef to a massive bombardment and strafing with machine guns, resulting in the death of seventy-nine persons, including women and children, and 130 wounded. Most of the village had been destroyed, and three trucks of the International Red Cross had been destroyed or damaged. The letter charged that the attack was one of a series of violations of Tunisian territory committed since May 1957 by French forces coming from Algeria. Tunisia had, in some of those cases, drawn the attention of the Secretary-General to the danger of such attacks and to the fact that they constituted a violation of the principles of the Charter and of the obligations

assumed by Member States, particularly under Article 2, paragraph 4. On 11 September 1957, it had informed him that it proposed to exercise its right of self-defence in accordance with Article 51 of the Charter. The intentions expressed by the French Government did not appear to offer any prospect that the attacks on Tunisia's sovereignty would cease. Moreover, every effort made by Tunisia to put an end to those acts through friendly discussion had proved fruitless. Finally, the memorandum requested the Council to take an appropriate decision to end a situation which threatened the security of Tunisia and endangered international peace and security in that part of the world.

220. In a letter dated 17 February 1958 (S/3957), the representative of Tunisia explained further that: (1) the situation threatening Tunisia's security resulted from the presence of French troops in Tunisia, the complete withdrawal of which had been requested by Tunisia; and (2) the situation endangering international peace and security in the area was the war in Algeria and its repercussions on the security of Tunisia.

221. In a letter dated 14 February 1958 (S/3954), the representative of France requested that the following complaint against Tunisia should be considered by the Council at its forthcoming meeting: "Situation resulting from the aid furnished by Tunisia to rebels enabling them to conduct operations from Tunisian territory directed against the integrity of French territory and the safety of the persons and property of French nationals". In an explanatory memorandum, the representative of France charged that Tunisia had violated Article 4 of the Charter by showing itself neither capable of maintaining order on the Franco-Tunisian border, nor disposed to do so. The Algerian rebels, aided and abetted by the Tunisian authorities, had, it was stated, established in Tunisia a complete organization which enabled them to carry out numerous border violations and incursions into French territory. The city of Tunis, for instance, had become the main centre of rebel activities. Among the facilities available to the F.L.N. [National Liberation Front] in Tunisia were rest camps, bases, and quartering and training centres. In addition, Tunisian armed forces and the national guard provided the F.L.N. with direct logistical support. In fact, Tunisia had become the principal base for the movement and delivery of arms to the rebels in Algeria, an operation in which the Tunisian authorities took a part. Furthermore, the Tunisian authorities tolerated and even facilitated the movement of armed bands in Tunisia as well as the incursions into French territory by rebel bands coming from Tunisia. It was therefore not surprising, the memorandum continued, that in recent months border incidents resulting in the death of many French soldiers and civilians had steadily increased in number and intensity. On 11 January, a serious incident involving a rebel band which had come from Tunisia had taken place in the vicinity of Sakiet-Sidi-Youssef which had resulted in the death of sixteen French soldiers and four being taken prisoner.

222. On several occasions French aircraft had been fired upon from the Tunisian side of the border. The assistance given to the rebels by the Tunisian Government had continued despite France's warnings as to the responsibility Tunisia assumed by pursuing such policy, and despite France's efforts to prevent the recurrence of such incidents. The reaction of the French air force at the time of the Sakiet-Sidi-Youssef incident had thus been the result of many provocations. While the French Government deplored the civilian losses, and had the

question of compensation under consideration, it could not separate that incident from the acts that had caused it. In conclusion, the memorandum asked the Security Council to condemn the assistance furnished by Tunisia to the Algerian rebels.

223. At the 811th meeting on 18 February 1958, the Council included the two complaints in its agenda.

224. Before the adoption of the agenda, the representative of France stated that his approval of the provisional agenda was not to be construed as indicating his agreement to the wording of the Tunisian complaint or, more particularly, to the use of the term aggression. Rather, France felt that what was involved was an act isolated in time and space, in connexion with which regret had been expressed for the damage caused and measures had been taken to provide compensation. The representative of France also recalled that the French Government had accepted the United Kingdom and United States Governments' offers of good offices.

225. The representative of the United Kingdom declared that his Government's support for the adoption of the agenda did not affect its view that under Article 2, paragraph 7 of the Charter, the Council was precluded from dealing with matters essentially within the domestic jurisdiction of Member States.

Decision: *The agenda was thereafter adopted without objection, and the representative of Tunisia was invited to take a place at the Council's table.*

226. The representative of the United States informed the Council that his Government, in conjunction with the Government of the United Kingdom, had offered its good offices in order to assist France and Tunisia to settle outstanding problems between them. His delegation was gratified that the offer had been accepted by both parties. He pointed out that under Article 33 of the Charter responsibility for a peaceful settlement of the differences between France and Tunisia lay with those two countries. The fact that they had accepted the good offices was interpreted by the United States as an indication of their mutual desire to reach a settlement. The United States, for its part, would endeavour to offer positive suggestions towards a peaceful and equitable solution of the problems.

227. The representative of the United Kingdom said that his Government had been distressed by the differences which had arisen between France and Tunisia. In addition to the efforts made by both his Government and that of the United States to reduce the scope and intensity of those disagreements, the Secretary-General had taken certain steps to assist in lessening the tension, and the members of the Council, he felt sure, would be grateful for those successful efforts. Now that the good offices had been accepted, he hoped that neither party would do anything to aggravate the situation. He believed that both Governments realized that they had much to gain from reaching a settlement.

228. The representative of Sweden expressed his Government's gratification at the offer and acceptance of the good offices. Since discussions within the framework of the good offices appeared to be taking place with a view to arriving at an amicable settlement, he felt that the Council might be well advised to adjourn in order to allow those discussions to proceed in a favourable atmosphere.

229. The representative of Tunisia felt that it would not be opportune at that juncture of the debate to reply

to the reservations entered as regards the nature and scope of his complaint before the Council, but he wished to make it clear that the substance of the Tunisian complaint was to put on record an act of aggression and to ask the Council to take an appropriate decision to end a situation which threatened the security of Tunisia and endangered international peace and security in that part of the world. His Government had welcomed the offer of good offices, and he stressed that, in its persistent desire to encourage all friendly means towards a settlement of the conflicts, it would not spare any effort to have the attempted mediation take its course properly and cover all the topics which had been presented by his delegation for the consideration of the Council.

230. The representative of Iraq deplored the tragic act of aggression committed by the French armed forces against Tunisia. He conveyed his delegation's deepest sympathy to the people and Government of Tunisia and commended them for the restraint and wisdom they had shown in the face of foreign aggression. The losses suffered by Tunisians, he said, could be added to those sustained by the Algerian people in their fight for independence and freedom. His delegation welcomed the offer of good offices as a sincere effort to help to achieve a just and equitable settlement of the problem, with due regard to all the issues underlying those tragic events.

231. The representative of Panama also welcomed the offer and acceptance of the good offices and expressed hope that they would be successful. He favoured an adjournment, as suggested by the representative of Sweden.

232. The representative of France, replying to the statement of the representative of Iraq, stressed that the item included in the agenda at the request of Tunisia could not be separated from the complaint which his Government had, in turn, placed before the Council.

233. The President, speaking as the representative of the USSR, stated that his delegation, having taken note of the offer and acceptance of the good offices, considered it necessary to point out that the good offices of any country in the settlement of an international dispute or conflict should not be used to exert pressure on any country in order to impose conditions which would run counter to its sovereignty or for the purpose of obtaining any benefits for the State playing the role of mediator. He added that such reservation on the part of the Soviet Union applied regardless of the country which might render its good offices.

234. The representative of Japan praised the efforts made by the United States and the United Kingdom, and the spirit of conciliation shown by France and Tunisia. He then proposed formally the immediate adjournment of the meeting.

Decision: *The proposal for immediate adjournment of the meeting was adopted without objection.*

235. During the period immediately following the Council meeting of 13 February 1958, some communications concerning incidents in Tunisia were received from the parties.

B. Complaints dated 29 May 1958 relating to incidents at Remada

236. In a letter dated 29 May 1958 (S/4013), the permanent representative of Tunisia requested that a meeting of the Security Council should be held to consider the following question: "Complaint by Tunisia in

respect of acts of armed aggression committed against it since 19 May 1958 by the French military forces stationed in its territory and in Algeria". In an explanatory memorandum, after recalling that in view of the American-British offer of good offices the Council had decided, on 18 February 1958, to adjourn its examination of the Sakiet-Sidi-Youssef incident, it was stated that the offer had resulted on 15 March 1958, in a compromise, laying down, *inter alia*, the procedure for the evacuation of the French troops from Tunisia. The compromise, however, had not been applied inasmuch as the French Government had been unable to ratify it. On 24 and 25 May 1958, it was further stated, French forces had undertaken military actions in the Remada area in southern Tunisia. On 24 May, they had opened fire against Tunisian posts in the area, and, on 25 May, French bombers and fighters coming from Algeria had bombed and machine-gunned the region over a radius of several dozen kilometres. The Tunisian Government wished to draw the attention of the Council to the extreme gravity of the situation resulting from those acts of what it considered to be armed aggression against its territorial integrity by the French forces stationed on its territory, and by those operating in Algeria. Finding that its efforts at conciliation had failed and that its sovereignty was gravely threatened, it requested the Council to take measures in accordance with Article 40 and subsequent Articles of the Charter in order to put an end to that situation.

237. In a letter also dated 29 May 1958 (S/4015), the permanent representative of France requested that the Council, at its next meeting, should consider the following questions: "(1) The complaint brought by France against Tunisia on 14 February 1958 (S/3954); (2) the situation arising out of the disruption, by Tunisia, of the *modus vivendi* which had been established since February 1958 with regard to the stationing of French troops at certain points in Tunisian territory". It was recalled in an explanatory memorandum that, on 18 February 1958 (811th meeting), the Council had noted the acceptance by France and Tunisia of the American-British offer of good offices. The parties, it was stated, had agreed that supplies to the French troops in Tunisia would continue normally and that no measure likely to modify the *status quo* would be adopted by either side. The Tunisian Government, however, had created conditions likely to lead to incidents, by adopting measures which it described as "precautionary", such as troop movements and arming of the civilian population. Nevertheless, the French troops had strictly obeyed their orders, and all measures taken by the French authorities during the Remada incidents had shown the French concern not to aggravate the incidents provoked by the Tunisians. Use of the French air force had been decided upon in the morning of 27 May only as a very last resort following the casualties sustained by the French side. At the political level, the French Government had never ceased to seek a comprehensive or specific settlement of the various difficulties between France and Tunisia. On 25 May 1958, the *chargé d'affaires* of France in Tunis had informed the Head of the Tunisian Government of the procedure for implementing the French Government's agreement in principle to the regrouping of its troops. On the following day, the Vice-President of the Tunisian Council had notified the French representative of his Government's counter-proposals and asked for their immediate examination. Yet, at the very moment when conversations were in progress, and despite the many manifestations of goodwill on the part of the French Govern-

ment, the Tunisian Government, by deciding to come again before the Council, saw fit to create the impression that France was preparing to violate Tunisian sovereignty. These contradictory attitudes on the part of the Tunisian Government would not discourage the French Government in its efforts to settle the difficulties between the two countries by an amicable understanding, and it called therefore upon the Council to recommend to the Tunisian Government that it should restore conditions favourable to a resumption of negotiations.

Decision: *At its 819th meeting, on 2 June 1958, the Security Council included in its agenda the item submitted by Tunisia (S/4013), and the two items submitted by France (S/4015). Thereafter, the representative of Tunisia was invited to take a place at the Council's table.*

238. The representative of France stated that the fact that his delegation had raised no objection to the agenda should not be assumed to imply approval of the expression of "armed aggression" used in the Tunisian explanatory memorandum. It was all the more untimely to speak of aggression, in that direct negotiations were being continued between France and Tunisia, in conformity with Article 33 of the Charter. Furthermore, the incidents mentioned by Tunisia could in no circumstance be considered as acts of "armed aggression" on the part of France.

239. Opening the debate, the representative of Tunisia said that he considered that the Sakiet-Sidi-Youssef and the Remada incidents showed the continuity of the aggressive intentions of the French Government and the similarity of the means employed by France in both incidents. He recalled that, under the compromise proposed by the good offices mission, the whole of the French military personnel outside of Bizerte would have been withdrawn from Tunisia as early as possible, during a first stage. In a second stage, a temporary system would have been imposed upon Bizerte by agreement between Tunisia and France. Reviewing events during the period between the Sakiet-Sidi-Youssef and the Remada incidents, he stated that on 13 May the situation had become disturbing as a result of the formation in Algeria of what had been called the Committee of Public Safety. Subsequent events, he said, led to the following conclusions: (1) no garrison of French troops had in any way been disturbed by Tunisian authorities; (2) the people of Tunisia had maintained their calm and dignity; (3) all the incidents which had taken place since 14 May constituted irrefutable proof of the aggressiveness of the French troops in Tunisia, supported or even pushed on by the French forces in Algeria. The incidents which were the subject of the present appeal constituted a typical case of aggression, embodying as they did armed attack on an independent and sovereign State by the regular armed forces of another State, taking place on the soil of the victim of aggression. He requested that the Council should take note of the aggression, in accordance with Article 39 of the Charter, and that it should assist Tunisia in repelling that aggression by placing at his country's disposal all the necessary means envisaged in Article 40 and the following Articles of the Charter. The aggression, he said, had two basic causes, the presence of French military forces in Tunisia against the will of Tunisia, and the war in Algeria. He asked the Council to assist Tunisia in the evacuation of those forces, and, pending that evacuation, to have them respect the preventive security measures taken in regard to them by the Tunisian Government on 8 February 1958, including, in

particular, the prevention of their movement within Tunisia. Secondly, measures should be taken by the Council to make all French forces observe the prohibition of any access by units of the French Navy to Tunisian ports, of any landings or reinforcements of paratroop units, as well as of all flights over Tunisian territory.

240. The representative of France, rejecting the charge of aggression levelled against his country, stated that Sakiet-Sidi-Youssef had been an armed camp for Algerian rebels long before the incident of 8 February 1958. He considered it as being beyond doubt that the support afforded to those rebels by Tunisia constituted aggression. The position taken by Tunisia was causing Tunisian policy to spill over into Algeria, and not the reverse, as argued by the representative of Tunisia. Thus, the infringement by Tunisia of the principle of non-intervention was at the origin of the present situation. The Tunisian reference to Article 51 of the Charter was abusive, he said, inasmuch as no armed aggression on the part of France had taken place when that Article had been invoked. Furthermore, the French forces of the Sahara Group of South Tunisia had been exempted from the application of the measures taken by the Tunisian Government, and it was the very violation of the *modus vivendi* regulating the activity of that unit which was the cause of the incident complained of by Tunisia. Were the Tunisian thesis well founded, France would thus have been justified in invoking Article 51, and claiming that that violation constituted an aggression. France, however, did not wish to embark on such a course, since it believed in bringing about a solution through negotiation and co-operation. Paying tribute to the British-American good offices mission, he stressed that direct negotiations had been resumed between Paris and Tunis in the last few days. Recalling the agreements between France and Tunisia which had led to the independence of the latter, he stated that, not only had Tunisia not abided by its commitments, but had made use, to oppose the French army and to protect, on Tunisian territory, the establishment of a rebel organization, of weapons given by France and was thus guilty of an abuse of confidence. Tunisia, he said, had failed to fulfil its obligations under the Charter, and its attitude was contrary to the spirit of resolutions of the General Assembly such as resolution 288 A (IV) of 18 November 1949, regarding the situation in Greece, which had called upon the States concerned to cease forthwith rendering assistance or support to the guerrillas fighting against Greece.

241. At the 820th meeting of the Council on 2 June 1958, the representative of France, continuing his statement, reviewed events and the course of negotiations concerning the presence of French military forces in Tunisia since the recognition of the country's independence. While they showed definite and numerous indications of France's desire to resolve this question by negotiation, one could see in them, he felt, the increasingly contrary influence exercised on certain Tunisian authorities by the Algerian rebels. Turning to the Remada incident, he explained the special status of the area and of the motorized *méharistes* of the French forces stationed there. Following a detailed account of the incident itself and the circumstances, according to which the French forces had acted in legitimate self-defence, he stated that if France had found, in dealing with Tunisia, representatives conscious of the duties imposed upon a State by the Charter and the fundamental principles of relations between States, all the difficulties now before the Council would have been settled long ago. Tactics consisting of com-

plaints to the Council about incidents provoked by Tunisia itself should deceive no one. France was ready to negotiate the problems amicably, but negotiations could not be carried on under threats. He therefore asked the Council to adjourn after having invited Tunisia to carry on, in conformity with Article 33 of the Charter, the negotiations in progress with France, and to restore immediately within its border, by a return to the *status quo ante* 15 May 1958, the conditions necessary for a speedy conclusion of those negotiations, satisfactory to both countries.

242. The representative of Iraq considered that Tunisia's sovereignty had been violated over and over again and its peace disturbed by the armed forces of a nation whose friendship and co-operation it was seeking. France, he said, had to adjust more adequately to the changing conditions of modern times. The French military authorities were not yet accustomed to respecting the sovereignty and dignity of the Tunisian State. The Remada action constituted naked aggression, and France's complaint that Tunisia had not respected the *modus vivendi* overlooked the fact that French forces were in Tunisia by special dispensation which was forfeited by any act of aggression. The Council should declare, he said: (1) that Tunisia was entitled to ask for the unconditional withdrawal of all French forces from its territory; (2) that it was entitled to be adequately armed for defence against any aggression; (3) that France should recognize the freedom and independence of the Algerian people; the Algerian question was the direct cause of the presence of French troops in Tunisia and for the attacks on Tunisia.

243. At that stage, the representative of France, speaking on a point of order, drew the President's attention to the fact that the Algerian question was not on the agenda.

244. The President stated that the Algerian question, in fact, was not on the agenda.

245. The representative of Iraq, continuing his statement, said that the Council should further declare: (4) that France and the whole world should recognize that peace in North Africa was one and indivisible, and that Tunisia, Algeria and Morocco, all three independent and sovereign, naturally formed one federal union; and (5) that an independent and united North Africa might enter

freely into relations of a political, cultural, economic and defence nature with France.

246. The representative of France noted the explanations given the Council by the representative of Tunisia. He agreed to the holding of a further meeting on 4 June.

247. At the 821st meeting of the Council on 4 June 1958, the representative of Tunisia, rejecting in detail the charges set forth by the representative of France, adduced a number of facts which he felt attested to the good faith of his Government and its constant anxiety to avoid incidents, to limit them if they should arise, and to do the maximum in order to prevent the extension of the Algerian war to Tunisia. He rejected particularly the French thesis according to which the French forces in the Remada area enjoyed a special status and were exempted from the measures applied elsewhere in Tunisia by his Government. What Tunisia asked, he stressed, was simply the evacuation of the French military forces as a sequel to the acquisition of its independence.

248. The representative of France stated that he would not reply in detail to the last statement of the representative of Tunisia. He pointed out, however, that France had on a number of occasions suggested the setting up of Franco-Tunisian investigation commissions and that the Tunisian Government had declined to adopt such a course. He also pointed out that the help given the rebels by Tunisia was at the origin of the majority of the frontier incidents, and stated that the changes brought about by Tunisia in the *status quo* were the cause of the most recent incident. He proposed that the meeting be adjourned until 18 June 1958 in order to allow conversations to take place between the parties.

Decision: *The French proposal was adopted without objection.*

249. At the 826th meeting on 18 June 1958, the representatives of France and Tunisia informed the Council that under an exchange of letters on the previous day between the Secretary of State for Foreign Affairs of Tunisia and the *chargé d'affaires* of France in Tunis, it had been agreed that all French forces, with the exception of those stationed at Bizerte, would be evacuated from Tunisia within four months. A provisional statute for the base at Bizerte would be the subject of negotiations.

Chapter 4

LETTER DATED 20 FEBRUARY 1958 FROM THE REPRESENTATIVE OF THE SUDAN ADDRESSED TO THE SECRETARY-GENERAL

250. By a letter dated 20 February 1958 (S/3963), the permanent representative of the Sudan requested an urgent meeting of the Security Council "to discuss the grave situation existing on the Sudan-Egyptian border, resulting from the massed concentrations of Egyptian troops moving towards the Sudanese frontiers". In an annexed communication, the Prime Minister of the Sudan stated that, on 1 February 1958, the Egyptian Government had sent a note to the Sudan Government wherein it had claimed sovereignty over the two following Sudanese territories: (a) the north-eastern part of the Sudan, north of latitude 22 north and (b) that part of

the Sudan which is situated north of the town of Wadi Halfa, comprising the Saras, Debeira and Faras region. The Egyptian note had demanded the handing over of those two territories to Egypt. In a note dated 9 February, Egypt had further demanded that the inhabitants of those regions should participate in an Egyptian plebiscite to be held on 21 February. Despite several representations to the Egyptian Government to allow sufficient time for the Government of the Sudan to study the matter—raised at a time when the Sudan was preparing itself for general elections to be held on 27 February—the Egyptian Government had informed the Sudanese Gov-

ernment, on 16 February, that it had decided to send into the areas in question plebiscite officials accompanied by frontier troops to conduct the Egyptian plebiscite. In an effort to reach an amicable settlement of the dispute, the Minister of Foreign Affairs of the Sudan had gone to Cairo on 18 February, but to no avail; huge infiltration of Egyptian troops was reported on the Sudan-Egyptian border. The Sudan therefore requested the Security Council to meet immediately and use its good offices to stop the impending Egyptian aggression. The Government of the Sudan promised in addition to submit full evidence of its unquestionable right to the disputed territories.

Decision: *The Security Council included the question in its agenda at its 812th meeting on 21 February 1958, and invited the representatives of the parties concerned to participate in the discussion.*

251. The representative of the Sudan stressed that his Government had done everything in its power to avoid bringing its complaint to the United Nations and had exhausted all possibilities of reaching an equitable and peaceful solution within the short time at its disposal. The administrative boundary between the Sudan and Egypt, confirmed in a number of Egyptian Orders and enactments, had remained unaltered for over fifty-five years and had been, furthermore, the subject of agreement between the ex-Condominium Powers. The areas claimed by Egypt had not participated in previous Egyptian elections, nor had Egypt objected when the Sudan had held elections which included electorates in them. Egypt apparently wanted to confront the Sudan with a *fait accompli*. While his Government had emphasized its preparedness to start discussions with Egypt immediately after the Sudan elections, Egypt had refused to defer consideration of the matter until then, and had even insisted that the Sudanese elections should not be held in the areas concerned, which was a clear infringement of the sovereignty of the Sudan. The Sudanese representative then outlined a number of measures his Government had taken to settle the question peacefully.

252. The representative of Egypt, after recalling the numerous ties of friendship and brotherhood linking

Egypt with the Sudan, stressed that Egypt, a Condominium Power, had recognized the Sudan as an independent and sovereign State, and had settled amicably a number of questions with the Sudan. His Government therefore deplored the hasty decision of the Government of the Sudan to submit the present question to the Security Council after having rejected several suggestions submitted by Egypt and before having exhausted recourse to other pacific means such as, for example, a resort to the League of Arab States, a "regional arrangement" in the terms of Article 33 of the Charter. The term "impending aggression" used in the Sudanese letter to the Security Council was unfortunate. Egypt had no forces, except border guards, near the Sudanese frontier. Although Egypt had well-founded rights to the disputed areas, he would refrain from discussing the legal aspects of the case.

253. The Egyptian representative then stated that he had informed the Secretary-General, who had expressed to him his concern regarding the situation along the Sudan-Egyptian border, that his Government would adopt a peaceful and neighbourly attitude towards the Sudan and was determined to avoid any act or statement which might modify that attitude. In that spirit of conciliation his Government had just published a communiqué in which it stated its decision to postpone the settling of the frontier question until after the Sudanese elections. Negotiations were to begin for the settling of all undecided questions after the new Sudanese Government had been chosen.

254. Statements were made by the representatives of the United States, Japan, the United Kingdom, Iraq, France, Canada and the Union of Soviet Socialist Republics expressing hope that the two parties would be able to settle the question at issue peacefully by negotiation and that in the meanwhile neither party would do anything to aggravate the situation. The President concluded the meeting by summing up the views of the Council to the effect that it took note of the assurances of the representative of Egypt regarding the postponement of the settlement of the frontier question until after the Sudanese elections.

Chapter 5

COMPLAINT OF THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS IN A LETTER TO THE PRESIDENT OF THE SECURITY COUNCIL DATED 18 APRIL 1958 ENTITLED: "URGENT MEASURES TO PUT AN END TO FLIGHTS BY UNITED STATES MILITARY AIRCRAFT ARMED WITH ATOMIC AND HYDROGEN BOMBS IN THE DIRECTION OF THE FRONTIERS OF THE SOVIET UNION"

A. Inclusion of the item in the Council's agenda

255. By a letter dated 18 April 1958 (S/3990), the permanent representative of the Union of Soviet Socialist Republics stated that the threat to the cause of peace arising out of the numerous cases of flights in the direction of the frontiers of the Soviet Union by United States bombers carrying hydrogen bombs had made it imperative that its complaint entitled: "Urgent measures to put an end to flights by United States military aircraft armed with atomic and hydrogen bombs in the direction of the frontiers of the Soviet Union", should be considered by the Security Council without delay.

Decision: *The Council included the item in its agenda at its 813th meeting, on 21 April 1958.*

B. Consideration at the 813th meeting of the Council, on 21 April 1958

256. At the 813th meeting, the representative of the Union of Soviet Socialist Republics introduced the following draft resolution (S/3993):

"The Security Council,

"Having examined the question submitted by the Soviet Union concerning 'Urgent measures to put an

end to flights by United States military aircraft armed with atomic and hydrogen bombs in the direction of the frontiers of the Soviet Union'.

"Considering that the practice of making such flights increases tension in international relations, constitutes a threat to the security of nations and, if continued, may lead to a breach of world peace and the unleashing of an atomic war of annihilation,

"Calls upon the United States to refrain from sending its military aircraft carrying atomic and hydrogen bombs towards the frontiers of other States for the purpose of creating a threat to their security or staging military demonstrations."

257. The Soviet representative stated that the question before the Council was of momentous importance for the maintenance of international peace and security. Recently, he said, aircraft of the United States Air Force, with atomic and hydrogen bombs on board, had repeatedly flown over the Arctic regions in the direction of the USSR. The circumstances of such flights were fairly well known from reports of the United Press, confirmed by the Command of the United States Air Force, which made it clear that, whenever radar screens of the United States indicated unidentified objects, American military personnel thought that they were guided missiles, ballistic rockets or similar items. Upon closer inquiry, it had turned out every time that these blips on radar screens were caused by electronic interference or by meteorites. United States aircraft had hitherto returned to their bases as soon as it appeared that the alarm was false. But if American service men did not ascertain in time that a flying meteor was not a guided missile, American aircraft might approach the border of the Soviet Union and the latter's security needs would result in the taking of immediate measures to meet and remove the threat. On the other hand, Soviet radar screens also, from time to time, showed blips caused by meteorites or electronic interference. If, in such cases, Soviet aircraft were likewise to take off from their airfields, air squadrons of the two sides might meet and draw a conclusion that an actual attack by the enemy was taking place. The world would then find itself caught in an atomic war. The United Nations would be remiss in its duty to maintain international peace and security if it did not take the necessary measures to eliminate the threat caused by the attempts of American bombers to approach the frontiers of the USSR with aggressive purposes. Those flights were a manifestation of a definite and deliberate policy, involving preparation for rocket and atomic warfare by the United States and its allies in the North Atlantic bloc. Such dangerous measures which thwarted the interests of peace were being undertaken by the United States precisely at the time when preparations were under way for convening a conference of the Heads of Governments in order to reduce international tension and remove the danger of a new war. The Soviet Union, on the other hand, had carried out a large-scale reduction of armed forces, and had decided to discontinue unilaterally the testing of all types of atomic and hydrogen weapons. The General Assembly at its twelfth session had unanimously adopted a resolution on the peaceful co-existence of States. However, actions of the United States, such as that about which the USSR had presented complaints, were incompatible with that resolution.

258. Some might claim that the Soviet Union was raising this question for propaganda purposes. However, the Soviet Union did not mind being told that it con-

ducted peace propaganda and would welcome it if the United States were to engage in such propaganda. It attached great significance to the role of the United Nations in ensuring peace, and expected the Council to take a stand on the question which would be in harmony with the principles and purposes of the Organization.

259. The President, speaking in his capacity as representative of the United States of America, stated that the Soviet charge was untrue and that the United States had done nothing which was in any way dangerous to peace. The United States had done nothing that was not wholly consistent with the so-called peaceful co-existence resolution. Nothing that the United States had done could be regarded as anything except the requirements of legitimate self-defence, undertaken in the face of continued resistance to countless efforts by the United States over a period of more than ten years to settle the differences between it and the USSR through negotiations. The United States had failed again and again to discover any willingness on the part of the Soviet Union to take positive steps towards easing tension, eliminating fear, and freeing all resources for constructive and peaceful purposes. In recent months, the Soviet Union, turning its back on the United Nations, on the Disarmament Commission, on the Security Council, on the decision of the General Assembly, on the normal uses of diplomacy, on all the machinery available for consultation and negotiation, had demanded that there be a meeting of Heads of Governments for the professed purpose of easing tension and solving outstanding problems. Diplomatic exchanges at the highest levels were taking place with the Soviet Government to seek possibilities of agreement by which the goal of peace could be attained. The fact that charges of a United States threat to peace should be made at the moment when United States and Soviet representatives were trying to resume serious discussions was perplexing. The United States Government profoundly regretted this action of the Soviet Union, at a moment when Soviet leaders were proclaiming their desire for a meeting of Heads of Governments. It was against this background that he would ask the Council to view the issue presented by the Soviet complaint.

260. Stressing the possibility of a surprise attack and the destructive power of modern weapons, the United States representative stated that until all fears of surprise attack had been banished by effective international arrangements, the United States was compelled to take all steps necessary to protect itself. However, aircraft of the Strategic Air Command had never been launched except in a carefully planned and controlled way. A procedure was followed which ensured that no such aircraft could pass beyond its proper bounds, far from the Soviet Union or its satellites, without additional unequivocal orders, which could come only from the President of the United States. The routes flown and the procedures followed were not only in no sense provocative, but could not possibly be accidental causes of war. He emphasized that the United States had no aggressive intentions against any country and its words and deeds spoke for themselves. If a mutual inspection system, like the open-skies proposal submitted by President Eisenhower at Geneva in 1955, could be put into effect, no massive air attack could be launched in secret. But the Soviet Union had refused to join hands in setting up a true inspection system. It had even rejected with scorn proposals for starting such a system on a smaller basis in the Arctic region. If the Soviet Union were seeking a means to contribute to peace, and particularly to dis-

armament, it could, among other things, agree to a meeting of the Disarmament Commission, which had been enlarged at the last session of the General Assembly for the express purpose of meeting the Soviet Union's views. Year after year, the United States had made new proposals and started fresh approaches: the Baruch Plan, the atoms-for-peace plan, the open-skies plan, the proposals on the unification of Germany and of Korea, the proposals for free exchange of information and ideas, the proposals which had led to the liberation of Austria, were a few of the initiatives taken by the United States, while the Soviet Union had at no time been able to enlist the support of the United Nations for any of its major propaganda themes. To calumniate the United States, as the Soviet Union was doing at the present meeting, was not the action of someone who wanted a summit conference to succeed, nor the action of someone who wanted peace.

261. The representative of Canada found no sufficient basis for calling the Council into urgent session. The Council, he stressed, should not be used as a forum for statements and manoeuvres designed to foster unrest and suspicion in international affairs. Canadian concern was heightened by the fact that positive proposals against surprise attack with which Canada was closely associated had been dismissed with ridicule by the Soviet Union. If the allegations put forward by the Soviet Union were serious, they should be related to measures designed to reduce the danger of surprise attack. Instead, the Council had been treated to an angry recitation which had little to do with meeting the problems. Canada was associated with its allies in certain essential defence arrangements, and it intended to continue them in whatever form required. However, it had no aggressive or provocative intent and this had been made clear to the Soviet Government before. Referring to an exchange of letters between the Heads of the Canadian and the Soviet Governments in January 1958, he emphasized that Canada was still ready to co-operate in measures of inspection and control involving Canadian territory as a part of a disarmament agreement and found it regrettable that the Soviet Union had dismissed proposals involving the Arctic region as being of no interest. He called on the Soviet Union to co-operate in setting up a system of control and inspection in that region.

262. The representative of China recalled that Article 33 of the Charter enjoined all parties to a dispute to resort first of all to negotiation, enquiry, mediation and the other means of peaceful settlement. The Soviet Union, he said, by not having made representations to the Government of the United States and by having resorted to propaganda in the Council, showed that it was interested not in the relaxation of international tension but in opening an additional front in the cold war. The item, he was convinced, did not deserve the serious consideration of the Council. The one beneficent step would be an agreement to prevent surprise attack. Unfortunately, constructive proposals in that respect had not been adopted, because of Soviet obstruction.

263. The representative of France pointed out that the Soviet Union had invoked the resolution on peaceful co-existence while overlooking the resolution on disarmament which provided for the convening of the Disarmament Sub-Committee and the establishment of technical groups of experts to study the systems of inspection particularly against the possibility of surprise attack. The Soviet Union itself, he said, had paralysed the work which was to lead to the establishment of a system aimed

at preventing such a situation as the one which was now before the Council. Those contradictions could be explained only by a desire for propaganda. After all, why should an immediate meeting of the Council be convened on a question which was not new? The flights in question had been going on for several years and were justified not only by the lack of arrangements, since the Soviet Union refused to enter into such arrangements, but also by the constant threat of atomic weapons and the Soviet policies of constant intervention. Constructive solutions were within close reach. The Disarmament Commission could in effect meet forthwith if the Soviet Union were ready to participate in its work. He found it deeply discouraging that this complaint should be submitted at the very moment when preparations for the summit conference were beginning in Moscow.

264. The representative of the United Kingdom shared the feeling of the representative of France in that respect. In the absence of an agreed system of disarmament, the free world was obliged, in self-protection, to be in a constant state of readiness as a deterrent to attack, and the United Kingdom was confident of the deep sense of responsibility with which the United States Government had undertaken and carried out its share of the task. It was an abuse of United Nations procedure to come to the Council or the General Assembly for propaganda purposes and it was manifestly absurd to suggest that the measures about which the Soviet Union was complaining were aimed at threatening the security of other countries.

265. The representative of Japan regretted that the complaint had been brought without prior consultations between the parties, especially since United States aircraft had been engaged in the flights in question for many years. He felt that due note should be taken of the United States assurances that all measures had been taken to eliminate any accidental cause of atomic war and that the flights were designed to guard against surprise attack. The mistrust among nations, the fears of surprise attack and the resulting international tension were the facts underlying the situation. The Soviet Union had reiterated its willingness to contribute to the improvement of the international situation, and the Japanese Government held the view that the sure way to achieve that end lay in the settlement of the disarmament problem under the aegis of the United Nations. The USSR draft resolution did not respond to the requirements on this score. He urged the States concerned to make a most serious endeavour to resume negotiations for an agreement on disarmament, and expressed the earnest desire that a meeting of the Disarmament Commission should be convened without delay.

266. The representative of Iraq considered that the Soviet charges did not facilitate the talks currently in progress for the convening of a summit meeting. There was every reason to believe the United States in its rejection of the charge that its aircraft were endangering peace and security, and his delegation would not entertain such a charge. It sincerely hoped that every effort would be made to remove the danger of war, through peaceful negotiation in accordance with the Charter and within the framework of General Assembly recommendations.

267. The representative of Colombia found the United States position most justified, and could not support the Soviet draft resolution. Recalling the position of his Government during the disarmament debate at the twelfth session of the General Assembly, he stressed its support for the methods of controlled disarmament proposed by the United States and the Western Powers.

268. The representative of Panama regarded the USSR charges as frankly harmful and as representing a backward move along the road which had been travelled so far towards a summit conference. He called upon the Great Powers to compose their differences, particularly in the field of disarmament, and stated that he would vote against the Soviet draft resolution.

269. The President, the representative of the United States of America, having proposed to put the USSR draft resolution to the vote, the representative of the Union of Soviet Socialist Republics stated his wish to reply on behalf of his Government to questions raised by the representatives of the United States and other countries *inter alia*, with regard to disarmament. He moved, therefore, that the meeting should be adjourned until 3 p.m. of the following day. The motion having been rejected, he moved that the meeting should be adjourned until the following day at 10.30 a.m.

270. The representatives of the United Kingdom and Colombia considered that the views of the Council members on the USSR draft resolution having been expressed, it would be contrary to the USSR's own request for an urgent consideration of the matter to postpone a decision on it. The Council, on the other hand, might again meet to hear the Soviet representative's views on other points made in replies to his statement.

271. The second Soviet motion having been rejected, the representative of the Union of Soviet Socialist Republics stated that what had happened represented an attempt to gag the debate. Referring to statements by the United States Department of State, the Secretary of Defense and military experts of the United States as well as to reports in the United States Press he argued that they confirmed that United States military planes were engaged in provocative flights in the direction of the frontiers of the Soviet Union. Assertions that those flights were carefully controlled and that they did not entail the risk of accidental or provocative launching of atomic war would not suffice to dispel the alarm of the peoples or to minimize the seriousness of the question. Experience had shown that there was not yet a fool-proof system to guard against the dangers entailed in false alarms. One could not disregard, either, such factors as human behaviour. For example, there might be followers of the theory of preventive war among the crews of aircraft carrying atomic bombs towards targets in the Soviet Union, and having been sent aloft by an alarm, being headed for a target in the Soviet Union allegedly because of an attack therefrom, they might carry out the theory of the first blow.

272. As to the hints that the Soviet move in the Council might hamper the talks for a summit meeting, he considered it contrary to logic to argue simultaneously that the party which brought a complaint against provocative flights hampered those talks, but that those very flights which endangered peace did not have a deleterious effect on the talks.

273. With regard to the establishment of an early warning system to prevent surprise attack, the Soviet Union, he said, had made proposals on 10 May 1955, as part of a comprehensive disarmament programme. The danger of atomic war could be prevented only by banning the atomic weapon. Questions of disarmament could not be solved by dint of votes. The Western Powers, however, sought to return the deadlocked disarmament negotiations to organs which, in virtue of their membership, were incapable of coping with the question. The only

way to tackle it would be to consider it at a conference of Heads of Governments, but this had so far not been possible owing to the resistance of the United States in the first instance, and the United Kingdom and France in the second.

274. Finally, the representative of the Union of Soviet Socialist Republics stated that the representative of the United States had side-stepped free discussion in the Council and resorted to the machinery of voting. As a protest, he would therefore withdraw his draft resolution.

C. Further consideration by the Council

275. At the 814th meeting of the Council, on 29 April, the representative of the United States of America introduced the following draft resolution (S/3995):

"The Security Council,

"Considering further the item of the USSR of 18 April 1958,

"Noting the development, particularly in the Soviet Union and the United States of America, of growing capabilities of massive surprise attack,

"Believing that the establishment of measures to allay fears of such massive surprise attack would help reduce tensions and would contribute to the increase of confidence among States,

"Noting the statements of certain members of the Council regarding the particular significance of the Arctic area,

"Recommends that there be promptly established the northern zone of international inspection against surprise attack, comprising the area north of the Arctic Circle with certain exceptions and additions, that was considered by the United Nations Disarmament Sub-Committee of Canada, France, the USSR, the United Kingdom and the United States during August 1957;

"Calls upon the five States mentioned, together with Denmark and Norway, and any other States having territory north of the Arctic Circle which desire to have such territory included in the zone of international inspection, at once to designate representatives to participate in immediate discussions with a view to agreeing on the technical arrangements required;

"Decides to keep this matter on its agenda for such further consideration as may be required."

276. The representative of the Union of Soviet Socialist Republics introduced a draft resolution (S/3997), identical to the draft resolution withdrawn at the previous meeting (S/3992), with the addition of the following paragraph:

"Mindful of the necessity for taking steps as soon as possible to avert the threat of atomic warfare and ease international tension, the Security Council notes with satisfaction that preliminary talks are in progress between the interested States with a view to the convening of a summit conference to discuss a number of urgent problems, including the question of drawing up measures to preclude the danger of surprise attack, and expresses the hope that the summit conference will be held at the earliest possible date."

277. The President, speaking as the representative of the United States of America, stressed that if each country knew for certain that there was no possibility of a surprise attack against it, the fear of war would decrease and it would become possible to move forward

towards important disarmament measures. He proposed going ahead with the scheme for an inspection zone in the Arctic without awaiting agreement on disarmament as a whole; he stated, however, that this did not diminish his belief that discussions on that general question should be renewed urgently. He proceeded, thereafter, to review the background and details of his proposal, stressing that it was made entirely apart from the general topic of disarmament. He pointed out that the technical arrangements for such an inspection system in the Arctic zone should be worked out during the course of discussions among all States which have territory within this area and which desire its inclusion in the zone of inspection. He emphasized that the final product of such discussions must be mutually satisfactory, a provision which would protect everyone. If these States could proceed gradually and first experiment on a limited basis, it should facilitate the subsequent expansion of an aerial inspection system.

278. The representative of Sweden expressed his support of the United States draft resolution, but submitted an amendment to it providing for the insertion of a penultimate paragraph, as follows (S/3998):

"Expresses the view that such discussions might serve as a useful basis for the deliberations on the disarmament problem at the summit conference on the convening of which talks are in progress."

279. The representative of the Union of Soviet Socialist Republics considered that the threat to peace proceeded from the United States only, which could free the world from the fear of sudden atomic war by deciding to put an end to the flights under discussion. He considered further that the United States was undertaking a subversive manoeuvre, aimed at substituting a discussion of inspection in the Arctic for the question of the cessation of those flights, in order to evade the adoption of measures which might eliminate the tension created by the flights. He rejected the allegation that there was a threat of surprise attack against the United States across the Arctic by the Soviet Union. The United States proposal, he said, had no relation, either, to the solution of the disarmament problem. Furthermore, the proposed composition of the group of States who would be called upon to study the question of inspection constituted an attempt to impose a solution by means of a vote in an organ wherein the majority of members were linked together by military agreements.

280. At the 815th meeting, also on 29 April 1958, the representative of Canada welcomed the United States proposal, and expressed the hope that a scheme of Arctic inspection could provide a basis for larger agreements on disarmament; among other measures which might be discussed were those necessary to verify compliance with an agreement to suspend nuclear tests. He considered the Soviet position on the United States draft resolution incomprehensible inasmuch as the USSR expressed serious worries about developments in the Arctic but rejected a proposal to set up inspection in that area.

281. The representative of France considered that the United States proposal constituted the surest way of eliminating the risks to which the USSR itself had pointed. The USSR, on the other hand, was asking that the free world renounce its defences, while receiving in exchange only statements of intention and promises not subject to control. The Soviet draft resolution had a unilateral character and would aggravate the situation by inciting to mistrust of a major Power. A summit

conference could not be regarded as a magic means to avert the threat of atomic war and reduce tension. Goodwill and a spirit of co-operation were needed and, if they were manifested, would indicate constructive possibilities for such a conference. The United States draft resolution would not involve the imposing of a certain measure by majority vote, but a unanimous decision on the initiation of discussions in which each participant would be free to take any stand he chose on the subjects under discussion.

282. The representative of the United Kingdom considered that the establishment of an inspection zone as proposed by the United States would involve no threat to the security of the participating countries, and would represent a considerable contribution to a general disarmament agreement. Rather than conflict with discussions at a summit meeting, it would be encouraging for the Heads of Governments to have before them, when they met, a plan for international inspection of a particular area.

283. The representative of Japan, supporting the United States draft resolution, stressed that the inclusion of the Kurile Islands in the proposed zone should not prejudice the territorial claims to those islands of any country concerned. He was confident that the present debate would lend hope for an early settlement of such urgent problems as the suspension of nuclear bomb tests and the demilitarization of outer space under international control and inspection.

284. The representative of Panama emphasized that nothing could be a better source of confidence among peoples than assurance against a surprise attack through the adoption of international measures. Having analysed the United States draft resolution and recalled the open-skies proposal of July 1955, as well as the Western proposals in the Disarmament Sub-Committee on 2 August 1957, he expressed his support for the United States draft resolution and the Swedish amendment, and his opposition to the USSR draft resolution.

285. The representative of China felt that an agreement to prevent a surprise attack being the most constructive single step that could be taken at the present moment, it was difficult to see what a summit conference could achieve, if the Powers concerned could not even agree on that one step. The benefits from that step would, he said, be common to all States and not only to one group. He supported therefore the United States draft resolution, and opposed the Soviet draft resolution.

286. The representative of Iraq stated that the United States draft resolution was in line with the promise of the United States to do its best to reduce world tension. He would support it while, on the other hand, his position on the new USSR draft resolution remained the same as that expressed in regard of the one withdrawn at the previous meeting.

287. The Secretary-General made a statement recalling that on a previous occasion¹ he had expressed the opinion that he had not only the right but the duty to intervene when he felt that it would support the purposes of the Organization and the principles of the Charter. When, at a recent press conference, he had found reason to welcome the decision of the Soviet Union to suspend unilaterally tests of atomic bombs, he had done so solely on the basis of an evaluation of the possible impact of

¹ See *Official Records of the Security Council, Eleventh Year 751st meeting*, paras. 1 to 5.

that move on the stalemate reached in the disarmament debate. In the same spirit and on the same basis, he wished to welcome the initiative taken by the United States in presenting a proposal which might break up the stalemate from the angle of a limited system of inspection. He trusted that his intervention would not be misinterpreted as a taking of sides, but merely as an expression of profound feelings, current all over the world, which had a right to be heard also outside the framework of Government policies. The Secretary-General concluded by expressing the hope that the Governments represented on the Council would wish to try out the line of trust as a way out of the current situation of disintegration and decline.

288. At the 816th meeting, on 2 May 1958, the United States incorporated the Swedish amendment (S/3008) in its draft resolution (S/3005), changing, however, with the agreement of the Swedish representative, the words "the summit conference" to "a summit conference".

289. The representative of the United Kingdom expressed his support of the revised text of the United States draft resolution and appealed to the Soviet Union to accept it.

290. The representative of the Union of Soviet Socialist Republics declared that the discussion in the Council had not furnished grounds for a change in the position of his Government. Separation of the inspection proposal from practical measures of disarmament was merely a new expression of the old concept of control without disarmament. The Swedish amendment, he said, would not affect the propagandistic nature of the United States draft resolution. It was not surprising to see the support expressed for the draft resolution by NATO members and other recipients of United States assistance. The support expressed by the Secretary-General, on the other hand, was more difficult to understand and did not contribute to a strengthening of his authority, but rather did the contrary.

291. The representative of the United States of America denied any claim on the part of his Government

that the disarmament problem could be solved by vote. Negotiations were needed, and the United States was anxious to resume discussions of the problem, either in the Disarmament Commission or as part of preparatory discussions for a possible conference of Heads of Governments.

292. The representative of Japan paid a tribute to the statement of the Secretary-General which, he said, reflected the feelings of the Government and people of Japan on this issue. It was the duty of the Council as a whole to exert strong leadership in order to break the disarmament stalemate, and he would therefore appeal to the members concerned not to use their veto power on this issue. He would vote in favour of the revised United States draft resolution.

293. The President, speaking in his capacity as the representative of Canada, also welcomed the incorporation of the Swedish amendment in the United States draft resolution.

294. The representative of Panama rejected the implication contained in the remark of the representative of the USSR to the effect that support for the United States draft resolution was being given by recipients of American aid. He considered that the Soviet draft resolution was unilateral, inasmuch as it involved a condemnation of the United States and other members of the Council, whereas the United States draft resolution was based upon the concept of international co-operation.

295. At the 817th meeting, on 2 May 1958, the Council proceeded to vote on the draft resolutions before it.

Decision: *The United States draft resolution (S/3005), as revised, received 10 votes in favour and 1 against (USSR). The negative vote being that of a permanent member of the Council, the draft resolution was not adopted.*

Decision: *The USSR draft resolution (S/3007) was rejected by 9 votes to 1 (USSR), with 1 abstention (Sweden).*

Chapter 6

LETTER DATED 22 MAY 1958 FROM THE REPRESENTATIVE OF LEBANON CONCERNING: "COMPLAINT BY LEBANON IN RESPECT OF A SITUATION ARISING FROM THE INTERVENTION OF THE UNITED ARAB REPUBLIC IN THE INTERNAL AFFAIRS OF LEBANON, THE CONTINUANCE OF WHICH IS LIKELY TO ENDANGER THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY"

A. Consideration by the Security Council

296. By a letter dated 22 May 1958 (S/4007), the representative of Lebanon requested that an urgent meeting of the Council be held to consider the following question: "Complaint by Lebanon in respect of a situation arising from the intervention of the United Arab Republic in the internal affairs of Lebanon, the continuance of which is likely to endanger the maintenance of international peace and security." The intervention, it was stated, included the infiltration of armed bands from Syria, the participation of United Arab Republic nationals in acts of terrorism and rebellion against the established authorities in Lebanon, the supply of arms

from Syria to individuals and bands in Lebanon rebelling against the established authorities, and the waging of a violent radio and press campaign in the United Arab Republic calling for strikes, demonstrations and the overthrow of the established authorities in Lebanon.

Decision: *At its 818th meeting (27 May 1958), the Council included the letter of the representative of Lebanon in its agenda.*

297. The representative of the Union of Soviet Socialist Republics stated thereafter that the fact that his delegation did not object to the consideration of the matter should not be construed as in any way constituting an acknowledgement of the validity of the complaint

or as meaning that his delegation considered submission of the matter to the Council to be justified.

298. At the invitation of the President the representatives of Lebanon and of the United Arab Republic took places at the Council table.

299. The representative of Iraq, pointing out that the Arab League was to discuss the Lebanese complaint on 31 May, moved that the Council postpone discussion of the question until 3 June.

Decision: *After a short exchange of views, the motion of the representative of Iraq was adopted without objection.*

300. In a letter dated 2 June 1958 (S/4018), the representative of Lebanon stated that, in accordance with a request from the League of Arab States that consideration by the Council of the Lebanese complaint be postponed for a brief period, his Government would appreciate that the Council meet on 5 June.

Decision: *At the 822nd meeting (5 June), the Council decided to postpone consideration of the item for another day in view of the fact that the Arab League was then holding its last meeting on the subject.*

301. At the 823rd meeting (6 June), the representative of Lebanon said that, since the Arab League had taken no decision on the Lebanese complaint, his Government was now bound, much to its regret, to press the issue before the Council. The intervention of which it complained was increasing both in scope and in intensity.

302. Declaring that there was continuing massive, illegal and unprovoked intervention in the affairs of Lebanon by the United Arab Republic, he listed a series of facts which, he said, proved the actual existence of that intervention. He cited a number of cases to show that arms were supplied on a large scale from the United Arab Republic to subversive elements in Lebanon. There were several thousand armed men currently engaged in subversive activities in Lebanon, most of whom operated near the Syrian borders in the north, in the Bekaa valley and in the south. His Government had no doubt at all, from all the evidence it had gathered, that all the arms used by those men had been supplied to them from Syria.

303. The representative of Lebanon then listed a series of cases concerning the training in subversion on the territory of the United Arab Republic of elements from Lebanon, under the direction of Syrian officers, elements which had been sent back to Lebanon to subvert its Government. A further list of cases, which he read to the Council, proved, he said, that United Arab Republic civilian nationals residing in Lebanon or passing into Lebanon had participated there in subversive and terrorist activities. He adduced further cases to show that United Arab Republic governmental elements had also participated in subversive and terrorist activities and in the direction of rebellion in Lebanon.

304. In that connexion, he stated that members of the Syrian and Egyptian armed forces had been implicated in such activities, and he described a series of incidents involving alleged incursions by groups of Syrian army personnel into Lebanese territory.

305. That the massive intervention he had described was aimed at undermining and thus threatened the independent existence of Lebanon was obvious, he felt, from the material evidence he had submitted. The validity of that view was also supported by the violent and utterly

unprecedented Press campaign conducted by the United Arab Republic against Lebanon. Quoting a series of excerpts from the Egyptian and Syrian Press, he declared that for many months it had been waging a campaign of vilification of the Government of Lebanon, of open incitement of the people of Lebanon to revolt against their Government, and of open support of the subversive activities going on in Lebanon.

306. A similar campaign had been carried on by the United Arab Republic radio. In that connexion, he noted that the radio differed from the Press in two respects: in the East more people listened to the radio than read the newspapers, and, whatever might be said about the Press, none would deny that in the United Arab Republic the radio was controlled by the Government.

307. The unmistakable aim of the campaign, the representative of Lebanon concluded, was to overthrow the existing régime in Lebanon and to replace it with one more subservient to the will of the United Arab Republic. The only sin of Lebanon in the eyes of the latter was indeed that it was independent and followed a policy of friendship towards, and co-operation with, the Western world.

308. When the independence of a country was thus threatened by external intervention, the situation was automatically one in which the Security Council was interested. No region in the world was more sensitive than the Near East, and a slight change in the delicate balance of forces and power there could lead to incalculable consequences. As was demonstrated by the intense concern that had been expressed by all the major Powers, the question was pre-eminently one involving the maintenance of international peace and security. His delegation asked that the unprovoked massive intervention stop, that Lebanon's independence be preserved and strengthened, and that, as a result, the threat to international peace and security inherent in the situation be removed. No one could accuse Lebanon, which had always worked for peace, of harbouring any designs on others. Alone among the countries in the Middle East, it had no formal safety-conferring arrangement with other Powers outside the area, and depended primarily upon the United Nations for its safety. His Government's case was thus a test for the United Nations: if intervention in the affairs of one small country should be allowed, how could any other small country feel secure again? His Government had tried direct contacts with the United Arab Republic, but to no avail. It had resorted to the Arab League, but no decision had been taken and the intervention, far from abating, had actually increased in intensity.

309. The representative of the United Arab Republic emphasized his regret at having to speak on such a delicate matter. The complaint before the Council, he observed, had been submitted only after the disturbances in Lebanon had become very serious. In order to meet the situation, the Government of Lebanon had endeavoured to give it an international aspect, to prove that the disturbances in Lebanon were due to foreign intervention and not to the position of the Government itself with respect to domestic matters.

310. His Government categorically rejected the slander that the United Arab Republic had intervened in the affairs of Lebanon.

311. The bringing of the complaint before the Arab League had been merely a stratagem on the part of Lebanon, aimed at proving that, in coming before the

Security Council, Lebanon had exhausted every regional recourse. This, he said, was corroborated by what had happened at the meeting of the League. Six of its members—Iraq, Jordan, Libya, Saudi Arabia, the Sudan and Yemen—had proposed a resolution whereby the Council of the League would have decided: (1) to put an end to everything that might disturb the atmosphere of security among all the member States by every means; (2) to request the Government of Lebanon to withdraw its complaint to the Security Council; (3) to appeal to the various Lebanese groups to end the disturbances and to settle their domestic disputes by peaceful and constitutional means; and (4) to send a committee to calm the situation and implement its decision. That resolution had been accepted by his Government in a spirit of compromise, but unfortunately the Government of Lebanon had opposed it.

312. The Lebanese representative's statement, he continued, contained many inaccuracies and was based on isolated facts and reports which it would be difficult for the Security Council to assess.

313. According to the leaders of the Opposition in Lebanon, the disturbances were due mainly to President Chamoun's wish to revise the Constitution to permit his candidacy for a second term of office. Press reports indicated that according to those leaders, the situation was one of internal Lebanese politics and there was no question of any interference by the United Arab Republic.

314. The Lebanese representative's allegations, he continued, were not supported by any concrete proof. Arms were not difficult to obtain, and the responsibility of a Government in that connexion must be established clearly. The Lebanese Government's claims to have arrested Syrian Army men and other foreign agitators contrasted with the fact that there was no record of any of those Syrians having been brought to trial. As leaders of the Opposition in Lebanon attested, it was not the United Arab Republic which armed the Lebanese: the Lebanese Government distributed arms to its partisans, and those arms went from one person to another.

315. As for the so-called radio and Press campaign, even if it were substantiated it could not have any influence on the events in Lebanon. The radio and Press generally gave only news published by the Lebanese Press.

316. The United Arab Republic, he said, could also have submitted a complaint against Lebanon, but had not done so because it felt that that kind of difference should be capable of solution through other channels. He said that there had recently been a mass expulsion from Lebanon, without explanation or any kind of legal safeguard, of thousands of United Arab Republic nationals. The many Lebanese citizens in the United Arab Republic, on the other hand, continued to be well-treated.

317. In conclusion, the representative of the United Arab Republic recalled President Nasser's statement of 16 May 1958, that his Government upheld and respected the independence of Lebanon and would not permit any interference in its affairs.

318. The representative of Japan expressed deep concern regarding the disquieting situation in Lebanon. His delegation was particularly disturbed that a dispute of that magnitude should have arisen between two sister Republics. He suggested that the Council should be provided with more complete information on the meetings of the Arab League dealing with the problem.

319. The representative of Iraq said that the situation was serious, and affected other Arab States as well as Lebanon.

320. The representative of the United Kingdom considered that the situation as revealed by the representative of Lebanon and substantiated by a wealth of ascertainable facts gave cause for very considerable disquiet, which had not been dissipated by the very general statement of the representative of the United Arab Republic.

321. The representative of the United States of America said that the Lebanese charges were very serious and were gravely disturbing. The United States urged that every step be taken, by all concerned, to maintain respect for the independence and the integrity of Lebanon and to prevent any actions or developments inconsistent with that objective.

322. The representative of France emphasized the concern with which his Government viewed the grave situation described by the representative of Lebanon.

323. The representative of Colombia said that his delegation was concerned because of the facts presented by the representatives of Lebanon and the United Arab Republic. Since the Council had postponed consideration of the matter three times to await the result of the meeting of the Arab League, it was important that it be fully informed of what had transpired at that meeting.

324. The representative of the Union of Soviet Socialist Republics considered that the representative of Lebanon had failed to demonstrate convincingly the alleged intervention of the United Arab Republic in the domestic affairs of Lebanon. If the situation of which it complained had in fact existed for a considerable period of time, the Lebanese Government could have brought its complaint earlier. More important was the fact that there was nothing to indicate that the Lebanese Government had tried to settle its alleged dispute with the United Arab Republic through normal bilateral means. In that connexion, it was also noteworthy that the complaint had been made simultaneously in the Arab League and the Security Council. The fact that the Arab League had failed to arrive at a unanimous decision because the Lebanese Government had not seen fit to endorse the unanimous proposal of all the other members of the League raised the question whether pressure had been put upon it by certain circles that were not interested in lessening tensions in the area. He also noted that a statement made by the Opposition parties of Lebanon on 22 May made it clear that there were in Lebanon opinions which differed radically from those developed by the Lebanese representative, and according to which the charges against the United Arab Republic were designed to justify claims for foreign interference and for foreign troops, who presumably would not be Arabs. The USSR considered that the settlement of questions regarding the Lebanese Government was an inalienable right of the Lebanese people, and no other Government had any right to interfere in any such matter. Any attempt to make use of domestic matters in Lebanon in order to exert pressure abroad or elsewhere might result in nefarious consequences not only for the independence of the Lebanese but also for the fate of peace in the Near and Middle East. He expressed the conviction that no Power would permit itself to intervene in the domestic affairs of Lebanon in any way.

325. The representative of Iraq stated that no resolution had been adopted unanimously by the Arab League

and rejected by Lebanon. The Governments of Iraq and Jordan, at least, had not supported such a draft resolution.

326. The representative of Canada said that his delegation had taken note of the grave and detailed account given to the Council in support of the Lebanese charges. He welcomed the assurances provided by the representative of the United Arab Republic regarding his Government's attitude towards the independence of Lebanon.

327. The representative of Panama said that the Council was obviously dealing with a grave situation. He supported the proposal that the Council receive additional information regarding the proceedings of the Arab League.

328. The President, speaking as the representative of China, said that while he did not wish to draw any firm conclusions at that stage, he had gained the impression that the situation in Lebanon was quite serious, and, unless settled, might have grave consequences not only for Lebanon but also for other States in the Middle East and elsewhere.

329. The representative of Lebanon confirmed the view of the representative of Iraq that it was erroneous to say that any unanimous draft resolution had been submitted to the Government of Lebanon at the meeting of the Arab League. There had been no unanimity whatsoever at that meeting.

330. Dealing with the statement of the representative of the United Arab Republic, he observed that it proved the existence of the intervention of the United Arab Republic in Lebanon's affairs since that representative had referred in detail to matters connected with the internal situation in Lebanon. For anyone to take the side of the Opposition in another country seemed to him inadmissible in view of Article 2, paragraph 7, of the Charter. He reiterated that his Government had made efforts to come to an arrangement with the United Arab Republic, but unfortunately all its attempts had failed.

331. At the 824th meeting (10 June), the representative of Iraq submitted copies of the summary record of the meeting of the Arab League at Benghazi, as drawn up by the Secretariat of the League, and a summary of his Government's point of view presented there.

332. The representative of the United Arab Republic reviewed the evidence submitted by the representative of Lebanon, and replied to various examples cited by that representative. Not only were the alleged facts far from established, he said, but there was no proof of any responsibility on the part of the Government of the United Arab Republic. Pointing out that the mountain people and the other tribes in Lebanon were known to be armed, he expressed particular surprise at the statement that all those engaged in subversive activity in Lebanon were supplied with arms from the United Arab Republic. Moreover, it was not difficult to obtain arms.

333. He also rejected the Lebanese representative's allegation concerning subversive training of elements from Lebanon on the territory of the United Arab Republic. Similarly, the allegations regarding the participation of the United Arab Republic civilian nationals in subversive and terrorist activities in Lebanon, which for the most part comprised isolated cases, did not contain anything that could in any way establish the responsibility of his Government.

334. He then reviewed some of the Press reports quoted by the Lebanese representative and pointed out

that they consisted of articles by Lebanese news agencies and journalists. He quoted extracts from the Lebanese Press containing attacks against the Government of the United Arab Republic. Every imaginable activity in the field of propaganda against the United Arab Republic continued to be authorized in Lebanon. He noted that it was obvious that sometimes the U.A.R. radio was obliged to respond to those accusations.

335. Had the Government of Lebanon really been eager to find a solution of the dispute, he said, it would certainly have accepted the resolution of the Arab League. Unfortunately, it had seemed intent on getting the problem discussed in the Security Council in order to circulate tendentious propaganda against the United Arab Republic and to use the Council to solve domestic questions concerning only the Lebanese themselves.

336. Some 13,000 citizens of the United Arab Republic, he continued, had been expelled from Lebanon and, despite a number of protests, no plausible explanation had been obtained. Moreover, the Government of Lebanon had treated the diplomats of the United Arab Republic in a manner contrary to the rules of international law. For some time Lebanon had been the scene of plots hatched against the United Arab Republic, in particular by the members of a terrorist group known as Syrian nationalists, to whom the Lebanon Government had distributed weapons. Notwithstanding those facts, his Government had tried to solve the problem in the framework of the Arab League, but had encountered systematic opposition on the part of the leaders of Lebanon. He reiterated that his Government had always considered that an independent Lebanon would be an element of stability and peace in that part of the world.

337. The representative of Lebanon informed the Security Council that the situation was becoming very serious, and that infiltration and the flow of arms into Lebanon were increasing. He requested the Council to meet continuously until it had disposed of the item.

338. In reply to the statement of the representative of the United Arab Republic, he emphasized that his Government had taken the utmost care to sift the facts presented by it to the Council and that he could produce all the relevant documents and prove their complete veracity. The representative of the United Arab Republic, he continued, had dealt at most with 15 to 20 per cent of the facts cited by Lebanon and had clearly little, if anything, to say against the remaining facts. Moreover, the United Arab Republic representative had not proved that there was any error.

339. Concerning the question of the Press, he declared that the most significant thing was that Egyptian and Syrian newspapers presented only material that inflamed and encouraged rebellion and anti-governmental activity in Lebanon. In contrast, although parts of the Lebanese Press might criticize Egypt and Syria, other parts defended the point of view of Egypt. There was nothing like that in Egypt, and official denials requested by the Lebanese Government had never appeared in the Egyptian Press. As for the argument that the radio of the United Arab Republic was replying to the Lebanese radio, there was no comparison whatever between the two; the Lebanese radio tried to be as fair and as objective as humanly possible.

340. The account of the meeting of the Arab League given by the representative of the United Arab Republic, he continued, was incomplete and inaccurate. The docu-

ment quoted by that representative had not been approved by the League itself. What had in fact happened was that many of the delegations had simply awaited the reaction of the Lebanese Government to the text that had been drawn up, and at least three representatives, those of Iraq, Jordan, and Libya, had dissociated themselves from the proposal as soon as it had been rejected by Lebanon. It was also noteworthy, he added, that an amendment proposed by the United Arab Republic, to the effect that there was no intervention by it in the affairs of Lebanon, had received no support.

341. The Lebanese Government had always made it clear that it was ready to withdraw any complaint as soon as the massive intervention in Lebanese affairs was stopped.

342. In connexion with the treatment of United Arab Republic nationals by Lebanon, his Government could say a good deal about the treatment of Lebanese nationals by the United Arab Republic, but did not wish to do so because that was not a part of its complaint. He was ready to provide detailed reasons for the expulsion of probably no more than 1,000 United Arab Republic nationals from Lebanon, and emphasized that there were 50,000 Syrians living happily in Lebanon. His Government's patience with the openly pro-Opposition activity of the Egyptian diplomats in Lebanon had been more than exemplary. Finally, it took almost infinite credulity to believe that Lebanon was engaged in any subversive activity in Syria or in Egypt. His country wanted only to live in peace with its neighbours.

343. The representative of Sweden considered that the Security Council had reason to give the statements of the parties serious consideration and to keep a close watch on the situation and its further development. It was evident that foreign interference might contribute to the aggravation of internal antagonisms in Lebanon and make a settlement difficult. If such interference had occurred, it was deeply to be deplored, and every effort should be made to bring about a correction. In the circumstances, there might be justification for considering some arrangement for investigation or observation by the Council itself with a view to clarifying the situation. Such a measure might contribute to the creation of a less tense atmosphere in connexion with the Lebanese situation. He submitted the following draft resolution (S/4022):

"The Security Council,

"Having heard the charges of the representative of Lebanon concerning interference by the United Arab Republic in the internal affairs of Lebanon and the reply of the representative of the United Arab Republic,

"Decides to dispatch urgently an observation group to proceed to Lebanon so as to ensure that there is no illegal infiltration of personnel or supply of arms or other matériel across the Lebanese borders;

"Authorizes the Secretary-General to take the necessary steps to that end;

"Requests the observation group to keep the Security Council currently informed through the Secretary-General."

344. The representatives of the United States and the United Kingdom expressed their support of the proposal.

345. The representative of the Union of Soviet Socialist Republics said that the Swedish proposal was a

serious one, designed to facilitate an improvement of the situation in the Near East, and accordingly required consultation by delegations with their Governments. A decision on it that night would not be justified.

346. The Lebanese representative's statement had not persuaded him of the validity of the charge made against the United Arab Republic. The representative of the latter had given a detailed analysis showing that the evidence produced was either unfounded or in no way involved his Government. To obtain a correct picture of the events in Lebanon and of their causes, it was necessary to take into account published statements by prominent representatives of the Lebanese people expressing opinions quite contrary to those developed by the Lebanese representative. The USSR representative proceeded to cite a number of such statements and concluded that what had happened in Lebanon was that the people of that country, profoundly discontented by their Government's decision to accept the Dulles-Eisenhower doctrine and the consequently increased dependence of their country on United States monopolies, had launched a large-scale popular movement in support of the Constitution and national independence and in opposition to colonialism. The current internal events in Lebanon had been the result of the indignation of the masses, and represented the organized struggle of the Lebanese people for their constitutional rights. Any intervention in Lebanon's internal affairs, including intervention by the Security Council, would be inadmissible; it was indeed the duty of the Council to rebuff attempts at outside intervention in the internal affairs of Arab States. There were many indications that a number of Western Powers sought to utilize the events in Lebanon to intervene in the country's internal affairs and to exert more pressure on the Arab States. The possibility of intervention was openly discussed in official circles in the United States and the United Kingdom, and military preparations had been made by those Powers in the Eastern Mediterranean.

347. Large amounts of armaments had been dispatched to Lebanon and had been used against the Lebanese people. All of those military operations were clearly provocative in nature and constituted direct preparation for armed intervention against that people. The attitude of the United States and the United Kingdom was explained by the oil pipelines in Lebanon and by the great importance they attached to the strategic position of that country.

348. Those preparing armed intervention reserved an important role in it for the aggressive Baghdad bloc. The Western authorities tried to justify their actions by the false allegation that the mass movement in Lebanon had been inspired by the United Arab Republic, a charge decisively refuted both by the Government of the latter and by leaders of the Opposition in Lebanon. It was more than obvious that the appeal of the Government of Lebanon to the Arab League had been intended to deceive the Arab peoples and that that Government had no serious intention to reach a settlement of the issue by direct negotiations with the United Arab Republic or by means of the assistance of friendly Arab States. But such manoeuvres could no longer deceive world public opinion or the Arab peoples. The Soviet Government's position was that any and all attempts to utilize the domestic situation in Lebanon as a reason for intervention from abroad constituted a serious situation which could give rise to grave consequences, not only for the future of Lebanon but also for the cause of peace in the Near and

Middle East. The Council should reject the complaint of the Government of Lebanon as baseless and unjustified.

349. The representative of Iraq emphasized the good intentions and friendly sentiments of his Government and people in respect of all their Arab brethren. The problem raised in the Lebanese complaint, he said, affected the whole of the Middle East and indeed the whole free world. If subversion and interference in Lebanese affairs were permitted to continue and to succeed, no country in the Middle East could feel secure. Lebanon was a peace-loving country which had done no harm to any other country. It had enjoyed peace until the advent of Nasserism in the Arab world. Other Arab countries had also been affected to a greater or lesser degree. Nasserism, he continued, was the design of President Nasser to dominate the Arab world, or at least to turn the Arab States into satellites of Egypt by fomenting revolutions, using the communist method of subversion from within. An Arab State had to choose between obedience to Nasser's policies and dictation, and being subjected to violent attack and subversion. Iraq and Jordan had faced the problem and had insisted on retaining their independence. Iraq, which for its own safety had joined the defensive Baghdad Pact, acting in accordance with Articles 51 and 52 of the United Nations Charter, continued to be attacked by the Cairo radio, in the same manner as Lebanon had been subjected to such attacks and to subversion when it had endorsed the Eisenhower doctrine. In other words, no Arab country was free to co-operate with the West without President Nasser's consent. "Positive neutrality", the cornerstone of Nasserite foreign policy, meant in practice to antagonize the West and seek help from the Soviet Union. If Arabs chose otherwise and acted freely they were to be branded as agents of imperialism. The trouble in Lebanon was essentially an international problem reflecting the attempts of the USSR, working through the United Arab Republic, to obtain a foothold in the Middle East. In that connexion, he declared that the USSR supported President Nasser's dream of domination over the Arab world, a support intended to pave the way for Soviet domination of that world. In Lebanon, President Nasser was applying the subversive methods of international communism, namely to arouse and exploit dissatisfaction with prevailing conditions, to undermine the authority of the State by creating chaos, and to provide men and arms for a revolution. There always were a number of causes of frustration and dissatisfaction in the Arab world, including Lebanon. The Arabs faced the need for rapid political, economic, and social change. The Arab world was frustrated by the tragedy of Palestine and events in Algeria. The Arab peoples, who yearned for unity, found themselves separated by boundaries not of their own making. Both Russian and Egyptian-Syrian propaganda had done much to exploit that state of affairs, but had done nothing for the development of a democratic political system of government. The masses in the Arab world had not been told the whole truth about communism and Nasserism, and that was why they had fallen victims to exploitation.

350. The statements of the Lebanese representative were fully corroborated by Iraq's experience. The Cairo radio consistently called on the people of Iraq to revolt against their Government, whose members were described as traitors. Appeals to President Nasser to stop such broadcasts had been of no avail, despite promises that they

would cease, and it appeared that there was an external force which did not permit the ending of such attacks.

351. The representative of Iraq then proceeded to describe other means of subversion which he said were being employed throughout the Arab world and, in particular, in Lebanon. The situation represented a phase of Soviet penetration of the Arab world, he said, for true Arab nationalism would abhor both the aims and the methods employed. His Government hoped that the Security Council, having found that the Arab League had failed to achieve a satisfactory settlement of the trouble, would take appropriate measures to protect not only Lebanon but other Arab States as well, including Iraq, from communism and Nasserism. Aggression and intervention with the intention of undermining legitimate Governments should be stopped immediately.

352. Replying to the USSR statements, he declared that those who were violating the Constitution of Lebanon were those who were rising against it, not the Government which was acting in accordance with it. If Lebanon had not brought the issue to the Security Council and the Arab League at the same time, he added, he was convinced the United Arab Republic would not have agreed to the meeting of the Arab League.

353. The representative of France agreed that it was up to the Lebanese people alone to decide what policy they wished to follow. But who, in the democratic countries, represented the people, if not the elected Parliament and a Government that had the confidence of the people? To endeavour to question the legitimacy of a Government invested with national representation was in itself an attempt to undermine the national sovereignty of a country and was a violation of the Charter.

354. The detailed facts cited by the representative of Lebanon made it clear that, even if the authorities of the United Arab Republic had, in fact, incurred no other responsibility, they had been greatly remiss in their duties as regards control over their own frontiers, and activities on their territory, or originating from it, by rebels in conflict with the legitimate Government of Lebanon. With regard to the assurances that the United Arab Republic respected the independence and sovereignty of Lebanon, he noted that what the Lebanese Government complained of was intervention in its internal affairs. There were more subtle methods of jeopardizing a State's independence than that of a frontal attack. It was enough for that purpose to be sure of collaborators inside the country itself, and to furnish them with the means of taking power. Should the attempt be successful, the new leaders would, of course, refuse nothing to those who had helped them, and that would be the end of the real independence of the country in question.

355. If any State was entitled to expect comprehension and friendship from others, it was surely Lebanon. Its people had given the whole world the rare example of a community which, despite religious differences, had, until very recently, remained deeply united, harmonious and without fanaticism. It would be not merely regrettable but also dangerous for other States in a similar position if that fine balance were to be destroyed. The only crime of which the Lebanese Government has been guilty had been its desire to decide for itself, in agreement with the majority of its own Parliament, the policy it intended to follow, and to remain faithful to its traditional friendships. It was because it had refused to align its foreign policy with that of another country that it was today confronted with a rebellion supplied from abroad.

That was a negation of the principles of the Charter, and it was also a dangerous game that imperilled the peace and security of the entire Middle East. It was the Security Council's duty to take urgent measures to avoid a greater deterioration of the situation, and accordingly he supported the Swedish draft resolution.

356. The representative of the United States said that it was clear that there had been outside interference in the internal affairs of Lebanon in order to promote civil strife and impede the efforts of the constituted authorities to restore order and tranquillity, and that the interference had occurred from the territory and by means of the facilities of the United Arab Republic. His Government desired good relations with all States in the Middle East and deplored the creation of circumstances which obstructed such relations. The Security Council could not ignore the grave situation confronting it, a situation which involved fundamental questions concerning the responsibilities of the Organization and its Members, and in particular the principle of non-interference embodied in Article 2, paragraph 4, of the Charter. The United Nations must be particularly alert in protecting the security and integrity of small States from interference by those whose resources and power were larger. Egypt itself had benefited in that respect in 1956. The United States, having in mind the same Charter principles on which United Nations action had been based in 1956, was firmly determined to continue its support of the integrity and independence of Lebanon.

357. Lebanon could be proud of the existence of a political Opposition, but the fact that there was such an Opposition was no justification whatever for external attacks of any kind upon the Government in office. Lebanon had already demonstrated its ability to govern itself through modern liberal traditions and surely would continue to do so if others did not exploit normal differences of opinion for purposes of their own.

358. He assumed, in view of the statements of the representative of the United Arab Republic, that the Government of that country would take all possible measures to ensure that efforts to uphold the authority of the legally constituted Government of Lebanon and to re-establish law and order were not obstructed by activities based on the territory or by means of the facilities of the United Arab Republic. He hoped that the Council would help to bring about an end to interference by the United Arab Republic in Lebanon.

359. The representative of the United Kingdom said that his delegation's information supported the contentions of the representative of Lebanon and that his Government had not been impressed by the attempts made by the representative of the United Arab Republic to deny or make light of those charges. The USSR representative, he observed, did not appear to be aware that the Government of Lebanon existed. That representative had quoted from Opposition spokesmen to show that the complaint was unwarranted. That was one-sided, since there were countries where there was no Opposition to quote. Moreover, the United Nations was an association of Governments, and the complaint had been brought to the Council in the name and on behalf of the Government of Lebanon. It was profoundly disturbing that the USSR representative apparently supported external incitement to a constitutional Opposition to abandon constitutional methods in favour of violence against the ordinary population and the constituted authorities, carried on with arms supplied from abroad.

360. The representative of the United Arab Republic, he continued, had not attempted to deny the campaign of incitement and vilification carried on by the Press and radio of the United Arab Republic and had argued that, since the question of radio campaigns were not capable of endangering international peace and security, the Council was not competent to consider them. The Council could not be expected to accept such an attitude. Not only was radio propaganda especially powerful and dangerous in the conditions of the Middle East but, in its resolution 290 (IV) of 1 December 1949 on "Essentials of peace", the General Assembly had called on Member States to refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any State, or at fomenting civil strife and subverting the will of the people in any State. He also cited General Assembly resolution 110 (II) of 3 November 1947, which had been introduced by the USSR.

361. The total picture which emerged was a sombre one, he said, and the assertion that the United Arab Republic had not provided any assistance to the rebels in Lebanon was hard to accept at face value. A particularly disturbing aspect was the implication that it was wrong for Lebanon to have brought its complaint to the Security Council. If the representative of the United Arab Republic meant that the question should have been settled in the Arab League, the answer was that the Lebanese Government had made every effort to find a solution at the meeting of the League. Did that representative really mean that the Government of Lebanon was in the wrong if it was not willing to do what it was told by the United Arab Republic? He hoped that the Council would adopt the Swedish draft resolution as expeditiously as possible, as an immediate practical measure calculated to stabilize the situation and reduce the threat to peace and security.

362. At the 825th meeting (11 June), the representative of Japan stressed his Government's support of the Charter principles of respect for the political independence of Member States and non-interference in their domestic affairs. The Security Council should exert its utmost efforts towards a solution of the problem. He hoped that the matter would remain within the framework of the United Nations and that peaceful settlement would be pursued. The Swedish draft resolution was certainly one of the realistic approaches to the problem, and his delegation would support it.

363. The representative of Panama interpreted the Swedish draft resolution as involving the establishment of an observation committee which would ensure that there was no infiltration of armed persons or *matériel* across the Lebanese borders. The proposed group would not have the authority to investigate past events, and its characteristics would resemble those of the Peace Observation Commission.¹ He would vote for the Swedish draft resolution on that understanding.

364. The representative of Colombia declared that he would vote in favour of the Swedish draft resolution.

365. The representative of Canada said that the primary aim of the Swedish proposal was to provide United Nations machinery for dealing with acts of illegal infiltration of personnel and a supply of arms which were, unfortunately, contributing to the state of unrest in Lebanon and were clear evidence of interference from outside that country. He hoped that the action proposed in the Swedish draft resolution could be taken swiftly and effi-

¹ See General Assembly resolution 377 A (V) of 3 November 1950.

ciently and that it would help to avert the spreading disorder in Lebanon, which might have dangerous implications not only for that country but for the area as a whole.

366. It was obvious that the Council's response to Lebanon's appeal for assistance could hardly be effective without the fullest co-operation from the parties. In that connexion, he hoped that the assurances voiced by the representative of the United Arab Republic would find practical expression in the relations between the two Governments. His delegation believed that there could be a practical demonstration through unilateral action by the United Arab Republic. It was in the interests of all concerned that the issue should be settled speedily and by peaceful means.

367. The President, speaking as the representative of China, said that the Lebanese representative had demonstrated that without foreign intervention the domestic difficulties of Lebanon would not have assumed their current degree of gravity. The Swedish draft resolution was the minimum which the Security Council could undertake in the discharge of its primary responsibility for the maintenance of peace and security in the world.

368. The representative of the United Arab Republic regretted that the representatives of the United States and the United Kingdom had taken clear-cut positions on the question and hoped that they would not influence the judgement or attitude of the proposed observation group. Fortunately, the majority of the members of the Council had not prejudged the question.

369. The representative of the Union of Soviet Socialist Republics stated that the representatives of the United States and the United Kingdom had taken a flagrantly unobjective position since they had completely ignored the official statements of the Government of the United Arab Republic and the evidence submitted by the representative of that country, which left no doubt as to how unfounded was the complaint of the Lebanese Government. He noted that the United States Government, at the very time when the Council was considering the Swedish proposal, had decided to send to Lebanon a new large shipment of jet aircraft to be used in fighting the Lebanese people.

370. Replying to the representative of Iraq, the USSR representative emphasized that his Government had consistently and decisively supported the aspirations of the Arab people to unity. He quoted from the Lebanese Press to show that Lebanese leaders had refuted the assertion that events in Lebanon had been inspired by communists. The USSR had no colonial aspirations and neither had, nor sought, oil concessions or military bases for aggressive purposes in the Middle East.

371. The representative of Lebanon said that the Lebanese were happy to allow the point of view of the Soviet Union and the international communist movement to find expression in Lebanon. In contrast, it was impossible to quote any newspaper in Moscow which did not express the official point of view of the USSR Government. It was not objective, however, to quote only one sector of opinion.

372. He assumed that, regardless of the outcome of the meeting, the Security Council would continue to have the Lebanese complaint before it. Reviewing the issues which the crisis of his country raised, he said that it would demonstrate to the small nations whether

they could count upon a modicum of protection from the United Nations. It would also test whether the Organization was capable of handling indirect aggression and intervention.

Decision: *The Swedish draft resolution (S/4022) was adopted by 10 votes in favour, with 1 abstention (USSR).²*

373. The representative of the Union of Soviet Socialist Republics explained that his abstention should not be construed as signifying that the USSR had altered its attitude that the Lebanese complaint was unfounded. He noted that in adopting the resolution, the Council had not expressed any views as to the substance of the Lebanese charges. The USSR representative stated that, in abstaining from voting on the Swedish draft resolution, he had regard to the fact that neither the representative of the United Arab Republic nor the Lebanese representative had objected to it.

374. The Secretary-General, in reply to a question put by the representative of the United States, informed the members of the Security Council that the necessary preparatory steps had been taken and expressed the hope that it would be possible to have someone in Lebanon in twenty-four hours. He explained that while the Observation Group proper might not be on the spot within that interval, because it should be composed of highly qualified and experienced men from various parts of the world, those servicing the main Group could be recruited from the United Nations Truce Supervision Organization and some of them could be in Lebanon on the following day.

375. The President declared that the Council would remain seized of the question.

B. Interim report of the Secretary-General

376. On 16 June 1958, the Secretary-General submitted to the Security Council, as an interim measure, a report (S/4029) on the steps he had taken, under the authority given to him, toward implementing the resolution of the Security Council of 11 June (S/4023). The three members of the Observation Group had been appointed: Mr. Galo Plaza of Ecuador, Mr. Rajeshwar Dayal of India and Major-General Odd Bull of Norway. The Observation Group would constitute itself and determine its own procedures. The report reviewed the activities undertaken up to that time by the United Nations military observers, the first detachment of whom had arrived in Beirut on 12 June.

C. First report of the United Nations Observation Group in Lebanon

377. On 3 July 1958, the United Nations Observation Group in Lebanon submitted its first report (S/4040 and Corr.1 and Add.1) to the Security Council through the Secretary-General. The Observation Group, it was stated, had been fully constituted in Beirut on 19 June. The first meeting of the Group had been convened on that date by the Secretary-General. The report was divided into three sections, covering respectively problems of observation, methods adopted and observations carried out by the Group. In the first section, it was pointed out that of the total land frontier with Syria, some 324 kilometres in length, only eighteen kilometres remained under the control of Government

² The adopted text was issued as document S/4023.

forces, and that the areas of primary concern to the Group were those where the problems of accessibility were the greatest, both from the standpoint of topography and of obtaining freedom and security of movement. In the section dealing with the methods adopted for the purpose of observation, it was stated that a system of permanent observation posts had been established in strategic positions. Regular and frequent patrols of all accessible roads were carried out from dawn to dusk, primarily in the border districts and in the areas adjacent to the zones held by opposition forces. Helicopters and light aircraft had been obtained and were also to perform regular patrols as well as special tasks. In this section, reference was also made to the difficulties encountered in approaching the eastern and northern frontiers of Lebanon, most of which were controlled by opposition forces. In the final section, covering the observations made by the Group, it was stated that the patrols had reported substantial movements of armed men within the country and concentrations at various places. It had not been possible to establish from where the arms seen by the observers had been acquired, or whether any of the armed men observed had infiltrated from outside; there was little doubt, however, that the vast majority of the latter was in any case composed of Lebanese. This section of the report contained a review of difficulties experienced by the observation teams in penetrating opposition-held territory, and it stated that, in all the instances listed, the teams appeared to have touched upon sensitive spots which were in areas claimed by Government sources to be supply and infiltration routes.

378. In a letter dated 8 July 1958 (S/4043), the representative of Lebanon requested the Secretary-General to circulate his Government's comments on the first report of the Observation Group (S/4040). In these comments, it was stated that the positive conclusions drawn in that report were inconclusive or misleading or unwarranted. It was clear that the Observation Group had made no attempt to establish the origin of the arms it had seen. Since the Group had been able to "observe" only a very small number of the men fighting against the Government of Lebanon, and clearly had not investigated whether every one of them had or had not infiltrated from outside, nothing followed from the report as to the origin of all the men fighting against the Government in Lebanon. The rebel leaders would certainly have seen to it that the Observation Group would not see infiltrators.

379. It was clear, the Lebanese Government commented, that the Observation Group had not yet been able to carry out its mandate, in view of the statements it had made regarding the difficulties of gaining access to Opposition-held territory and its recognition that the areas of primary concern to it were those where the problems of accessibility were the greatest. It appeared to the Government of Lebanon that the construction placed up on the Council's resolution of 11 June (S/4023) had been insufficient and was no longer adequate to the situation revealed by the Group's report. The truly decisive part of the resolution of the Security Council, it was stated, was the provision "so as to ensure that there is no illegal infiltration of personnel or supply or arms of other *matériel* across the Lebanese borders". It must be concluded that the resolution of the Security Council had not been really implemented.

380. The Group's report admitted either directly or indirectly the existence of illegal infiltration of men and

smuggling of arms. In setting forth the basis for that conclusion, the Lebanese Government cited among other things the obstructive tactics which the Group said the rebels had used to prevent it from reaching sensitive spots; the mention in annex B of the Group's report that a company of uniformed Syrian soldiers had been observed in an area which was in Lebanese territory; fire from heavy mortars of a type used exclusively by regular armies and the presumption that that firing came from Syrian territory; and the quantity and types of arms in possession of the rebels.

381. The information in the report, it was said, fully substantiated the Lebanese Government's charge that illegal infiltration of armed men and smuggling of arms was a reality. The responsibility of the Security Council with respect to the complaint of the Lebanese Government therefore remained undiminished and intact.

D. Further consideration of the question by the Security Council

382. At the 827th meeting of the Security Council (15 July), which was convened as an emergency meeting at the request of the representative of the United States of America, there was some discussion of a point of order raised by the representative of the Union of Soviet Socialist Republics regarding the credentials of the representative of Iraq. The USSR representative stated that Iraq's seat in the Security Council could be occupied only by a representative appointed by the lawful Government, which was the revolutionary Government of Iraq.

383. The representative of the United States of America said that the territorial integrity of Lebanon was increasingly threatened by insurrection stimulated and assisted from outside. Plots against the Hashemite Kingdom of Jordan were another sign of serious instability in the relations between nations in the Middle East. Now came the overthrow in an exceptionally brutal manner of the legally established Government of Iraq.

384. In all those circumstances, the President of Lebanon had asked, with the unanimous authorization of the Lebanese Government, for the help of friendly Governments so as to preserve Lebanese integrity and independence. The United States had responded positively to that request and wished the Council to be officially advised of that fact. The United States forces were not in Lebanon to engage in hostilities of any kind, but for the sole purpose of helping the Government of Lebanon, at its request, in its efforts to stabilize the situation, brought on by the threats from outside, until such time as the United Nations could take steps necessary to protect the independence and political integrity of Lebanon. They could afford security to the several thousand Americans who resided in that country. That was the total scope and objective of the United States assistance.

385. The United States was the first to admit that the dispatch of its forces to Lebanon was not an ideal way to solve present problems, and they would be withdrawn as soon as the United Nations could take over. The United States intended to consult with the Secretary-General and with other delegations urgently on a resolution to achieve these objectives. Until then, the presence of United States troops in Lebanon would be a constructive contribution to the objectives the Security Council had had in mind when it had passed the resolution of 11 June 1958.

386. Reviewing the recent history of the situation, the representative of the United States noted that the United Nations Observation Group had so far been able to achieve limited success. The United States delegation hoped that it would pursue its work in the most effective and energetic way possible. The United States forces were being instructed to co-operate with it and to establish liaison immediately upon arrival. The Group had helped to reduce interference from across the border.

387. But with the outbreak of the revolt in Iraq, the infiltration of arms and personnel into Lebanon from the United Arab Republic in an effort to subvert the legally constituted Government had suddenly become much more alarming. Observing the course of events in Lebanon and in Iraq, one was constrained to conclude that there were powers at work in the Middle East seeking, in total disregard for national sovereignty and independence, to substitute force or the threat of force for law.

388. The situation was one of outside involvement in an internal revolt against the authorities of the legitimate Government of Lebanon. Under those conditions, the request from the Government of Lebanon to another Member of the United Nations to come to its assistance was entirely consistent with the provisions and purposes of the Charter.

389. It must be recognized that if the United Nations was to succeed in its efforts to maintain international peace and security, it should support the efforts of the legitimate and democratically elected Government to protect itself from aggression from without, even if that aggression was indirect. If the Organization vacillated with regard to that proposition, it would open the flood-gates to direct and indirect aggression all over the world. Indeed, it had faced such problems in the past, successfully in the case of the Soviet-sponsored insurrection in Greece in 1946, and unsuccessfully in the case of the communist coup in Czechoslovakia in 1948. The United Nations had sought to provide means for dealing with such aggressive developments in the future in General Assembly resolution 290 (IV) of 1 December 1949 on "Essentials of peace" and General Assembly resolution 380 (V) of 17 November 1950 on "Peace through deeds". In solemnly affirming, in the second of those resolutions, that any aggression which fomented civil strife in the interests of a foreign Power was one of the gravest of all crimes against peace and security throughout the world, the General Assembly had had clearly in mind just such a situation as the one confronting the Council. The strengthening of aggressive forces by the toleration given to direct and indirect aggression by the Members of the League of Nations had made the Second World War inevitable. The United States was determined that history would not be repeated.

390. The Secretary-General said that as the Security Council was resuming consideration of the complaint of Lebanon, he considered that he owed it an account of how he had acted under the mandate given to him in its resolution of 11 June (S/4023). He found an added reason for doing so in the reference of the representative of the United States to the efforts of the United Nations in Lebanon.

391. In that resolution, the Council had stated its aim to ensure that there was "no illegal infiltration of personnel or supply of arms or other *matériel* across

the Lebanese border". The Secretary-General in his actions regarding the Lebanese case had acted solely with that purpose in view. He had used the tool created for that purpose in the resolution. He had also relied on the authority that the Secretary-General was recognized as having under the Charter. His action had had no relation to developments which must be considered as the internal affairs of Lebanon, nor had he, in his implementation of the resolution, or acting under the Charter, concerned himself with international aspects of the problem wider than those referred to in the resolution.

392. In deciding to dispatch to Lebanon an "observation group", the Security Council had defined not only the character of the operation but also its scope by linking the observation to illegal traffic in arms and infiltration and requesting the Group to keep the Council currently informed of its findings. The Council had thus defined the limits for authority delegated to the Secretary-General in that case. He had accordingly considered himself free to take all steps necessary for an operation as effective as it could be made to ensure against such traffic or infiltration, with its basic character of observation maintained.

393. His interpretation of the resolution, as presented to the members of the Security Council and the representative of Lebanon before any action had been taken, had met with their full approval, including that of the representative of Lebanon. At later stages, he had naturally, to a decisive extent, depended upon the judgement of the highly qualified military, political and diplomatic experts of the United Nations in the field.

394. As a matter of course, he had striven to give the observation operation the highest possible efficiency. In that connexion, he reiterated that the Group had and would have as many observers as it had asked or might ask for. On the other hand, he had found it very difficult to provide the Group with observers before it considered itself ready to absorb them in useful current work. Finally, he informed the Council that throughout the northern border areas north of Tripoli, arrangements had been made for full freedom of movement and access by the observers and that agreement had been reached on the establishment of out-stations in the area. In the region north of Bekaa, the Group had that morning formalized its previous requests for full freedom of access.

395. The representative of Lebanon, reviewing the history of the question and reiterating his Government's comments on the report of the Observation Group, explained that his Government appreciated the efforts that had been made by the Secretary-General and by the Group. It saw with satisfaction the expansion of the Group and its activities, and would do all it could to continue to co-operate fully with it.

396. Since the submission of his Government's comments, he declared, the situation in Lebanon had deteriorated continuously. Convoys of armed men and weapons were entering Lebanon from Syria, and preparations were in course for a major offensive against the Government with a view to overthrowing it.

397. There was good reason to think that some of those infiltrations would be reported to the Council by the Observation Group. The danger which threatened the independence and the integrity of Lebanon had be-

come even more imminent following the *coup d'état* in Iraq.

398. His Government consequently asked the Security Council to take urgently more effective measures than those it had already taken and which might lead to the fulfilment of the purpose which the Council had originally set itself: the prevention of any *matériel* or armed men entering Lebanon from outside.

399. Pending the fulfilment of the action which it requested the Council to take, the Government of Lebanon had decided to implement Article 51 of the Charter of the United Nations, which recognized the right of self-defence, individual or collective, and had requested the direct assistance of friendly countries.

400. That assistance was to be temporary and was to continue only until the entry into force of the action requested of the Council. As soon as that action took effect or was inaugurated, the forces of friendly countries who would have sent troops to Lebanon would immediately have to evacuate its territory.

401. The representative of the United Kingdom said that the United States Government's response to the request from the Government of Lebanon for assistance to preserve Lebanon's integrity and independence was certainly fully consistent with the provisions and purposes of the United Nations Charter and the established rules of international law.

402. It had been the consistent view of his Government that there had been interference from the United Arab Republic in the affairs of Lebanon, and his delegation's information was that the interference was continuing despite the efforts of the Observation Group.

403. His Government had been giving its full support to the United Nations effort launched under the resolution of 11 June and continued to support that effort. It recognized and deeply appreciated the contribution which the Secretary-General had made and was making.

404. It had long been his Government's view that for a stable and peaceful world, States must eradicate from their national policies the various methods of subversion and indirect aggression that had been so distressingly current in recent years. It believed profoundly that it was for the United Nations to identify, to condemn and, so far as it could, to arrest those deceptive but highly dangerous tendencies which had so gravely complicated international relations.

405. The announcement made by the United States representative had the full support of the United Kingdom.

406. The representative of the Union of Soviet Socialist Republics declared that the Chairman of the Observation Group had stated that it had found no proof of mass infiltration on the part of the United Arab Republic in the internal affairs of Lebanon and had added that he regarded the events in that country as a civil war. The Secretary-General, in numerous statements, had stressed that the events which had taken place in Lebanon were the domestic concern of the Lebanese people. The reason for the United States' demand for an urgent meeting of the Council had to be sought in what had happened in the past days in the Middle East. It was known that certain Western Powers were attempting to take advantage of events in Lebanon to carry out military intervention against the Lebanese people. The leading circles in the United States and the United Kingdom had thus spoken openly of the readiness of their

Governments to send their armed forces to Lebanon, whatever the pretext might be. The facts showed that Lebanon was threatened and continued to be threatened, not by the alleged intervention of the United Arab Republic, but by direct military intervention on the part of the United States and its Western partners who sought to maintain in power the Chamoun Government. The United States and other Western Powers had hoped that it might be possible to take advantage of the United Nations observers to justify their interventionist designs. Their hopes had not been fulfilled, however, for the Observation Group had taken an objective position and had appraised the events in Lebanon as matters of domestic concern to the Lebanese people.

407. As was attested by a statement made by the new Government of Iraq, the peoples of the Arab world, who had embarked upon the course of national emancipation, sought to uphold their national independence. That, of course, did not accord with the interests of the colonial Powers, who wished to bind the policies of the Eastern countries, both politically and economically. The reaction in United States Government circles to events in Iraq showed that the very existence of the aggressive blocs of the Middle and Near East, and particularly of the Baghdad Pact, was at stake. Those events also threatened the unchallenged economic domination of the imperialist countries, whose sensitivity was also dictated by the interests of the oil monopolies.

408. The United States, the USSR representative continued, had decided openly to intervene with armed forces in the domestic affairs of the Arab countries and to trample under foot those peoples who had risen in defence of their freedom, not only in Lebanon but also in the other Arab countries. Since the present rulers of Lebanon were merely political puppets of the United States, and their request for intervention had been inspired by the State Department, that request could not be used to justify that armed act of aggression against the peoples of the Arab world. That action was a gross violation of the Charter of the United Nations, which prohibited the use of force as a means of foreign policy.

409. The Security Council, he pointed out, was already acting in Lebanon and had taken a decision which allowed for the settlement of the situation inside the country. As the report of the Observation Group showed, nobody had attacked Lebanon and there was not even a threat of armed attack upon it except by those who were carrying out armed intervention. The resolution of the problems of Lebanon and Iraq was within the exclusive competence of the peoples of those countries, and any armed intervention on the part of the Western Powers was fraught with the most serious consequences. It carried with it the threat of the acute deterioration of the international situation and could fling the world into a new war. The entire responsibility for such consequences would rest upon the organizers and participants in that armed intervention and first of all upon the Government of the United States. The USSR could not remain indifferent to foreign intervention in the countries of an area adjacent to its borders. It was the duty of every State which showed concern for peace to do its best to put an end to the aggression against the peoples of that area. He submitted the following draft resolution (S/4047):

"The Security Council,

"Having heard the United States representative's announcement concerning the introduction of United States armed forces within the confines of Lebanon,

"*Recognizes* that such actions constitute gross intervention in the domestic affairs of the peoples of the Arab countries and are consequently contrary to the Purposes and Principles of the United Nations as set forth in its Charter and, in particular, in Article 2 (7) which prohibits intervention in matters which are essentially within the domestic jurisdiction of any State.

"*Considering* that the actions of the United States of America constitute a serious threat to international peace and security,

"*Calls upon* the Government of the United States of America to cease armed intervention in the domestic affairs of the Arab States and to remove its troops from the territory of Lebanon immediately."

410. At the 828th meeting (15 July) the representative of France expressed his delegation's appreciation of the work done by the observers sent to Lebanon under the resolution of 11 June. From the Observation Group's report, however, it appeared that it had not been able to carry out its task completely, particularly because it had been unable to check on more than one-tenth of the frontier between Lebanon and Syria. In view of the circumstances and following the events in Iraq, the Lebanese Government had appealed to other Members of the United Nations for support. The decision of the Government of the United States to respond immediately to that appeal was justified under the provisions of Article 51 of the Charter; his delegation noted the information supplied by the United States concerning the spirit and conditions under which the United States intended to conduct its activity. His Government hoped that that decision would suffice to create conditions for a lessening of the tension and to restore public order and constitutional legality. His Government would continue to examine the Lebanese request with the greatest care and reserved its right to take, within the framework of the Charter, any measure which might seem indispensable to safeguard its interests in a country which was its traditional friend.

411. The representative of Canada saw no reason why the action reported to the Council by the United States should not be considered as complementary to the mission already inaugurated by the United Nations. His country was confident that the United States was not pursuing selfish interests in the Middle East but was seeking to assist the people of that area towards a more peaceful and prosperous life. He also noted that the United States was not only willing but anxious to withdraw its forces when its mission could be taken over by the United Nations. If the intervention of the United States at the request of the duly established Government of Lebanon could hold the ring, check the violent disorders and enable the Council to help the Lebanese people to find political rather than military solutions to their troubles, it would serve the Council's purposes. It was up to the Council to meet that new opportunity.

412. The representative of China said that his delegation was still confident that the United Nations Observation Group would exert its vigorous efforts in the most effective way so as to reduce intervention from across the border. The action which the United States had taken, he declared, was in full accord with the principles and purposes of the United Nations and would certainly promote the cause of peace and freedom. His delegation whole-heartedly supported that action.

413. The representative of the United Arab Republic said that there seemed to be no reason for an emergency

session of the Council and, especially, for the landing of United States troops in Lebanon. The situation in that country had improved greatly, both the government forces and the rebels having virtually ceased hostilities, while a political solution between the Lebanese themselves was being explored. All the evidence showed that the question of Lebanon was an internal problem of concern only to the Lebanese. The armed intervention of the United States Government, at the request of President Chamoun, unfortunately could only aggravate the situation in that part of the world.

414. Article 51 of the Charter, he declared, did not even allow for such intervention. Even more important was the fact that the Security Council had been seized of the issue and had adopted a resolution which the Secretary-General was carrying out. While that resolution was being implemented, a member of the Council which had voted in favour of it had suddenly decided to intervene unilaterally. In that connexion, the unfounded charges against his Government had been renewed, although the Observation Group had itself termed the problem an internal one of the Lebanese people.

415. The precedent that had been created, he continued, was a very dangerous one indeed. The peoples of the Middle East, like those in Asia and Africa, were assuming their own responsibilities. They knew that they had the right to independence and to freedom without pressure from, or intervention on behalf of, the Great Powers. If those factors in the international relations between the major Powers and the countries of that part of the world were ignored, it would be difficult to enforce peace and stability in the region.

416. It was obvious that the Iraqi revolution had prompted the United States to take that grave decision, but that revolution, which was undeniably a domestic question of Iraq, could in no case be invoked as an excuse for intervention.

417. In conclusion, the representative of the United Arab Republic regretted the unfounded charges made against his Government by the representative of the United States, a country with which the United Arab Republic desired to have good relations. The Government of the United States would have to assume full responsibility for its action. For its part, his Government hoped that Lebanon would remain independent and prosperous.

418. The representative of Lebanon said that the statement of the Observation Group cited by the representative of the United Arab Republic in fact envisaged the conditions that would obtain once the observers had been able to put an end to infiltration. It therefore confirmed the existence of infiltration.

419. The Secretary-General said that he had never made a public statement to the effect that the problem of Lebanon was "a domestic concern of the people of Lebanon". The USSR representative had perhaps been misled by Press interpretation of a statement with an entirely different overtone and undertone.

420. After the end of the above meeting, the representative of the United States of America submitted the following draft resolution (S/4050 and Corr.1):

"The Security Council,

"Recalling its resolution of 11 June 1958 establishing an Observation Group 'to ensure that there is no illegal infiltration of personnel or supply of arms or other *matériel* across the Lebanese borders',

"*Commending* the efforts of the Secretary-General and noting with satisfaction the progress made to date by the United Nations Observation Group in Lebanon,

"*Recalling* that, in its resolution 290 (IV) of 1 December 1949, on 'Essentials of peace', the General Assembly called upon States to 'refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any State, or at fomenting civil strife and subverting the will of the people in any state',

"*Recalling* that, in its resolution 380 (V) of 17 November 1950, on 'Peace through deeds', the General Assembly condemned 'intervention of a State in the internal affairs of another State for the purpose of changing its legally established government by the threat or use of force' and solemnly reaffirmed that 'whatever the weapons used, any aggression, whether committed openly, or by fomenting civil strife in the interest of a foreign Power, or otherwise, is the gravest of all crimes against peace and security throughout the world',

"*Noting* the statement of the representative of Lebanon that infiltration is continuing and that the territorial integrity and independence of Lebanon are being threatened, and the appeal of the Government of Lebanon for military assistance from certain Member States and from the United Nations,

"*Noting* the statement of the representative of the United States of America regarding the provision of assistance by the United States to the Government of Lebanon at its request to help maintain the territorial integrity and political independence of Lebanon,

"*Noting further* the statement of the United States representative that United States forces will remain in Lebanon 'only until the United Nations itself is able to assume the necessary responsibility to ensure the continued independence of Lebanon' or the danger is otherwise terminated,

"1. *Calls* for the immediate cessation of all illegal infiltration of personnel or supply of arms or other *matériel* across the Lebanese borders, as well as attacks upon the Government of Lebanon by government-controlled radio and other information media calculated to stimulate disorders;

"2. *Invites* the United Nations Observation Group in Lebanon to continue and develop its activities pursuant to the Security Council resolution of 11 June 1958;

"3. *Requests* the Secretary-General immediately to consult the Governments of Lebanon and other Member States as appropriate with a view to making such additional arrangements, including the contribution and use of contingents, as may be necessary to protect the territorial integrity and independence of Lebanon and to ensure that there is no illegal infiltration of personnel or supply of arms or other *matériel* across the Lebanese borders;

"4. *Calls upon* all Governments concerned to co-operate fully in the implementation of the present resolution;

"5. *Requests* the Secretary-General to report to the Security Council as appropriate."

PART II

Other matters considered by the Council

Chapter 7

ADMISSION OF NEW MEMBERS

A. Application of the Federation of Malaya

421. By cablegram dated 31 August 1957 (S/3872) addressed to the Secretary-General, the Prime Minister and Minister for External Affairs of the Federation of Malaya submitted the application of the Federation for admission to membership in the United Nations. A declaration of acceptance of the obligations of the Charter was submitted at the same time. In a letter dated 1 September (S/3874) addressed to the President of the Security Council, the representatives of Australia and the United Kingdom requested an early meeting of the Security Council to recommend the admission of the Federation of Malaya. On 3 September, the same two representatives submitted the following joint draft resolution (S/3876):

"The Security Council,

"Having examined the application of the Federation of Malaya for membership in the United Nations,

"Recommends to the General Assembly that the Federation of Malaya be admitted to membership in the United Nations."

422. The Security Council discussed the matter at its 786th meeting (5 September 1957). All the members of the Security Council made statements welcoming the application of the Federation of Malaya, which they regarded as fully qualified for membership, and supported the joint draft resolution.

Decision: *The joint draft resolution (S/3876) was adopted unanimously.*

B. Consideration of proposals relating to the applications of the Republic of Korea, the Democratic People's Republic of Korea, Viet-Nam, the Democratic Republic of Viet-Nam and the Mongolian People's Republic

423. As was indicated in the previous annual report of the Security Council to the General Assembly,¹ the Secretary-General, on 4 March 1957, had transmitted to the Council the text (S/3803) of General Assembly resolutions 1017 A and B (XI) concerning the applications of the Republic of Korea and of Viet-Nam. In a cablegram dated 1 September 1957 (S/3873) addressed to the President of the Security Council, the Foreign Minister of the Mongolian People's Republic repeated his Government's application for membership in the United Nations as well as its readiness to assume and fulfil all the obligations of the Charter.

424. On 3 September, the representative of the USSR submitted the text (S/3877) of the following draft resolution:

"The Security Council,

"Having examined the application of the Mongolian People's Republic for membership in the United Nations,

"Recommends to the General Assembly to admit the Mongolian People's Republic to membership in the United Nations."

425. On 4 September, the representative of the United States of America, in letters (S/3880 and S/3881) addressed to the President of the Security Council, referred to General Assembly resolutions 1017 A and B (XI) and requested an early meeting of the Council to consider the applications of the Republic of Korea and of Viet-Nam.

426. On 6 September, the following joint draft resolution was submitted by Australia, China, Colombia, Cuba, France, the Philippines, the United Kingdom and the United States (S/3884):

"The Security Council,

"Having examined the application of the Republic of Korea for membership in the United Nations,

"Recommends to the General Assembly that the Republic of Korea be admitted to membership in the United Nations."

427. On the same date another joint draft resolution (S/3885) was submitted by the same sponsors as follows:

"The Security Council,

"Having examined the application of Viet-Nam for membership in the United Nations,

"Recommends to the General Assembly that Viet-Nam be admitted to membership in the United Nations."

428. On 9 September, the representative of the USSR submitted an amendment (S/3887) to the joint draft resolution concerning the application of the Republic of Korea (S/3884) according to which the Security Council would recommend that the Democratic People's Republic of Korea and the Republic of Korea be admitted simultaneously to membership in the United Nations.

429. At its 789th meeting (9 September 1957), the Council adopted an agenda in which General Assembly resolutions 1017 A and B (XI), together with the relevant United States letters, were listed as sub-items (a) and (b), and the cablegram from the Mongolian

¹ *Official Records of the General Assembly, Twelfth Session, Supplement No. 2 (A/3648), paras. 576-597.*

People's Republic, together with the relevant USSR letter, was listed as sub-item (c). The Council agreed that the items would be considered in that order, but that any member could speak on one or more of the sub-items at the same time.

430. The representative of the United States declared that no country had a greater claim to membership in the United Nations than the Republic of Korea. The United Nations had recognized the Republic of Korea as the only lawful Government in Korea, a recognition confirmed in blood. The General Assembly had repeatedly voted in favour of Korea's admission, but that great Asian nation had been deprived of its most elementary right by an alien force which would not concede the right of nations and peoples to live their own lives in their own way.

431. The representative of the United Kingdom, stressing the special interest of the Council and the United Nations as a whole in the affairs of Korea, said that the regrettable fact that that country was still divided was no reason to refuse the natural and legitimate claim to membership of the Republic of Korea, which his Government recognized as the only legitimate Government of Korea and which was fully qualified for membership.

432. The representative of China emphasized the ties between his country and Korea, and the sympathy with which the Chinese people had watched the Korean struggle for independence. It was clear that the Republic of Korea was qualified for membership, and he hoped that a recommendation for its admission might at last be adopted.

433. The representative of the Philippines said that the manner in which the Koreans had successfully repelled the forces of aggression and reconstructed their country deserved the recognition of the United Nations. The Security Council must give the Republic of Korea the support it deserved, by voting for its admission, since it had all the qualifications for membership.

434. The representative of France, reiterating his Government's support for the application of the Republic of Korea, also stressed the fact that the Republic of Korea was particularly entitled to the favourable consideration of the Security Council because the United Nations had been obliged to intervene in order to defend the existence of Korea against external aggression.

435. The representative of Colombia considered that the Republic of Korea fulfilled the conditions laid down in the Charter for membership and that it was high time that the Korean people were permitted to enjoy the privileges of membership in the United Nations.

436. The representative of Australia, expressing the hope that the Council would adopt a positive recommendation concerning the admission of the Republic of Korea, stressed the importance of the principle that the people of any State that met the requirements of the Charter should not be excluded from the benefits and responsibilities of membership in the United Nations if that people desired to accept those responsibilities. The application of the Republic of Korea had long been outstanding, and it was well known that it had been blocked by the Soviet veto power in the Council.

437. The representative of the Union of Soviet Socialist Republics said that the question of the admission of Korea and Viet-Nam to the United Nations remained complicated by the fact that those countries were still divided. At the time of the adoption of General Assembly

resolution 918 (X) of 8 December 1955, which referred to the problem of unification of such States, it had been emphasized that the first obligation of the United Nations to such States was to promote their unification. But the proposal to admit only South Korea constituted a one-sided approach which could only worsen existing relations between the two parts of Korea. Simultaneous admission of the Democratic People's Republic of Korea and the Republic of Korea would be an objective and unbiased approach which would emphasize the necessity of bringing about the unification of Korea by peaceful means and would establish the necessary conditions of contact and co-operation between the two parts of the country for the purpose of unification.

438. Allegations that the Democratic People's Republic of Korea did not follow a peaceful foreign policy were contradicted by the facts, which were that it had repeatedly sought unification by peaceful means and that its proposals had always met objections by the South Korean authorities and the United States.

439. Dealing with the question of the admission of Viet-Nam, the USSR representative pointed out that the international agreement reached at the Geneva Conference of 1954 had provided for the holding of general elections in 1956 in Viet-Nam for the purpose of unifying the country. The participants in that agreement were permanent members of the Security Council; they had undertaken to support the admission to the United Nations of a unified Viet-Nam and not of parts of it. The implementation of the Geneva agreements, and particularly of the provisions for elections, had met with the determined opposition of the authorities of South Viet-Nam, which had been encouraged in every way by the United States. The discussion of the admission of Viet-Nam, especially in the form proposed in the joint draft resolution, could only encourage the South Viet-Nameese authorities to continue disrupting implementation of the agreement. Accordingly, the USSR delegation proposed to postpone consideration of the question of the admission of Viet-Nam until the unification of that country.

440. Turning to the application of the Mongolian People's Republic, the USSR representative declared that that State remained a victim of the policy of discrimination which ran counter to General Assembly resolution 918 (X). A number of countries, through their votes in the Security Council, and especially by means of the veto of the Chiang Kai-shek representative, had made impossible the implementation of the Assembly's decision. The attitude of such countries was the more unjustified in that many had previously supported the admission of the Mongolian People's Republic. There was no question that the Mongolian People's Republic fully met all the requirements of the Charter and there was every reason for it to become a Member of the United Nations.

441. The representative of the United States denied the assertion that the United States encouraged the Republic of Korea in aggressive plans and declared that there would be no problem of division of Korea and Viet-Nam if the Soviet Union would permit free elections.

442. The representative of Sweden said that his Government had previously hesitated to support applications for membership of States which were not yet complete in the sense that their boundaries were not yet definite and recognized by other States. In supporting the admission of the Republic of Korea, his Government's attitude had been decided by the consideration of

the desirability that the Republic of Korea accept the obligations of membership, and particularly the stipulation of the Charter concerning the peaceful settlement of international disputes.

443. The representative of Iraq, recalling that his delegation had repeatedly upheld the necessity of making the United Nations a universal organization and the view that peace and justice could be achieved effectively only through the co-operation of all nations, said that in the light of the relevant criteria and in view of the desire expressed by the General Assembly, he would support the admission of the Republic of Korea.

444. At the 790th meeting (9 September 1957), the President, speaking as the representative of Cuba, said that no other State so well deserved admission to membership as the Republic of Korea. It fulfilled all the conditions required under Article 4. The fact that part of its territory was under the control of a foreign Power could not be permitted to be an obstacle to its admission for that occupation was maintained in contravention of a United Nations resolution. The first step towards the reunification of Korea must be the admission of the Republic of Korea to membership.

Decisions: *The USSR amendment (S/3887) to the joint draft resolution (S/3884) was rejected by 9 votes to 1 (USSR), with 1 abstention (Sweden). The joint draft resolution (S/3884) received 10 votes in favour and 1 against (USSR). It was not adopted, the negative vote being that of a permanent member of the Council.*

445. The representative of France, recalling the historic ties linking his country to Viet-Nam, said that in 1954 Viet-Nam, like Cambodia and Laos, had solemnly been recognized by France as a sovereign and independent State, having all the attributes conferred upon such a State by international law. Viet-Nam fully met the requirements stipulated in Article 4 and his delegation hoped that the Council would recommend its admission to the United Nations.

446. The representative of the United States said that much of the sad experience of the Republic of Korea had been shared by Viet-Nam. Its people asked only for the right to order its affairs free from alien domination and to enjoy the benefits of the collective security and mutual help offered by membership in the United Nations. They had proved their love of peace and their ability to fulfil the obligations of the Charter. His delegation was confident that their rights to membership in the United Nations would not long be denied.

447. The representative of the United Kingdom said that his Government stood by the agreements arrived at during the Geneva Conference of 1954. Unfortunately, it had not so far proved possible to carry out the measures for the unification of Viet-Nam which had been envisaged at the time. But the United Kingdom considered that the application of Viet-Nam for membership was fully justified and that Viet-Nam would be a notable addition to the many new nations admitted in the previous two years.

448. The representative of China citing the close ties between his country and Viet-Nam, said that admission of the latter would be a notable contribution by the United Nations to the cause of world freedom.

449. The representative of Australia said that, like Korea, Viet-Nam had been waiting for admission for a number of years and its admission had been blocked by

the Soviet veto power in the Security Council. Viet-Nam met the requirements of the Charter and should be admitted without further delay. His country had been deeply impressed by the efforts made by the Government and people of Viet-Nam to develop and strengthen the State in the face of great difficulties, including the influx of nearly a million refugees from Communist oppression and their resettlement in Viet-Nam.

450. The representative of the Philippines declared that Viet-Nam was fully qualified for membership. The United Nations would gain immeasurably by admitting a nation that had won recognition for itself by its dedicated efforts to fight an alien ideology and maintain its democratic way of life despite powerful forces that would undermine it.

451. The representative of Colombia, recalling his delegation's support of the principle of universality of the Organization, hoped that on that occasion or in the near future the wish of the people of Viet-Nam to belong to the United Nations, just like other free peoples, would be fulfilled.

452. The representative of Sweden said that his delegation would vote for the joint draft resolution for the same reasons as he had given in connexion with the application of the Republic of Korea.

453. The representative of the Union of Soviet Socialist Republics said that, whereas the Soviet Union was striving for the implementation of the decisions of the Geneva Conference of 1954, the United States was responsible for the fact that free elections and the unification Viet-Nam in 1956 had not taken place. He moved that the Council postpone a decision on the question of the admission of Viet-Nam until that country had become unified.

454. The representative of the United States observed that one reason why the Government of Viet-Nam had refused to hold the nation-wide elections called for in the Geneva agreements was its apprehension that the elections in the north would not be free.

455. The President, speaking as the representative of Cuba, recalled that his delegation had consistently supported the application of Viet-Nam, whose people had struggled heroically against invaders in the service of a foreign Power.

Decisions: *The USSR motion to postpone a decision on the application of Viet-Nam until that country had become unified was rejected by 10 votes to 1 (USSR). The joint draft resolution (S/3885) received 10 votes in favour and 1 against (USSR). It was not adopted, the negative vote being that of a permanent member of the Council.*

456. The representative of China reiterated his delegation's objection to the admission of the Mongolian People's Republic. The regime in that area was neither democratic nor Mongolian. The so-called Mongolian People's Republic was a Soviet colony.

457. The representative of the United States said that his Government did not think Outer Mongolia was qualified, independent or a State, and therefore opposed its admission.

458. The representative of the United Kingdom said he would abstain in the vote on the USSR draft resolution because his delegation was not convinced that Outer Mongolia possessed the independence and freedom of action required to carry out the obligations of the Charter.

Although his delegation had been prepared to give Outer Mongolia the benefit of the doubt on 13 December 1955, when it had voted for its admission (704th meeting), the misgivings it had entertained at the time about the qualifications of several States had been proved fully justified in the case of Hungary and had made it less inclined to taken on trust USSR assurances about the degree of independence enjoyed by Outer Mongolia.

459. The representative of the Philippines said that he would vote against the USSR draft resolution because his delegation did not believe that the so-called Mongolian People's Republic fulfilled the requirements of membership.

460. The representative of Australia said that Outer Mongolia still appeared to bear many of the aspects of a dependent area under Soviet control in a large number of its internal affairs, and seemed entirely under Soviet control in regard to its foreign affairs. Because of its doubts, his delegation would abstain in the vote.

461. The representative of the Union of Soviet Socialist Republics said that the position of the United

States regarding the application of the Mongolian People's Republic was obviously that the political system there was not to the liking of the United States Government. That, however, was a matter for the Mongolian people to decide.

462. The representative of Sweden said that his delegation would follow the line it had taken on previous occasions, basing itself on the principle of universality, and would accordingly vote in favour of the USSR draft resolution.

463. The President, speaking as the representative of Cuba, said that he would vote against the USSR draft resolution. The so-called Mongolian People's Republic had no legal existence and was not a truly sovereign State. Moreover, a large number of men from it had taken part in the aggression against Korea, an act which had been condemned repeatedly by the United Nations.

Decision: *The USSR draft resolution was rejected by 5 votes to 2 (Sweden, USSR) with 4 abstentions (Australia, France, Iraq, United Kingdom).*

Chapter 8

RECOMMENDATION FOR THE APPOINTMENT OF THE SECRETARY-GENERAL OF THE UNITED NATIONS

464. The five-year term of office of Mr. Dag Hammarskjöld as Secretary-General of the United Nations, which commenced on 10 April 1953, was due to expire in April 1958. In accordance with Article 97 of the Charter, the Secretary-General is appointed by the General Assembly upon the recommendation of the Security Council.

465. At its 792nd meeting, held in private on 26 September 1957, the Security Council took up the question of such a recommendation and unanimously decided to recommend to the General Assembly at its twelfth session that Mr. Dag Hammarskjöld be appointed as Secretary-General of the United Nations for a new five-year term of office. On the same day, the President of the Council informed the President of the General Assembly of the Council's recommendation (A/3682).

Chapter 9

ELECTION OF FIVE MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

466. On 5 September 1957, the Secretary-General transmitted to the Security Council and the General Assembly a list (S/3879) of the candidates nominated by national groups for the election to be held during the course of the twelfth session of the Assembly in order to fill the five vacancies which would occur on 5 February 1958 owing to the expiry of the terms of office of five members of the International Court of Justice.

467. At the 793rd and 794th meetings (1 October 1957), the Council proceeded to vote by secret ballot on the candidates included in the list (S/3879 and Add.1-3). On the first ballot, the following five candidates received the required absolute majority of votes: Mr. Abdel Hamid Badawi (Egypt), 8 votes; Mr. Wellington

Koo (China), 8 votes; Mr. Gaetano Morelli (Italy), 10 votes; Sir Percy Spender (Australia), 10 votes; and Mr. Bohdan Winiarski (Poland), 6 votes. The President notified the President of the General Assembly of the result of the vote, and subsequently informed the Council that as Mr. Badawi, Mr. Koo, Sir Percy Spender and Mr. Winiarski had also obtained an absolute majority of the votes of the General Assembly, they had been declared elected. For the purpose of filling the fifth seat, the Council proceeded to a second ballot, which resulted in no candidate obtaining the required majority. On the third ballot, Mr. Jean Spiropoulos (Greece) received 6 votes, and after having also received the required absolute majority of votes in the General Assembly, he was declared elected.

PART III

The Military Staff Committee

Chapter 10

WORK OF THE MILITARY STAFF COMMITTEE

468. The Military Staff Committee has been functioning continuously under the Draft Rules of Procedure during the period under review and has held a total of twenty-six meetings without making further progress on matters of substance.

PART IV

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

Chapter 11

LETTER DATED 13 AUGUST 1957 FROM THE REPRESENTATIVES OF EGYPT, IRAQ, JORDAN, LEBANON, LIBYA, MOROCCO, SAUDI ARABIA, SUDAN, SYRIA, TUNISIA AND YEMEN, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL, CONCERNING THE SITUATION IN OMAN

469. On 13 August 1957, the representatives of Egypt, Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia and Yemen requested (S/3865 and Add.1) the President of the Security Council to convene an urgent meeting to consider "the armed aggression by the United Kingdom of Great Britain and Northern Ireland against the independence, sovereignty and territorial integrity of the Imamate of Oman".

470. The letter of the representatives of the eleven Arab States declared that the people of Oman had become victims of an armed aggression by the United Kingdom Government, and that the aggression had latterly taken the form of full-scale war. The United Kingdom Government was seeking to destroy the sovereignty of Oman, a country long independent and whose independence had been reaffirmed in the Treaty of Sib which had been entered into between Muscat and Oman, with the United Kingdom Government acting as intermediary.

471. In a cablegram dated 17 August 1957 (S/3866), the Sultan of Muscat and Oman protested against the action of the eleven Arab States and stated that the matters to which their letter referred fell exclusively within his internal jurisdiction and were no concern of the United Nations.

472. The letter of the eleven Arab States was included in the provisional agenda of the Security Council's 783rd meeting held on 20 August 1957.

473. In the discussion on the adoption of the agenda, the representative of Iraq stated that eleven Arab Member States, acting under Article 35 of the Charter, had asked for urgent consideration of the matter by the Security Council because they felt that the United Kingdom action in Oman, besides endangering the maintenance of international peace and security in the Middle East, would establish a precedent in the relationship between large and small States contrary to the whole concept of sovereignty as the basis of world order.

474. The representative of Iraq said that Oman had for a long time enjoyed an independent status and the British military intervention in collaboration with the forces of the Sultanate of Muscat constituted a violation of the Charter. Press reports of the last few weeks showed that large-scale military operations had been carried out against Oman. It was clear that foreign troops had intervened with the object of subduing the people of Oman and occupying their country. The Iraqi delegation, therefore, believed that the Council should include the question in its agenda in accordance with Articles

34 and 35 of the Charter. The claim that the military phase of the Oman question was over was an attempt to cover up the fact that the British military intervention had been in contravention of the Charter. It would be regrettable, if in a serious situation like the one before it, the Council's meeting ended without it taking appropriate measures to protect the rights of the people of Oman.

475. The representative of the United Kingdom opposing the inscription of the item on the agenda, characterized the complaint as inconsistent, incoherent and improper. It was clearly out of prudence that the complainants had not invoked Chapter VII of the Charter which dealt with aggression, but had referred the matter under Article 35 as a dispute or a situation. Underlying the complaint was the assumption that there was an independent State of Oman. In fact, however, there was no sovereign State of Oman, Oman being only a district in the dominions of the Sultan of Muscat and Oman. The Sultan had already protested that the matter fell within his internal jurisdiction. The military action taken by British forces was at the request of the Sultan, to assist him to restore order in the face of a revolt encouraged and supported from outside.

476. The representative of the United Kingdom went on to say that the sovereignty of the Sultan over the coastal areas of Muscat and the mountainous district of Oman had been recognized in various international treaties. The Sib agreement of 1920 was not an international treaty between two separate States. It was an agreement concluded, after a certain trouble in the interior had been put down, between the Sultan on the one hand, and a number of tribal leaders in Oman on the other. The agreement had allowed Omani tribes a measure of local autonomy, but it had in no way recognized Oman as an independent State. Relations that had been good for thirty-four years following conclusion of that agreement became bad in 1954, when Ghalib bin Ali, successor of Imam Mohammed, defied the authority of the Sultan and claimed to be an independent ruler. That revolt had received little support from the people of Oman and the Sultan had been able to assert his authority without difficulty. Consequently, Imam Ghalib had resigned his office in 1955 and the tribes had expressed their loyalty to the Sultan. Recently, however, Ghalib bin Ali and his ambitious brother, Talib, had again begun a revolt. In the present case they had been better prepared and had been more extensively supported from outside the country than during 1954-1955. In those circumstances, the Sultan had felt obliged to ask the United Kingdom Gov-

ernment for military and air assistance. The United Kingdom Government had acceded to that request, and its action, in support of the legitimate Government of Muscat and Oman, had been in the interest of the stability of that area where subversive forces had been known to be active. If the disturbances in Oman had not been checked, the consequences might have been felt far beyond the Sultanate of Muscat and Oman. The United Kingdom representative concluded that the charges against his Government were without any foundation and he trusted the Council would decline to proceed further with the matter.

477. The representative of the Philippines observed that a charge of aggression should be a matter of concern. Moreover, the fact that military intervention had taken place and that the complaint had been submitted by eleven Member States gave colour to the seriousness of that charge. Under Article 39 of the Charter, the Security Council had no alternative but to consider the item, if only to determine whether or not an act of aggression had been committed. As regards the question of the competence of the Council, the Philippine delegation believed that Article 2, paragraph 7, of the Charter expressly permitted the United Nations to intervene and take enforcement measures where there was a threat to the peace, breach of the peace, or act of aggression, even in matters which were essentially within the domestic jurisdiction of any State. There was no doubt that the United Kingdom would be ready and able to refute the charge of aggression. The statement of the representative of the United Kingdom had already shown the line of argument it would pursue and was quite convincing. However, in connexion with the Hungarian question, a former Solicitor-General of the United Kingdom had declared that intervention by a foreign Power was inadmissible, even if it had been undertaken at the request of the Government concerned, or in pursuance of a treaty, in suppressing an insurrection.

478. The representative of the Philippines noted that complicated legal questions had been raised, particularly with reference to the status of the Treaty of Sib. It was not quite clear as to what was the legal basis of the Sultan of Muscat's claim of sovereignty over Oman. That and other controversial points had to be clarified in order to enable the Council to act fairly and impartially. Therefore, the Philippine delegation, while reserving its position on the merits of the question, would vote in favour of the inclusion of the item in the agenda.

479. The representative of Cuba observed that his delegation had always in the past opposed foreign military intervention and had favoured United Nations discussion of those questions, but the present case before the Council was a domestic problem and not an international dispute within the jurisdiction of the Security Council. A study of the Treaty of Sib would show that Oman had been given a certain measure of autonomy under the sovereignty of the Sultan and that the Imam of Oman had not signed that Treaty as an independent sovereign, but rather as a representative of Oman, which had been given greater autonomy. The Sultan of Muscat and Oman had, through a cable to the Council, opposed any intervention by the United Nations. Bearing in mind that the proposed item did not fall within the competence of the Council, the Cuban delegation would oppose its inclusion in the agenda of the Council.

480. The representative of the Union of Soviet Socialist Republics stated that the United Kingdom representative had attempted to deny the aggressive character

of his Government's intervention in the internal affairs of the people of Oman and had tried to justify its military action by referring to old traditional ties between the United Kingdom and the Sultan of Muscat. However, no colonial ties could serve as a justification for British armed intervention in Oman. The Soviet delegation fully agreed with the eleven Arab States which had described the British intervention as "armed aggression" in their letter. All available information clearly showed that the British forces had conducted large-scale military operations with the help of most modern weapons. The various Press reports had also made it clear that the aggressive actions of the United Kingdom were dictated by nothing more than the interests of British and Anglo-American oil companies and that the so-called friendly aid to the Sultan of Muscat was in fact aimed at seizing oil reserves in areas belonging to the Arab peoples. Since the British military action constituted a violation of the basic principles of international law and of the United Nations Charter, the Soviet delegation would support the request of the eleven Arab States that the Council should consider the events in Oman and should take effective measures to put an end to the United Kingdom's aggression.

481. At the 784th meeting (20 August 1957), the representative of the United States said that his delegation had listened carefully to the various statements made before the Council, but felt that those statements and the other available information were not sufficient to justify a commitment by his Government to vote in favour of or against the inscription of the item on the agenda. The United States would, therefore, abstain in the vote.

482. The United States, however, did not accept as valid the interpretation of the situation set forth in the letter of eleven Arab States, which prejudged the merits of the issue. At the same time, it hoped that advantage would be taken by all concerned of the relative calm prevailing in the area to settle peacefully any legitimate grievances.

483. The representative of Sweden stated that while his delegation saw no reason to dispute the United Kingdom position that no illegal aggression had taken place in Oman, it found it difficult, however, to share the view that that matter was purely within the domestic jurisdiction of the Sultan. The Council was confronted not merely with the suppression of an internal revolt but with the question of intervention by a third Power. Moreover, the question of the relationship between the Sultanate and the Imamate was of so complex a nature that the parties ought to be given an opportunity to clarify their respective positions. The Swedish delegation would, therefore, vote in favour of the inscription of the item.

484. The representative of China said that as his delegation understood it, the United Kingdom's opposition to the inclusion of the item was based on the cable of the Sultan of Muscat and Oman asking the United Nations not to intervene in the domestic affairs of his Sultanate. It was not, however, clear as to where the Sultan stood in the whole matter. The question of the competence of the Security Council depended on the clarification of that point. There were also other points which were not quite clear, like the real nature of the Imamate as an institution or whether the Imam enjoyed full sovereignty in his dominions and also whether the people of Oman formed a distinct nationality by virtue of race, religion and language. For those reasons, the Chinese delegation felt that any decision by the Council

on the question of inclusion of the item in the agenda would be premature and, if it were put to vote, the Chinese delegation would not participate in the voting.

485. The representative of Australia stated that his delegation would oppose inscription of the item on the agenda. There had been no threat to international peace. The Imamate of Oman was not an independent State, while the independence of the Sultan had been recognized in international treaties over a considerable period of time. In their letter, the representatives of the Arab States had significantly omitted any mention of the Sultan. If there were any aggression in Oman, it was strange that the Arab States had made no charge against the Sultan and had merely accused the United Kingdom. The omission of the Sultan clearly indicated that the real objective of the sponsors of the present item was to embarrass the United Kingdom.

486. The representative of France observed that the real facts concerning the present item were that the Sultan of Muscat and Oman, whose frontier had been illegally crossed by a certain rebel receiving outside military assistance, had undertaken action against that rebel. In order to counterbalance the assistance that the rebel had been receiving, he had called his ally, the United Kingdom, to his aid. The rebels had been defeated and were in flight. By a strange reversal of roles, some Member States had called that action an armed aggression by the United Kingdom. In that respect, France would strongly deplore any use of the Charter as a cover for propaganda or for fomenting disturbances through a third party in violation of Article 2, paragraph 7, of the Charter. For those reasons, the French delegation would oppose the inclusion of the present item in the agenda.

487. The representative of Iraq said that, in invoking Article 35 of the Charter, the Arab States had merely asked the Council to consider the question of Oman while reserving their position on what measure of action the Council might take and whether it should be under Chapter VI or Chapter VII. He further stated that the description of the Sultan by the representative of the United Kingdom as "Sultan of Muscat and Oman" was an inaccurate appellation, as the Sultanate of Muscat was completely distinct from that of Oman, which had always enjoyed an independent status. After citing a number of points in favour of his argument, the representative of Iraq said that the Imam of Oman, by religion and tradition, could not be a vassal to another person. The Treaty of Sib was a peace treaty following the siege by the Omani people of the Sultan's forces in the town of Muscat and it had recognized an independent status for Oman. The Treaty of Sib had laid down two sets of obligations, reciprocally binding upon both Muscat and Oman. Those obligations presupposed the existence of two separate territories, two independent Governments

and two separate legal systems. There was no provision in the Treaty of Sib which could support the claim of Muscat's sovereignty over Oman.

488. The representative of Iraq went on to say that there was no legal or moral ground for the United Kingdom's armed intervention in Oman. As admitted by the Foreign Secretary of the United Kingdom in the House of Commons, that country was under no treaty obligation to come to the assistance of the Sultan. Certainly, there was no justification, either under the Charter of the United Nations, or under international law, for the United Kingdom to use its armed forces in a conflict between two States. The representative of Iraq concluded by reiterating his delegation's request for inclusion of the Oman question in the agenda as he believed that a debate on that question would reveal to the world that, however small a State might be, the events which occurred in it had a great impact on world peace and security.

489. The representative of the United Kingdom stated in reply that no serious arguments had been advanced to refute the three points his delegation had made earlier. These were, first, that there was no independent State of Oman. Secondly, that the district of Oman was a part of the dominions of the Sultan of Muscat and Oman. The family of the Sultan had exercised sovereignty over Oman for the last two centuries and that sovereignty had been internationally recognized in a number of treaties, including a Treaty between India and the Sultanate of Muscat and Oman of 15 March 1953. Thirdly, the United Kingdom military action had been taken at the request of the local Government. There had been no initiative on the part of the United Kingdom. Its actions had only been in response to a request of the Sultan to assist him to subdue a rebellion in his territory which had been instigated and supported from outside.

Decision: *The provisional agenda was not adopted. There were 4 votes in favour of the adoption of the agenda; 5 against (Australia, Colombia, Cuba, France and the United Kingdom), and 1 abstention (United States). One member (China), did not participate in the vote.*

490. By a letter dated 21 November 1957 (S/3915), the representatives of Egypt, Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia and Yemen stated that, in spite of the hope expressed at the Council's 784th meeting on 28 August 1957 that existing difficulties in Oman might be settled by peaceful negotiations, the United Kingdom Government had continued its acts of military repression resulting in heavy loss of life and property. They added that their Governments considered the continuance of that aggression with deep concern and felt that the situation in Oman might lead to international friction.

PART V

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

Chapter 12

REPORTS ON THE STRATEGIC TRUST TERRITORY OF THE PACIFIC ISLANDS

491. The report of the Trusteeship Council to the Security Council on the strategic Trust Territory of the Pacific Islands, covering the period from 15 August 1956 to 12 July 1957 (S/3852), was transmitted to the Council on 17 July 1957.

492. On 18 June 1958, the Secretary-General transmitted to the Security Council the report (S/4031) received from the representative of the United States of America on the administration of the Trust Territory for the period 1 July 1956 to 30 June 1957.

Chapter 13

REPORTS OF THE DISARMAMENT COMMISSION

493. By a letter dated 30 September 1957 (S/3893), the Chairman of the Disarmament Commission forwarded to the Secretary-General, for transmission to the Security Council, the fourth and fifth reports of the

Sub-Committee of the Disarmament Commission (DC/112 and DC/113), together with the verbatim records and related documents of the relevant meetings of the Commission.

Chapter 14

COMMUNICATIONS FROM THE ORGANIZATION OF AMERICAN STATES

494. On 27 May 1957, the Chairman of the Council of the Organization of American States (OAS) transmitted to the Secretary-General for the information of the Security Council, in accordance with Article 54 of the Charter, a report (S/3856) submitted to the Council of the OAS by the Investigating Committee which it had established under its resolution of 2 May 1957¹ to investigate on the spot the facts and antecedents of a dispute between Honduras and Nicaragua. The report, which covered, *inter alia*, the activities of the Committee in effecting a cease-fire, stated in its conclusions that the dispute between Honduras and Nicaragua involved the validity of an arbitral award by the King of Spain on 23 December 1906 on the question of the boundaries between the two countries. Also transmitted were two resolutions approved by the Council of the OAS on 17 and 24 May 1957, under which the activities of the Investigating Committee were terminated and an *ad hoc* Com-

mittee was established to collaborate with the Governments of Honduras and Nicaragua in complying with the recommendations of the Council of the OAS for a peaceful settlement of the controversy in accordance with the American Treaty of Pacific Settlement (Pact of Bogota) which the two countries had ratified.

495. By further letters dated 8 and 23 July 1957 (S/3857/Rev.1 and S/3859), the Chairman of the Council of the OAS transmitted to the Secretary-General for the information of the Security Council and of the International Court of Justice the texts of two agreements signed by the Governments of Honduras and Nicaragua in respect of their dispute. By the first agreement, which was embodied in a resolution adopted by the Council of the OAS on 5 July, the two countries agreed to submit to the International Court of Justice their differences with respect to the Award of the King of Spain on 23 December 1906; the second agreement, signed on 21 July 1957, stipulated the procedure for submitting the question to the Court.

¹ See *Official Records of the General Assembly, Twelfth Session, Supplement No. 2 (A/3648)*, para. 619.

COMMUNICATIONS FROM EGYPT RELATING TO THE SUEZ CANAL

496. Following the consideration by the Security Council of the item entitled "Situation created by the unilateral action of the Egyptian Government in bringing to an end the system of international operation of the Suez Canal, which was confirmed and completed by the Suez Canal Convention of 1888",¹ the Minister of Foreign Affairs of Egypt on 24 April 1957 had transmitted to the Secretary-General a "Declaration on the Suez Canal and the arrangements for its operation".² In pursuance and for the purpose of paragraph 9 (b) of that Declaration, he transmitted on 18 July 1957 a declaration (S/3818/Add.1) on behalf of the Government of Egypt accepting, *ipso facto*, on condition of reciprocity and without special agreement, the jurisdiction of the International Court of Justice in all legal disputes that might arise under that paragraph, which stated, in part: "Differences arising between the parties to the said Convention [of 1888] in respect of the interpretation or the applicability of its provisions, if not otherwise resolved, will be referred to the International Court of Justice".

¹ See *Official Records of the General Assembly, Twelfth Session, Supplement No. 2 (A/3648)*, paras. 1-158.

² *Ibid.*, para. 116.

497. By a letter dated 20 May 1958 (S/4014), the Minister of Foreign Affairs of the United Arab Republic transmitted to the Secretary-General, with reference to paragraph 8 of the Declaration on the Suez Canal and the arrangements for its operation, the text of Heads of Agreement in connexion with compensation of the Suez stockholders, which was signed on 29 April by representatives of the United Arab Republic (as successor to the Government of Egypt) and representatives of the stockholders of the Universal Suez Canal Company. The Heads of Agreement made provisions for a full and final settlement of the compensation due to stockholders of the Company as a consequence of the Egyptian Nationalization Law of 1956, and the parties requested the International Bank for Reconstruction and Development, under the good offices of which the Heads of Agreement had been negotiated, to continue its good offices until the conclusion and documentation of a final agreement implementing its provisions and to act as fiscal agent for the purpose of receiving and paying out the monies provided for therein. The Minister of Foreign Affairs of the United Arab Republic took the opportunity to recall with pleasure and gratitude the co-operation extended by the Secretary-General and by the International Bank.

Chapter 16

COMMUNICATIONS CONCERNING THE GULF OF AQABA

498. In May and June 1957, the Security Council had received communications from the representatives of Israel and Saudi Arabia concerning incidents in the Gulf of Aqaba.¹

499. In a letter dated 6 November 1957 (S/3905), the representative of Saudi Arabia charged that on 28 October an Israel military aircraft had circulated at ex-

ceptionally low altitude over Saudi military positions and had attempted a landing before being made to withdraw. This charge was denied by the representative of Israel in a letter dated 8 November (S/3006).

500. In a letter dated 25 November (S/3918), the representative of Saudi Arabia charged that on 14 November an Israel military aircraft had again circulated at a very low altitude over Saudi territory and military positions. The representative of Israel denied this allegation in a letter dated 26 November (S/3919).

¹ See *General Assembly, Official Records: Twelfth Session, Supplement No. 2 (A/3648)*, Chapter 15.

Chapter 17

COMMUNICATIONS CONCERNING THE ISLAND OF CYPRUS

501. In a letter dated 13 June 1958 (S/4025), addressed to the President of the Security Council the representative of Greece drew the attention of the Council to the grave situation created by recent events in Cyprus, which he stated had international implications endangering peace and security in the eastern Mediterranean. The letter went on to charge that attacks by the Turkish minority on Cyprus against the life, honour and property of the Greek population of the island constituted a premeditated and planned aggression and that the sudden eruption of violence and hatred had been artificially created by the Turkish Government and its agents in order to serve nationalist Turkish political aims. Since

partition of the island could not be achieved by lawful means, the Turkish Government had decided to impose it by force both in Cyprus and on the international level. Accordingly, violence had been unleashed in Cyprus and Turkish Government officials of the highest level had threatened direct intervention by Turkish military forces. The representative of Greece went on to express regret that the British authorities in Cyprus had not been able to prevent the attacks nor protect the Greek population of the island, despite the responsibility placed on the British Administration under the Charter for ensuring the life and destiny of a people in a non-self-governing territory. The situation was very grave, and deserved the

close attention of the Security Council. With his letter, the representative of Greece transmitted a memorandum outlining fourteen specific complaints relating to incidents and statements.

502. In a letter also dated 13 June (S/4026), the representative of Turkey transmitted to the Secretary-General information concerning recent events in Cyprus. The problem of Cyprus, he declared, had originated in 1951 with the Greek demand for the annexation of that island. Greece had brought the question to the General Assembly, and at the same time the Greek community on Cyprus had resorted to terrorist methods, with a view to securing the annexation of the island to Greece without taking into consideration the legitimate and historic rights and interests of Turkey and ignoring the existence of the Turkish population of Cyprus. That group considered itself entitled to the right of self-determination and wished to live under the protection of Turkey by the partition of the island. To illustrate his contention that the Turkish community in Cyprus had long lived under unbearable conditions and had recently had new hardships imposed upon them, he cited a number of acts of violence which had occurred since 3 June 1958, involving the death of Turkish residents and damage to their properties.

503. In a letter dated 16 June (S/4028), the representative of Turkey replied to the points raised in the letter dated 13 June from the representative of Greece (S/4025), charging that that letter constituted an attempt by the Greek Government to disseminate false information and unfounded accusations against the Turkish Government and Turkish residents in Cyprus, and was only one among a series of actions by which Greece had recently undertaken to confuse the issues concerning the

Cyprus question and to aggravate the already tense situation prevailing on the island. He also transmitted a memorandum replying in detail to the fourteen specific charges contained in the memorandum transmitted by the Greek representative.

504. In a letter dated 19 June (S/4033), the representative of Greece submitted comments on the letter of 16 June from the representative of Turkey and defended the accuracy of the charges made in his original complaint of 13 June. Greece regarded the Cyprus problem as an issue of freedom and self-determination and essentially a United Nations problem. Accordingly, Greece was determined to abide by any decision of the United Nations. The situation required conciliation, and Greece had always remained ready to respond to any sincere and constructive move. He considered, however, that the Turkish demand for partition as a pre-condition to any settlement was much more like a *Diktat*. He also transmitted a note containing supplementary data to support his charges that Turkish officials had threatened direct intervention, as well as information concerning demonstrations held in Istanbul.

505. In a letter dated 24 June (S/4035), the representative of Turkey stated that no new points had been raised by the letter of 16 June (S/4026) from Greece. Accordingly, he maintained his previous view that the Permanent Mission of Greece to the United Nations had attempted to use a high organ of the United Nations for the dissemination of false information and unfounded accusations, in an effort to obscure the heavy responsibility which the Greek Government bore for the initiation, continuation and recent aggravation of the situation on Cyprus.

Chapter 18

COMMUNICATIONS CONCERNING THE SITUATION IN THE SOUTHERN PART OF THE ARABIAN PENINSULA

506. By a letter dated 27 February 1958 (S/3969), the representative of Yemen informed the President of the Security Council of a series of alleged violations of Yemeni territory committed by forces of the United Kingdom during the period 21 January to 20 February 1958. The letter charged that they were demonstrations of a planned and persistent campaign of aggression against the territorial integrity of Yemen. The letter added that if those acts of aggression did not cease, the Government of Yemen would be obliged to raise the matter before the Security Council.

507. By a letter dated 6 March (S/3977), the representative of the United Kingdom transmitted a memorandum concerning an investigation of the charges made by Yemen. It also listed a series of violations of the Yemen-Aden border allegedly committed by Yemeni forces since 21 January 1958. The representative of the United Kingdom, denying Yemen's charges of aggression, stated that investigation had shown that the incidents alleged had either not taken place or had originated in attacks by Yemeni forces themselves. With reference to the problem of the boundary between Yemen and the Aden Protectorate, the representative of the United Kingdom recalled that the two Governments had agreed, on 20 January 1951, to establish joint commissions to demarcate the boundary in disputed areas. The United Kingdom's proposals made in November 1957 to set up

joint conciliation commissions on the frontier for the purpose of adjusting disputes had, unfortunately, not been accepted by Yemen. Moreover, Yemen had repeatedly proclaimed its ambitions to absorb the territory of Aden Protectorate and had recently intensified its subversive activities among the tribes of Aden.

508. By a letter dated 17 April (S/3989), the representative of the United Kingdom charged that Yemeni forces had made two more attacks against the Aden Protectorate and that British forces had taken measures in self-defence in accordance with Article 51 of the Charter.

509. By a letter dated 2 May (S/4001), the representative of Yemen denied the charges set forth in the United Kingdom communications of 6 March and 17 April, stating that they were aimed at diverting public opinion from British acts of aggression and suppression of the liberation movements in the so-called British Protectorates. The letter charged that British planes had attacked villages inside Yemen, causing loss of lives and property damage. The most disquieting act of aggression, the letter went on, was the occupation of the Sultanate of Lahej, about 19 April, by more than 4,000 British troops which had concentrated on the provisional frontiers between Yemen and that Sultanate. Such acts constituted a grave threat to the peace, and the Government of Yemen would welcome the establishment of a neutral

commission to investigate on the spot the destruction caused by British forces within Yemeni territory.

510. A letter dated 7 May (S/4004) from the representative of the United Kingdom charged that on the previous day British troops and planes had been fired upon by Yemeni forces operating from posts illegally established within Aden, and from Yemen. British forces had taken measures in self-defence to silence the gunfire.

511. By another letter (S/4044), dated 9 July 1958, the representative of the United Kingdom stated that on 8 July a platoon of Aden Protectorate levies had been fired on across the frontier from Yemen by heavy machine guns located near the town of Harib. British air forces had taken measures in self-defence to silence these machine guns. In the action which followed, one British aircraft had been hit and had crashed in Yemeni territory while one Yemeni anti-aircraft gun had been destroyed.

Chapter 19

PANEL FOR INQUIRY AND CONCILIATION

512. On 30 December 1957, the Secretary-General circulated for the information of the members of the Security Council a revised list (S/3929) of persons designated by Member States in pursuance of General

Assembly resolution 268 D (III) of 28 April 1949 to serve five-year terms as members of the Panel for Inquiry and Conciliation.

Chapter 20

COMMUNICATION CONCERNING THE UNITED ARAB REPUBLIC

513. On 7 March 1958 the Secretary-General communicated to the President of the Security Council the text of two notes from the Minister of Foreign Affairs of the United Arab Republic (S/3976). In the first note, dated 24 February 1958, the Minister for Foreign Affairs notified the Secretary-General that a plebiscite held in Egypt and Syria on 21 February 1958 had resulted in the establishment of the United Arab Republic, having Cairo as its capital, and in the election of President Gamal Abdel Nasser as President of the new Republic. The second note, dated 1 March 1958, requested

the Secretary-General to communicate the content of the previous note to the States Members, as well as to the principal and appropriate subsidiary organs of the United Nations. In the same note, the Government of the United Arab Republic declared that the Union henceforth was a single Member of the United Nations, bound by the provisions of the Charter and that all treaties and agreements concluded by Egypt or Syria with other countries would remain valid within the regional limits prescribed on their conclusion and in accordance with the principles of international law.

APPENDICES

I. Representatives and deputy, alternate and acting representatives accredited to the Security Council

The following representatives and deputy, alternate and acting representatives were accredited to the Security Council during the period covered by the present report:

*Australia*¹

Mr. E. Ronald Walker
Mr. Brian C. Hill

*Canada*²

Mr. R. A. MacKay
Mr. C. S. A. Ritchie
Mr. John W. Holmes
Mr. Geoffrey Stuart Murray
Mr. John G. H. Halstead

China

Mr. Tingfu F. Tsiang
Mr. Chiping H. C. Kiang

Colombia

Mr. Francisco Urrutia
Mr. Alfonso Araujo
Mr. Carlos Vesga Duarte
Mr. Alberto Zuleta Angel

*Cuba*¹

Mr. Emilio Nuñez-Portuondo
Mr. Carlos Blanco
Dra. Uldarica Mañas

France

Mr. Guillaume Georges-Picot
Mr. Louis de Guiringaud
Mr. Pierre de Vaucelles
Mr. Pierre Ordonneau

¹ Term of office ended 31 December 1957.

² Term of office began on 1 January 1958.

Iraq

Mr. Moussa Al-Shabandar
Mr. Hashim Jawad
Mr. Mohammed Fadhl Jamali
Mr. Kadhim Khalaf
Mr. Abdul Majid Abbas

*Japan*²

Mr. Moto Matsudaira
Mr. Masayoshi Kakitsubo

*Panama*²

Mr. Jorge Illueca
Mr. Ernesto de la Ossa

*Philippines*¹

General Carlos P. Romulo
Mr. José D. Ingles
Mr. Mauro Mendez

Sweden

Mr. Gunnar V. Jarring
Mr. Claes Carbonnier

Union of Soviet Socialist Republics

Mr. Arkady Aleksandrovich Sobolev
Mr. Georgy Petrovich Arkadev
Mr. Kliment Danilovich Levychkin

United Kingdom of Great Britain and Northern Ireland

Sir Pierson Dixon
Mr. P. M. Crosthwaite
Mr. Harold Beeley

United States of America

Mr. Henry Cabot Lodge
Mr. James J. Wadsworth
Mr. James W. Barco

II. Presidents of the Security Council

The following representatives held the office of President of the Security Council during the period covered by the present report:

China

Mr. Tingfu F. Tsiang (16 to 31 July 1957)

Colombia

Mr. Francisco Urrutia (1 to 31 August 1957)

Cuba

Mr. Emilio Nuñez-Portuondo (1 to 30 September 1957)

France

Mr. Guillaume Georges-Picot (1 to 31 October 1957)

Iraq

Mr. Hashim Jawad (1 to 30 November 1957)

Philippines

General Carlos P. Romulo (1 to 31 December 1957)

Sweden

Mr. Gunnar V. Jarring (1 to 31 January 1958)

Union of Soviet Socialist Republics

Mr. Arkady Aleksandrovich Sobolev (1 to 28 February 1958)

United Kingdom of Great Britain and Northern Ireland

Sir Pierson Dixon (1 to 31 March 1958)

United States of America

Mr. Henry Cabot Lodge (1 to 30 April 1958)

Canada

Mr. C. S. A. Ritchie (1 to 31 May 1958)

China

Mr. Tingfu F. Tsiang (1 to 30 June 1958)

Colombia

Mr. Alfonso Araujo (1 to 15 July 1958)

III. Meetings of the Security Council during the period from 16 July 1957 to 15 July 1958

<i>Meeting</i>	<i>Subject</i>	<i>Date</i>	<i>Meeting</i>	<i>Subject</i>	<i>Date</i>
		August 1957			February 1958
783rd	Adoption of the agenda (Letter dated 13 August 1957 from the permanent representatives of Egypt, Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria and Yemen addressed to the President of the Security Council)	20		Letter dated 14 February 1958 from the permanent representative of France to the President of the Security Council concerning: "Situation resulting from the aid furnished by Tunisia to rebels enabling them to conduct operations from Tunisian territory directed against the integrity of French territory and the safety of the persons and property of French nationals"	18
784th	Ditto	20			
785th (private)	Consideration of the report of the Security Council to the General Assembly	21			
		September 1957			
786th	Admission of new Members	5	812th	Letter dated 20 February 1958 from the representative of the Sudan, addressed to the Secretary-General	21
787th	The Palestine question	6			
788th	Ditto	6			
789th	Admission of new Members	9			April 1958
790th	Ditto	9	813th	Complaint of the representative of the Union of Soviet Socialist Republics in a letter to the President of the Security Council dated 18 April 1958 entitled: "Urgent measures to put an end to flights by United States military aircraft armed with atomic and hydrogen bombs in the direction of the frontiers of the Soviet Union"	21
791st	The India-Pakistan question	24			
792nd	Recommendation for the appointment of the Secretary-General of the United Nations	26			
		October 1957			
793rd	Election of five members of the International Court of Justice	1			
794th	Election of one member of the International Court of Justice	1			
795th	The India-Pakistan question	9	814th	Ditto	29
796th	Ditto	9	815th	Ditto	29
797th	Ditto	25			May 1958
798th	Ditto	29	816th	Ditto	2
		November 1957	817th	Ditto	2
799th	Ditto	5	818th	Letter dated 22 May 1958 from the representative of Lebanon addressed to the President of the Security Council concerning: "Complaint by Lebanon in respect of a situation arising from the intervention of the United Arab Republic in the internal affairs of Lebanon, the continuance of which is likely to endanger the maintenance of international peace and security"	27
800th	Ditto	11			
801st	Ditto	13			
802nd	Ditto	15			
803rd	Ditto	18			
804th	Ditto	20			
805th	Ditto	21			
806th	The Palestine question	22			
807th	The India-Pakistan question	22			
		December 1957			
808th	Ditto	2			
		January 1958			June 1958
809th	The Palestine question	22	819th	Letter dated 29 May 1958 from the representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect of acts of armed aggression committed against it since 19 May 1958 by the French military forces stationed in its territory and in Algeria"	2
810th	Ditto	22			
		February 1958			
811th	Letter dated 13 February 1958 from the permanent representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Sa'diet-Sidi-Youssef"	18		Letter dated 29 May 1958 from the representative of France to the President of the Secur-	

Meeting	Subject	Date
		June 1958
	ity Council concerning: (a) "The complaint brought by France against Tunisia on 14 February 1958" and (b) "The situation arising out of the disruption, by Tunisia, of the <i>modus vivendi</i> which had been established since February 1958 with regard to the stationing of French troops at certain points in Tunisian territory"	
820th	Ditto	2
821st	Ditto	4
822nd	Letter dated 22 May 1958 from the representative of Lebanon addressed to the President of the Security Council concerning: "Complaint by Lebanon in respect of a situation arising from the intervention of the United Arab Republic in the internal affairs of Lebanon, the continuance of which is likely to endanger the maintenance of international peace and security"	5
823rd	Ditto	6
824th	Ditto	10
825th	Ditto	11
826th	Letter dated 29 May 1958 from the representative of Tunisia to the President of the Security Council concerning: "Com-	18

Meeting	Subject	Date
	plaint by Tunisia in respect of acts of armed aggression committed against it since 19 May 1958 by the French military forces stationed in its territory and in Algeria"	
	Letter dated 29 May 1958 from the representative of France to the President of the Security Council concerning: (a) "The complaint brought by France against Tunisia on 14 February 1958" and (b) "The situation arising out of the disruption, by Tunisia, of the <i>modus vivendi</i> which had been established since February 1958 with regard to the stationing of French troops at certain points in Tunisian territory"	
		July 1958
827th	Letter dated 22 May 1958 from the representative of Lebanon addressed to the President of the Security Council concerning: "Complaint of Lebanon in respect of a situation arising from the intervention of the United Arab Republic in the internal affairs of Lebanon, the continuance of which is likely to endanger the maintenance of international peace and security"	15
828th	Ditto	15

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

(16 July 1957 to 15 July 1958)

A. REPRESENTATIVES OF EACH SERVICE

	Period of Service from 16 July 1957
CHINA	
Lt. General Ho Shai-lai, Chinese Army	16 July 1957 to present time
Captain Wu Chia-hsun, Chinese Navy	16 July 1957 to present time
FRANCE	
Général de Brigade M. Pénette, French Army	16 July 1957 to 19 December 1957
Général de Brigade J. B. de Bary, French Army	20 December 1957 to present time
Capitaine de Vaisseau E. Cagne, French Navy	16 July 1957 to 7 March 1958
Capitaine de Corvette S. Petrochilo, French Navy	8 March 1958 to present time
UNION OF SOVIET SOCIALIST REPUBLICS	
Major General I. M. Saraev, Soviet Army	16 July 1957 to present time
Colonel A. M. Kuchumov, USSR Air Force	16 July 1957 to present time
Lt. Commander Y. D. Kvashnin, USSR Navy	16 July 1957 to present time
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	
Vice-Admiral Sir Robert Elkins, Royal Navy	16 July 1957 to present time
Air Vice Marshal A. D. Selway, Royal Air Force	16 July 1957 to 12 March 1958
Air Vice Marshal W. C. Sheen, Royal Air Force	13 March 1958 to present time
Major General V. Boucher, British Army	16 July 1957 to 18 June 1958
Major General J. N. Carter, British Army	19 June 1958 to present time
UNITED STATES OF AMERICA	
Lt. General T. W. Herren, US Army	16 July 1957 to 31 July 1957
Lt. General B. M. Bryan, US Army	1 August 1957 to present time
Vice-Admiral F. W. McMahon, US Navy	16 July 1957 to present time
Lt. General W. E. Hall, US Air Force	16 July 1957 to present time

B. LIST OF CHAIRMEN
(16 July 1957 to 15 July 1958)

<i>Meeting</i>	<i>Date</i>	<i>Chairman</i>	<i>Delegation</i>
317th	18 July 1957	Lt. General Ho Shai-lai, Chinese Army	China
318th	1 Aug. 1957	Général de Brigade M. Pénette, French Army	France
319th	15 Aug. 1957	Capitaine de Vaisseau E. Cagne, French Navy	France
320th	29 Aug. 1957	Capitaine de Vaisseau E. Cagne, French Navy	France
321st	12 Sept. 1957	Major General I. M. Saraev, Soviet Army	USSR
322nd	26 Sept. 1957	Major General I. M. Saraev, Soviet Army	USSR
323rd	10 Oct. 1957	Major General V. Boucher, British Army	United Kingdom
324th	24 Oct. 1957	Commodore J. C. C. Henley, Royal Navy	United Kingdom
325th	6 Nov. 1957	Lt. General B. M. Bryan, US Army	United States
326th	21 Nov. 1957	Lt. General B. M. Bryan, US Army	United States
327th	5 Dec. 1957	Lt. General Ho Shai-lai, Chinese Army	China
328th	19 Dec. 1957	Lt. General Ho Shai-lai, Chinese Army	China
329th	2 Jan. 1958	Général de Brigade J. B. de Bary, French Army	France
330th	16 Jan. 1958	Général de Brigade J. B. de Bary, French Army	France
331st	30 Jan. 1958	Capitaine de Vaisseau E. Cagne, French Navy	France
332nd	13 Feb. 1958	Colonel A. M. Kuchumov, USSR Air Force	USSR
333rd	27 Feb. 1958	Major General I. M. Saraev, Soviet Army	USSR
334th	13 Mar. 1958	Vice Admiral R. F. Elkins, Royal Navy	United Kingdom
335th	27 Mar. 1958	Major General V. Boucher, British Army	United Kingdom
336th	10 Apr. 1958	Lt. General B. M. Bryan, US Army	United States
337th	24 Apr. 1958	Lt. General B. M. Bryan, US Army	United States
338th	8 May 1958	Lt. General Ho Shai-lai, Chinese Army	China
339th	22 May 1958	Lt. General Ho Shai-lai, Chinese Army	China
340th	5 June 1958	Général de Brigade J. B. de Bary, French Army	France
341st	19 June 1958	Général de Brigade J. B. de Bary, French Army	France
342nd	3 July 1958	Major General I. M. Saraev, Soviet Army	USSR

C. LIST OF PRINCIPAL SECRETARIES
(16 July 1957 to 15 July 1958)

<i>Meeting</i>	<i>Date</i>	<i>Principal Secretary</i>	<i>Delegation</i>
317th	18 July 1957	Lt. Colonel J. Soong, Chinese Army	China
318th	1 Aug. 1957	Lt. Colonel G. Buchet, French Army	France
319th	15 Aug. 1957	Lt. Colonel G. Buchet, French Army	France
320th	29 Aug. 1957	Lt. Colonel G. Buchet, French Army	France
321st	12 Sept. 1957	Colonel V. A. Sazhin, Soviet Army	USSR
322nd	26 Sept. 1957	Lt. Colonel V. V. Kramar, Soviet Army	USSR
323rd	10 Oct. 1957	Lt. Colonel K. R. Farquhar, British Army	United Kingdom
324th	24 Oct. 1957	Lt. Colonel K. R. Farquhar, British Army	United Kingdom
325th	6 Nov. 1957	Colonel R. L. Inman, US Army	United States
326th	21 Nov. 1957	Colonel R. L. Inman, US Army	United States
327th	5 Dec. 1957	Lt. Colonel J. Soong, Chinese Army	China
328th	19 Dec. 1957	Lt. Colonel J. Soong, Chinese Army	China
329th	2 Jan. 1958	Lt. Colonel G. Buchet, French Army	France
330th	16 Jan. 1958	Lt. Colonel G. Buchet, French Army	France
331st	30 Jan. 1958	Capitaine de Vaisseau E. Cagne, French Navy	France
332nd	13 Feb. 1958	Colonel V. A. Sazhin, Soviet Army	USSR
333rd	27 Feb. 1958	Colonel V. A. Sazhin, Soviet Army	USSR
334th	13 Mar. 1958	Lt. Colonel K. R. Farquhar, British Army	United Kingdom
335th	27 Mar. 1958	Group Captain J. R. Wilson, Royal Air Force	United Kingdom
336th	10 Apr. 1958	Colonel R. L. Inman, US Army	United States
337th	24 Apr. 1958	Colonel R. L. Inman, US Army	United States
338th	8 May 1958	Lt. Colonel J. Soong, Chinese Army	China
339th	22 May 1958	Lt. Colonel J. Soong, Chinese Army	China
340th	5 June 1958	Capitaine de Corvette S. Petrochilo, French Navy	France
341st	19 June 1958	Capitaine de Corvette S. Petrochilo, French Navy	France
342nd	3 July 1958	Colonel V. A. Sazhin, Soviet Army	USSR